



Hodgetts Estates

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**LAND NORTH-EAST OF JUNCTION 10 M42,  
NORTH WARWICKSHIRE**

First Draft Statement of Common Ground

LPA Ref: PAP/2021/0663

Core Document Ref: CD-D6



Hodgetts Estates

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# LAND NORTH-EAST OF JUNCTION 10 M42, NORTH WARWICKSHIRE

First Draft Statement of Common Ground

**PUBLIC**

**PROJECT NO. 70075293**

**OUR REF. NO. RPT.SOCG.001.1**

**DATE: DECEMBER 2023**

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PUBLIC



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# 1 INTRODUCTION

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- 1.1.1. This Statement of Common Ground ('SoCG') has been agreed between Hodgetts Estates (herein referred to as 'the Appellant') and North Warwickshire Borough Council (herein referred to as 'the Council' or 'NWBC').
- 1.1.2. This SoCG has been prepared in respect of an appeal against NWBC's non-determination of an outline planning application pertaining to land north-east of junction 10 of the M42 motorway, North Warwickshire ('the site') for:
- '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'*
- 1.1.3. It is prepared in order to identify agreed areas as well as to facilitate the narrowing of issues in dispute and to streamline the preparation of evidence.
- 1.1.4. Matters which are agreed are set out in Chapter 4 of this statement. Matters which have not been agreed are outlined in Chapter 5. These matters will be considered further between the parties and if further areas of agreement can be reached, Addenda to this SoCG will be prepared.
- 1.1.5. It is anticipated that separate, topic-specific SoCG's on highways and landscape / visual impact matters will also be prepared in advance of any inquiry. As the appeal is against non-determination, the Appellant may seek to add further disciplines to the collection of SoCGs, once it is known what NWBC's decision would have been. This SoCG focuses on planning matters and should be treated as the overarching SoCG.
- 1.1.6. This SoCG has been prepared jointly and agreed by:

Signed:

Date:

**WSP (on behalf of Hodgetts Estates)**

Signed:

Date:

**North Warwickshire Borough Council**

## 2 THE APPEAL SITE AND SURROUNDINGS

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- 2.1.1. The Appellant and NWBC are in agreement as to the description of the site and its surroundings insofar as the following facts:

### 2.2 THE APPEAL SITE

- 2.2.1. As denoted on the Red and Blue Line Plan (**CD-A3**), the appeal site comprises a red line boundary area extending to approximately 32.36ha (the development site) and a blue line boundary area extending to approximately 41.66ha (other land under the control of HE, parts of which are proposed for off-site mitigation and connectivity enhancements). The land is owned entirely by Hodgetts Estates.
- 2.2.2. The land is situated at the north-eastern quadrant of M42 Junction 10 (M42 J10), bound by the M42 to the west, beyond which lies the administrative boundary of North Warwickshire and Tamworth Borough Councils. The site is bound by the A5 trunk road to the south, agricultural land to the east and the village of Birchmoor to the north.
- 2.2.3. There is a mature tree belt to the west and south-west of the site along the route of the M42 and Junction 10. To the south of the site is a mature hedgerow along the A5 boundary which contains intermittent semi-mature trees. There are also some thickets of self-set juvenile trees and shrubs surrounding an existing car park and hardstanding in the south of the site.
- 2.2.4. The site is currently in agricultural use, save for the hardstanding area that was installed by contractors appointed by National Highways at the time of maintenance works to the A5 and M42 in the 1990's and 2000's, for use as an operations and storage yard. The area of hardstanding has since been left vacant.
- 2.2.5. The site is transected by an oil pipeline, and a high pressure gas main pipeline lies to the east of the site. Furthermore, two low voltage electricity lines also cross the site in an east-west / north-south axis respectively, with limited uncultivated vegetation around the base of each mast / pole.
- 2.2.6. A public bridleway (AE45) transects the site and a public footpath (AE46) borders the northern-eastern boundary of the site.
- 2.2.7. The site is primarily served via an access at the A5 frontage which comprises a 16m wide dropped kerb arrangement with an access width of 8m. A secondary point of access lies to the east, from the A5 opposite Core 42 and via an existing farm track, which in part serves footpath AE46. A tertiary point of access lied to the north, from Cockspur Street in Birchmoor via another farm track which also serves bridleway AE45.
- 2.2.8. The appeal site lies in the open countryside in the northern half of North Warwickshire Borough, outside of the Green Belt.

