



The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Our Ref: let.PINS.001.DH  
7 December 2023

Dear Sir/Madam,

**Town and Country Planning Act 1990 – Appeal under Section 78**  
**Recommendation 3 of the Rosewell Review**  
**LPA Ref: PAP/2021/0663 - Land North-East of Junction 10 M42, North Warwickshire**

**Request for the Appeal to be Determined after a Public Inquiry**

We write further to our notification of intention to submit an appeal by way of public inquiry, issued 7 December 2023, a copy of which is enclosed with this letter.

The Appellant considers that a public inquiry would be the most appropriate forum in which to consider the appeal proposal.

The justification for this request is set out below in accordance with the Planning Inspectorate's '*Procedural Guide: Planning Appeals - England*' (Updated 5 October 2023):

- **The need for the evidence to be tested through formal questioning by an advocate**
  - The case concerns a number of complex areas of expert evidence relating to highways impact, site access and connectivity, landscape impact and visual impact, economics as well as policy interpretation and the overall planning balance where evidence will need to be tested through formal cross examination.
  - NWBC has instructed an expert landscape professional to undertake a third-party review of the proposed development. That expert has raised extensive technical issues relating to the Appellant's Landscape and Visual Impact Assessment that will need to be examined in evidence. This is not a case of merely competing judgments.
  - The site is located at the border of two local planning authorities (North Warwickshire Borough Council and Tamworth Borough Council) and two highway authorities (Warwickshire County Council and Staffordshire County Council). The site also adjoins the Strategic Road Network meaning that National Highways is a statutory consultee. Matters relating to highways impact, site access and connectivity are likely to involve highly technical evidence being given from three highways authorities.
  - The above matters are interconnected and will involve large amounts of highly technical data that are likely to be provided in evidence from various consultees and experts advising the Appellant, North Warwickshire Borough Council (NWBC) and consultees.

- Furthermore, to date, and despite the application being with the LPA for 24 months, NWBC has still not provided a policy response or any indication of its position in respect of the principle of development and therefore any subsequent policy response will clearly need examining in evidence.
  - The level of detail and technical evidence in respect of all the issues identified above further justifies the testing of evidence by way of cross-examination by an advocate to allow submissions to be made in respect of the same.
- **Substantial local interest**
- This is a major application that has attracted considerable local interest;
  - It is highly likely that a number of parties may seek Rule 6 status;
  - Both the pre-application consultation exercise undertaken by the Appellant in August 2021 and the statutory consultation period for the application generated a significant amount of written representations. Over 350 written representations were made to NWBC during the statutory consultation period for the application.
  - The site lies in a Neighbourhood Plan area and it is anticipated that the nearby Parish Councils will register as Rule 6 Parties;
  - An outline application and an associated appeal for very similar proposals on land immediately south of the appeal site attracted significant public attention and was dealt with by way of inquiry (Land south east of the M42 Junction 10, Tamworth, Warwickshire, B78 2EY - PINS Ref: APP/R3705/W/15/3136495);
  - Accordingly, it appears likely that there will be substantial local interest in the appeal which would further suggest that a public inquiry would be the most appropriate forum for interested parties to observe proceedings and address the inquiry, if desired.

Having considered all the material considerations and technical matters that will need to be addressed we anticipate that a total of up to 6 sitting days will be required to properly test the evidence. This significantly exceeds the single day usually reserved for a hearing. The Procedural Guide therefore suggests that a public inquiry would be necessary.

For the above reasons, the Appellant considers a public inquiry to be fully justified as the most appropriate procedure for considering this appeal.

Yours Faithfully



Doug Hann  
Director

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL UNDER SECTION 78**

**Notification of intention to submit an appeal**

Under the provisions of Recommendation 3 of the Rosewell Review into inquiry appeals, this notification is to give the Local Planning Authority and Planning Inspectorate not less than 10 working days' notice of an intention to submit a planning appeal where the appellant will request the inquiry procedure.

The appeal will be against: **North Warwickshire Borough Council**

For: **Failure to decide / non-determination**

Appellant(s) name: **Mr D Hodgetts (Hodgetts Estates)**

Site address: **Land North East of Junction 10 M42, Dordon, North Warwickshire**

Description of development: **Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved**

Planning application number: **PAP/2021/0663**

Likely submission date of appeal: **22/12/2023**

Proposed duration of inquiry in days: **6 days**