### 2.3 THE APPEAL SITE SURROUNDINGS

- 2.3.1. The appeal site lies to the west of an extensive area of open land to the west of the settlements of Polesworth and Dordon. It sits south of the much smaller settlement of Birchmoor and east of the principal urban area of Tamworth.
- 2.3.2. The M42, directly adjacent to the site, provides direct links to the wider strategic motorway network including the M6, M40, M5 and M1 as well as a series of A roads in the West Midlands area,

including the A5 which bounds the site to the south. South-east of the site and the A5 lies Birmingham Intermodal Freight Terminal (BIFT) located at Birch Coppice Business Park and, due to its close proximity, the appeal site meets the technical criteria for being a 'rail-served site' as set out at paragraphs 18-19 of the submitted Rail Terminal Connectivity Statement – Technical Addendum (CD-B27). The appeal site is also located less than 10 miles from Hams Hall rail freight terminal.

- 2.3.3. The appeal site is the only undeveloped quadrant of Junction 10, which is surrounded by a cluster of business parks, industrial warehousing and other commercial development, and is considered to be a node of existing economic activity. In addition to St Modwen Park Tamworth to the south, the north-west quadrant comprises Relay Park, Ace135 (occupied by Movianto) and Tamworth Motorway Service Area (MSA) which includes some coach and HGV parking. The south-west quadrant comprises Centurion Park. To the southeast of the site lies Birch Coppice Business Park and Core 42 Business Park. Further south from Junction 10, 1.5 miles along Trinity Road is another warehouse-led business park called Kingsbury Link, beyond which is the Kingsbury Oil Terminal operated by Essar and Shell.
- 2.3.4. The settlements of Birchmoor to the north, Polesworth to the northeast, Dordon to the east and Tamworth to the west lie within a 2km walking distance of the site.
- 2.3.5. In terms of cycle access, a 7km catchment area centred on the site includes the residential areas east of Tamworth, such as Kettlebrook, Glascote, Glascote Heath, Belgrave, Wilnecote and Stoneydelph, as well as additional areas of Tamworth including Dosthill, Fazeley and Amington. To the northeast and east, residential areas within Polesworth, Dordon, Grendon, Baddesley Ensor, Birchmoor and Wood End are also within this 7km catchment area. To the east, the western residential areas of Atherstone, and to the south, part of Kingsbury would also be within a 7km catchment area for cycle access.
- 2.3.6. In terms of public transport, existing bus stops are situated within 400m walking distance of the site at Birchmoor to the north (Bus Route No. 785 / 786) and A5 to the south (Bus Route No. 766 / 767), providing bus services east-west to the settlements of Nuneaton, Atherstone and Tamworth, from which journeys can be continued on train.
- 2.3.7. The settlements of Dordon and Polesworth, the east of Tamworth and Atherstone have been identified as major housing allocations in the respective North Warwickshire and Tamworth local plans; namely, site allocations H1 (620 dwellings) and H2 (1,282 dwellings) at Atherstone, H4 (1,675 dwellings) at Polesworth and Dordon, H5 (1,270 dwellings) to the east of Tamworth and HG2 (1,100 dwellings) at Tamworth Golf Course.
- 2.3.8. The NWBC Local Plan, as defined in Policy LP2 and the Proposals Map, confirms that the majority of Category 1, 2 and 3 settlements in the Local Plan Settlement hierarchy are located in the north of the Borough (such as Atherstone with Mancetter, Polesworth with Dordon, Baddesley with Grendon). These settlements are within a cyclable distance of the site.

## 2.4 PLANNING HISTORY

- 2.4.1. Aside from the application to which this appeal relates, the site has no relevant planning history given its longstanding use as farmland and informal hardstanding.



## 3 THE APPEAL PROPOSAL

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### 3.1 PRE-APPLICATION

- 3.1.1. The Statement of Community Engagement (**CD-A11**) and Chapter 4 of the Planning Statement (**CD-B5**) describe the consultation activities undertaken prior to submission of the application. This included formal pre-application discussions with NWBC, presentations to NWBC Planning & Development Board members and Dordon Parish Council and a public consultation exercise.
- 3.1.2. A request for an EIA Scoping Opinion was submitted to NWBC on 20 November 2020. A copy of the submission can be found at **CD-A9.1**. NWBC provided their Scoping Opinion by way of an initial letter dated 23 December 2020 (**CD-C3**) and a further letter dated 12 February 2021 (**CD-C4**) following a request for clarification from the Appellant. Responses received from statutory consultees in relation to the EIA Scoping request are contained at **CD-A9.1**.

### 3.2 PLANNING APPLICATION SUBMISSION

- 3.2.1. The application was submitted on 2 December 2021.
- 3.2.2. NWBC confirmed the application as valid from 2 December 2021 and it was allocated application reference: PAP/2021/0663 (**CD-C1**). This resulted in a statutory determination deadline of the application of 24 March 2022, almost 2 years prior to the lodging of this appeal.
- 3.2.3. Several extensions of time for determination of the application have been agreed with the LPA up to the last agreed extended deadline of 31 August 2023 (**CD-C5**). The extensions of time were agreed over a significant period of time to enable discussions between NWBC, statutory consultees and HE to progress in respect of outstanding technical planning considerations. NWBC requested agreement for a further extension of time until 31<sup>st</sup> January 2024 (**CD-C6**), however, for reasons set out in the Statement of Case (**CD-D5**), this has not been agreed to.

### 3.3 APPLICATION TYPE AND DESCRIPTION OF DEVELOPMENT

- 3.3.1. The appeal proposals seek outline planning permission for the 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. Means of access is also sought in full and includes vehicular access into the site from the A5 (Watling Street).
- 3.3.2. Accordingly, the description of development is:  
*'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'*
- 3.3.3. The approval of the development parameters in outline would allow for the scheme to be developed in a number of different ways, within established parameters, through the reserved matters process. The intention is however that the primary use would comprise large scale logistics, along with other complimentary uses.

3.3.4. The Design & Access Statement (**CD-B34**) and accompanying Design Guide (**CD-B35**) set out the design rationale and overarching framework, including a series of High-Quality Design Principles (HQDP) and Design Parameters, to govern future development at the site.

## 3.4 DEVELOPMENT PARAMETERS

3.4.1. The ES (**CD-A7** to **CD-A10**) and other technical reports and plans submitted at the outset and during the determination period of the application (**CD-A** and **CD-B**) were prepared based on the following maximum and minimum development parameters:

- New vehicular and pedestrian access from the A5 Trunk Road;
- Public Bridleway AE45 diverted within the development site, providing an enhanced route linking Birchmoor to the proposed green infrastructure, A5 Trunk Road and local services, such as bus stops located on the A5 Trunk Road and within St Modwen Park Tamworth;
- A substantial area of green infrastructure (over 9ha) principally to the north, south and east of the plots, incorporating open space, planting, landscaping, public rights of way, sustainable drainage system (SuDS) and a variety of wildlife habitats, provides a minimum development offset of 35m extending to 134m from the built development edge to the site boundary;
- Existing peripheral vegetation retained, enhanced and strengthened to provide a robust landscape buffer;
- Naturalistic earth mounds formed within the green infrastructure, utilising surplus cut material from the development site, to create a transitional zone between the developable area and development site perimeter and to provide visual mitigation where necessary;
- Up to 100,000 sqm (1,076,391sqft) of mixed Class B2, Class B8 and Class E(g)(iii) floorspace;
- Up to a maximum of 10% Class B2 / Class E(g)(iii);
- Maximum development height of +117.8m AOD at the less sensitive westernmost Plot A1 adjacent to the M42 motorway;
- Reduced maximum development height of +113m AOD at Plot A2, north of Plot A1 closer to Birchmoor;
- Reduced maximum development height of +111m AOD at the easternmost Plot B1, closer to Dordon;
- Reduced maximum development height of +102m AOD at Plot B2, at the entrance to site;
- Up to 150 space overnight lorry parking facility;
- Up to 400 sqm amenity building for overnight lorry parking facility (shop, restaurant / takeaway, laundry, gym, changing facilities, showers, toilets, etc);
- Creation of substantial landscaped buffer zones to the development site perimeter (in addition to the off-site areas for potential mitigation), as follows:
  - North - an extensive landscape buffer to the north of Plot A2 extending to 134m at its widest, reducing to 75m at the closest point to Birchmoor;
  - East - an extensive landscape buffer to the east of Plot A1 extending to 106m at its widest reducing to 49m to the north-east of Plot A2, and extending to 65m to the east of Plot B1 and Plot B2 and a minimum 35m to the north-east of Plot B1, where proposed building heights are lower;
  - South - a minimum 35m to the south of Plot A1 extending to 58m in the south-west corner of the plot close to M42 J10 and 35m-37m to the south of Plot B2;
  - West - a minimum 10m landscape buffer to the west of Plot A1 and Plot A2, where existing screening vegetation for the M42 motorway is extensive and mature.

- 3.4.2. No other plans are required in order to properly define the nature of the proposed development.
- 3.4.3. The scheme comprises EIA development. At the time of this appeal – there is no outstanding request for additional environmental information under regulation 25 of the 2017 EIA Regulations.

### **ACCESS AND CONNECTIVITY PROPOSALS**

- 3.4.4. The appeal proposal also includes the following indicative on-site access and connectivity proposals that could be secured by planning conditions and / or S106 obligations as shown on submitted plans (**CD-B18, CD-B19, CD-B23, CB-38** and **CD-B43**):
- Over 3.5km of new and enhanced public footpaths, bridleways and footway/cycleway routes, including:
    - 3m wide dual use footway / cycleway to either side of the site road and access junction;
    - 3m wide dual use footpath / cycle path linking north from the site road to Birchmoor;
    - 3m wide footpath / cycleway linking east from the site road to the nexus of Public Bridleway AE45 and Public Footpath AE46 (east-west route);
  - On-site bus stop for A5 east and westbound buses;
  - Cycle parking provided to all units in excess of the North Warwickshire standards, incorporating a range of parking facilities to include indoor / outdoor parking, secure parking and covered parking, as well as e-bike charging points, all located at or close to pedestrian entrances;
  - Showers and changing facilities provided to all units;
  - Communal cycle parking, showers and changing facilities available to use by the general public located at the ancillary Hub Office; and
  - Site wide Sustainable Travel Plan applicable to all future occupiers.
- 3.4.5. Furthermore, a range of indicative off-site active travel improvements that could be secured by planning conditions and / or S106 obligations are also proposed, including:
- New fully signal controlled crossing for the A5, compared to the existing unsignalised junction staggered pedestrian crossing that passes through the central reservation;
  - A network of new and improved footpaths / cycleways crossing the broader area, including tarmac footpaths and cycleways and appropriate surfaces for bridleways, all of which would be designed to comply with the Equalities Act 2010 providing “access for all”;
  - New off line footway / cycleway for the A5 trunk road, connecting east-west from M42 J10 to Dordon creating a new east-west route;
  - Upgrade of Public Footpath AE48 (‘The Stumps’) to dual-use footway / cycleway;
  - Upgrade of Public Footpath AE46 to dual-use footway / cycleway, and diversion so that it provides a more direct route between Birchmoor / Tamworth and Birch Coppice Business Park;
  - New footway / cycleway connecting east-west from Public Footpath AE46 to Barn Close, Dordon, creating a further new east-west route;
  - New footway / cycleway connecting south-east from Public Footpath AE46 to the A5 trunk road, providing a direct route between Birchmoor / Tamworth and Core 42 Business Park;
  - The proposed signalised junction should contribute to a reduction in overall speeds on this section of the A5 as drivers approaching traffic signal controlled junctions need to evaluate the behaviour of other road users, the traffic signals themselves and so tend to reduce their speed on approach;

- Upgrading existing uncontrolled pedestrian / cycle crossings at M42 J10 to signal controlled crossings;
- Upgrading existing pavement and verge on north side of A5 between M42 J10 and Pennymore Road, providing enhanced east-west pedestrian and cycle links between North Warwickshire and Tamworth;
- Increase the separation between pedestrians / cyclists and A5 carriageway to standard verge; and
- Provision of new leisure routes between Dordon and Tamworth.

## OFF-SITE LANDSCAPE AND VISUAL IMPACT MITIGATION

- 3.4.6. As indicated on the plan showing the 'Area of Interest' for the purposes of the ES (**CD-A10.1**), a number of additional areas of land within the applicant's control are included.
- 3.4.7. These areas are to provide potential landscape and visual impact mitigation and biodiversity enhancements through planting as well as the access and connectivity enhancements set out above. The indicative off-site landscape and visual impact mitigation could be secured by planning conditions and / or S106 obligations and includes:
- The provision of c.6.5ha of offsite landscape and visual mitigation measures and biodiversity enhancements through native woodland, hedgerow and community orchard planting, as well as new and enhanced tree lined routes across the width of the Strategic Gap for pedestrians, cyclists and riders on horseback;
  - Community orchard to incorporate planting of local heritage fruit tree varieties;
  - Plant a mix of heavy standard and standard trees (i.e., advance structure planting), in both on and offsite locations, to enhance the immediate effects of visual screening;
  - In total (including the on-site landscape and visual impact mitigation measures and biodiversity enhancements) approximately 10,000 trees (all native woodland species) would be planted as part of the landscape mitigation measures;
  - Reinstatement of historic field boundaries and hedgerows within Strategic Gap. Existing peripheral vegetation to be protected and reinforced with native species planting;
  - On and offsite site landscape mitigation ensured through planning conditions and / or S106 obligations, including an appropriate Management Plan so that dead or dying trees and shrubs are replaced. Offsite landscape mitigation measures secured in perpetuity through a legal agreement with the Council.
- 3.4.8. The on and off-site landscaping, habitat creation and enhancement would deliver significant biodiversity net gains across the site of +26.5% for habitat biodiversity and +298% for linear biodiversity.

## 3.5 DOCUMENTS FOR APPROVAL

- 3.5.1. The documents which the Appellant seeks planning permission for are as follows:
- Red and Blue Line Plan (Drawing Ref: 4263-CA-00-00-DR-A-00066 Rev P4) (**CD-A3**);
  - Parameters Plan (Drawing Ref: 4263-CA-00-00-DR-A-00075 Rev P19) (**CD-B37**); and
  - Proposed Site Access Drawings (within the submitted Transport Statement Addendum) (**CD-B39**).
- 3.5.2. The Design Guide (Ref: 4263-CA-00-XX-RP-A-06004 Rev PL6) (**CD-B35**) provides an overarching design framework and Development Parameters that development subject to future reserved

matters applications should adhere to ensure that any future development of the site would be brought forward in a cohesive manner. The requirement for future reserved matters applications to adhere to the Design Guide could be secured by condition, in the event that the appeal is allowed.

3.5.3. Illustrative plans submitted with the application to show the possible form in which a multi-unit scheme is likely to come forward at the site and to assist with the consideration of the appeal proposals are as follows:

- Indicative Masterplan INST+ Specification (Drawing Ref: 4263-CA-00-00-DR-A-00090 SK5) (**CD-B28**);
- Indicative Elevations based on Indicative Masterplan INST+ Specification (**CD-B29**):
  - Proposed South Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05008 Rev SK3;
  - Proposed Middle Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05009 Rev SK3;
  - Proposed North Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05010 Rev SK3;
  - Proposed Smaller Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05011 Rev SK2.
- Sections A, B, C and D based on Indicative Masterplan INST+ Specification – Plan refs: 403.11077.00001.LAJ-54 Rev D and 403.11077.00001.LAJ-55 Rev D (**CD-B30**);
- Type 3 Photomontages (based on Indicative Proposed Masterplan INST+ Specification) –ref: 403.11077.00001.LAJ-56-LAJ-70 Rev E (**CD-B31**);
- Proposed Indicative Masterplan (Drawing Ref: 4263-CA-00-00-DR-A-00095 Rev P1) (**CD-B41**)
- Proposed Hub Office (Drawing Ref: 4263-CA-00-00-DR-A-00080 Rev P4) (**CD-B42**).

3.5.4. Such a form of development closely matches what is anticipated to be the likely market requirements on this site, but which will be refined at reserved matters stage.

3.5.5. The Design and Access Statement (**CD-B34**) and the aforementioned Design Guide (**CD-B35**) incorporate examples of alternative building designs. Detailed design of the buildings, their ‘appearance’, is sought as a reserved matter but the illustrative and indicative plans provide examples of how the scheme could legitimately be brought forward.

## 3.6 POST-SUBMISSION CHANGES AND SUPPLEMENTARY SUBMISSIONS

3.6.1. During the course of the determination period, the Appellant submitted additional information to NWBC, as summarised in the schedule at **Appendix A** of this draft SoCG. These documents were submitted to either:

a) supplement or replace documents submitted at the outset to provide updates to reflect new legislation, policy and/or guidance, or to address minor factual inaccuracies; or

b) in response to consultation responses received to the application to resolve objections or provide additional information to assist in the consideration of the proposals.

3.6.2. At the time of writing, this appeal submission does not include any new plans / documents not previously seen or consulted on, where necessary, by NWBC.

## 3.7 CONSULTATION RESPONSES

3.7.1. **Table 3-1** below provides a summary of the organisations which we understand from NWBC have been consulted with regards to this application, and a short summary of the nature of the responses received.

- 3.7.2. Numerous letters of support and objection were also submitted to NWBC during the course of the determination period, copies of which will be provided to PINS as part of the appeal process.
- 3.7.3. In the event that additional consultation responses have been received during the determination period but not shared by NWBC with the Appellant then we require NWBC to provide any additional consultation responses to both the Appellant and PINS as part of the appeal process.

**Table 3-1: Summary of organisations consulted by NWBC for app ref: PAP/2021/0663**

<b>Consultee</b>	<b>Summary of Consultation Response</b>
NWBC Environmental Health (Contamination, Noise and Air Quality)	No objection, subject to conditions
NWBC Policy Officer	No response received
Land Use Consultants (LUC) commissioned and appointed by NWBC to review and comment from a Strategic Gap and landscape and visual impact perspective	Issues raised with submission materials and LVIA
National Highways	Holding objection, further information requested
Warwickshire County Council Highways	Objection, further information requested
Staffordshire County Council Highways	Further information requested
Warwickshire County Council Public Rights of Way Team	No objection, subject to advisory notes
Environment Agency	No objection
Lead Local Flood Authority (Warwickshire County Council)	No objection, subject to conditions
Severn Trent Water	No objection, subject to informatives
Warwickshire Police	No objection / supportive of the proposals
Warwickshire County Council Ecology	No objection, subject to condition
Natural England	No objection
Warwickshire County Council Archaeology	No objection, subject to conditions



Ramblers Association	No objection, supportive of active travel proposals
Coal Authority	No objection, subject to informative
Cadent Gas	No objection
HS2 Ltd	No objection
Dordon Parish Council	Objection
Polesworth, with Warton and Birchmoor Parish Council	Objection
Tamworth Borough Council	No objection / supportive of the proposals
Coventry City Council	No objection
Nuneaton & Bedworth Borough Council	No objection
Lichfield District Council	No objection
Rugby Borough Council	No objection
North West Leicestershire District Council	No objection
Birmingham City Council	No response received
Hinckley & Bosworth Borough Council	No response received
Solihull Metropolitan Borough Council	No response received
DEFRA	No response received
Fire & Rescue	No response received
National Pipelines	No response received
Warwickshire Wildlife Trust	No response received
Western Power	No response received
Active Travel England	No comment – Standing Advice provided.

## 4 AGREED PLANNING MATTERS

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4.1.1. The following matters are agreed between the Appellant and NWBC.

### 4.2 STATUTORY BASIS FOR DETERMINING APPLICATIONS

4.2.1. It is agreed that Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2.2. It is also agreed that Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

### 4.3 THE ADOPTED DEVELOPMENT PLAN

4.3.1. It is agreed that the relevant statutory Development Plan for the appeal comprises:

- North Warwickshire Local Plan (adopted September 2021); and
- Dordon Neighbourhood Plan (adopted December 2023).

### 4.4 PLANNING POLICIES RELATED TO THIS APPEAL

4.4.1. It is agreed that the NWBC Local Plan was adopted in September 2021 and incorporates both site allocation and development management policies. The plan period runs until 2033. Delivery of infrastructure and development has not occurred as anticipated at the time of adoption of the plan. Whether aspects of the plan are out of date will be addressed within the planning evidence of the witnesses.

4.4.2. It is agreed that the Dordon Neighbourhood Plan ('DNP') was adopted in December 2023 and its plan period is aligned with the NWBC Local Plan, running until 2033.

4.4.3. It is agreed that the appeal site is located within the Strategic Gap as designated by Local Plan Policy LP4 (Strategic Gap). It is also agreed that the appeal site is not located within the Green Belt, or any other policy designation.

4.4.4. The parties agree that the development plan policies listed below are considered most relevant in the determination of this appeal:

#### NORTH WARWICKSHIRE LOCAL PLAN

- Policy LP1 – Sustainable Development
- Policy LP2 – Settlement Hierarchy
- Policy LP4 – Strategic Gap
- Policy LP5 – Amount of Development
- Policy LP6 – Additional Employment Land
- Policy LP11 – Economic Regeneration
- Policy LP12 – Employment Areas
- Policy LP14 – Landscape
- Policy LP15 – Historic Environment
- Policy LP16 – Natural Environment
- Policy LP17 – Green Infrastructure
- Policy LP21 – Services and Facilities



- Policy LP22 – Open Spaces and Recreational Provision
- Policy LP23 – Transport Assessments
- Policy LP26 – Strategic Road Improvements A5
- Policy LP27 – Walking and Cycling
- Policy LP29 – Development Considerations
- Policy LP30 – Built Form
- Policy LP33 – Water and Flood Risk Management
- Policy LP34 – Parking
- Policy LP35 – Renewable Energy and Energy Efficiency
- Policy LP36 – Information and Communication Technologies
- Policy LP39 – Employment Allocations

## **DORDON NEIGHBOURHOOD PLAN**

- Policy DNP1 – Sustainable Development
- Policy DNP2 – Protecting the Natural Environment and Enhancing Biodiversity
- Policy DNP4 – Protecting the Landscape Character
- Policy DNP5 – Creating a Local Green Network
- Policy DNP6 – Protecting and Enhancing Heritage Assets
- Policy DNP7 – Reducing the Risk of Flooding
- Policy DNP8 – Achieving High-Quality Design
- Policy DNP10 – Renewable Energy, Energy Efficiency and Low Carbon Technologies
- Policy DNP11 – Protecting and Enhancing Community Facilities
- Policy DNP12 – Supporting the Local Economy
- Policy DNP14 – Development Contributions

4.4.5. For the purposes of Local Plan Policy LP6, the parties agree that:

- By virtue of Policy LP6 including “*West Midlands Strategic Employment Sites Study of September 2015 (or successor study)*” in the policy wording, that WMSESS 2015 (or successor study) is a key material consideration in the determination of this appeal.
- The applicable ‘successor study’ to the West Midlands Strategic Employment Sites Study 2015 referred to in the Policy LP6 wording is the West Midlands Strategic Employment Sites Study Phase 2 published on June 2021.
- The appeal site is located within “Area 2” of the WMSESS 2021, which is the same geographic area (the M42 corridor or “M42 belt”) as Area A in the WMSESS 2015 currently referred to in the policy wording.

4.4.6. The parties agree that, in decision-making and where applicable, Local Plan policies LP4 and LP6 take priority over Dordon Neighbourhood Plan Policy DNP4, as stated clearly in the Policy DNP4 wording.

## **4.5 OTHER MATERIAL CONSIDERATIONS**

### **NATIONAL PLANNING POLICY FRAMEWORK**

4.5.1. The revised National Planning Policy Framework (NPPF) was published in December 2023 and is a key material consideration in the determination of planning applications.

4.5.2. The parties agree that the NPPF is a material consideration of significant weight. It is also agreed that the NPPF sets out a presumption in favour of sustainable development which states that

development proposals should be approved without delay, unless any adverse impacts of the proposal significantly and demonstrably outweigh the benefits (paragraph 11).

4.5.3. Furthermore, the parties agree that the NPPF paragraphs listed below are considered most relevant in the determination of this appeal:

- Paragraph 1 – Overarching objective of the NPPF
- Paragraph 2 – Determining applications for planning permission
- Paragraph 3 – The Framework should be read as a whole (including its footnotes and appendices)
- Paragraph 6 – Materiality of other statements of government policy
- Paragraph 7 – Purpose of the planning system and objective of sustainable development
- Paragraph 8 – Achieving sustainable development and the three overarching objectives (economic, social and environmental objectives)
- Paragraph 9 – The active role in guiding development towards sustainable solutions (through planning policies and decisions)
- Paragraph 10 – At the heart of the Framework is a presumption in favour of sustainable development
- Paragraph 11 – The presumption in favour of sustainable development
- Paragraph 13 – Neighbourhood plans should support the delivery of strategic policies contained in local plans
- Paragraph 15 – The planning system should be genuinely plan-led
- Paragraph 16 – Criteria for plan-making
- Paragraph 17 – Requirement for the development plan to include strategic policies to address priorities for the development and use of the land in each local planning authority's area
- Paragraph 18 – Use of policies to address non-strategic matters
- Paragraphs 20-23 – Strategic policies
- Paragraphs 24-27 – Maintaining effective cooperation
- Paragraphs 28-30 – Non-strategic policies
- Paragraphs 31-33 – Preparing and reviewing plans, including the requirement to base plans on relevant and up-to-date evidence that is adequate and proportionate and takes into account relevant market signals
- Paragraph 34 – Development contributions
- Paragraph 38 – Local planning authorities should approach decisions in a positive and creative way and seek to approve applications for sustainable development where possible
- Paragraph 39 – Pre-application engagement and front-loading
- Paragraph 47 – Determining applications in accordance with the development plan unless material considerations indicate otherwise and decisions
- Paragraph 48 – Weight given to relevant policies in emerging plans
- Paragraphs 49-50 – Refusing permission on grounds of prematurity
- Paragraphs 55-57 – Planning conditions or obligations
- Paragraphs 85-89 – Building a strong and competitive economy, including the significant weight to be placed on the need to support economic growth and productivity and locational requirements of different sectors
- Paragraphs 96-97, 102 and 104 – Promoting healthy and safe communities
- Paragraphs 108-109 – Promoting sustainable transport

- Paragraph 113 – The importance of providing adequate overnight lorry parking facilities and requirement for new distribution centres to make provision for sufficient lorry parking
- Paragraphs 114-117 – Considering development proposals (in the context of promoting sustainable transport)
- Paragraph 124(a) – Taking opportunities to achieve net environmental gains, such as developments that would enable new habitat creation or improve public access to the countryside
- Paragraph 131 – Creation of high quality, beautiful and sustainable buildings and places
- Paragraph 134 – Preparation of design guides or codes
- Paragraph 139 – The significant weight to be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and design guides / codes; and/or outstanding or innovative designs which promote high levels of sustainability
- Paragraphs 142-143 – The great importance that Government attaches to Green Belts, its fundamental aim, essential characteristics and the five purposes
- Paragraphs 158-159 – Planning for climate change, reducing greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat
- Paragraphs 180 and 186 – Conserving and enhancing the natural environment

## **NATIONAL PLANNING PRACTICE GUIDANCE (PPG)**

- 4.5.4. The parties agree that the National Planning Practice Guidance (NPPG) is a material consideration in determining the appeal proposal.

## **WEST MIDLANDS STRATEGIC EMPLOYMENT SITES STUDY PHASE 2 (JUNE 2021)**

- 4.5.5. For the reasons given above, the parties agree that WMSESS 2021 is a key material consideration in the application of Policy LP6 and in determining this appeal.

## **4.6 THE PRINCIPLE OF DEVELOPMENT**

- 4.6.1. The principle of development is not agreed, for the reasons set out in Chapter 5.

- 4.6.2. Nonetheless, the parties agree on a number of areas at a strategic policy level and in terms of Government priorities, as follows:

- The parties agree that a key component of the NPPF is the focus on building a strong, competitive economy and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 81) and that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including distribution operations at a variety of scales and in suitably accessible locations (paragraph 83);
- Furthermore, the parties agree that the NPPF (paragraph 109) places importance on policies and decisions recognising the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of lorry parking in locations that lack proper facilities or could cause a nuisance and, furthermore, that proposals for new distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.
- The parties agree that the genesis of Policy LP6 was a result of the Inspector, during examination through Main Modification ref: MM40, requiring the introduction of a new strategic employment policy (i.e., Policy LP6) which, subject to meeting three criteria and balanced with other policies in the plan, would enable additional employment sites to come forward to meet an identified need

within the strategic growth area referred to as 'Area 2' (essentially the M42 Corridor between J2 and J10) in the WMSESS 2021, as referred to in the policy wording.

- The parties also agree that Policy LP34 (Parking) sets out NWBC's position with respect to road vehicle parking. Lorry parking is specifically mentioned in the policy and the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and for improved management in decision-taking.

4.6.3. In addition, NWBC is proposing to prepare an Employment DPD, which may look to allocate land for employment uses in the face several recent evidence base documents which identify the need for such (e.g., C&W HEDNA). In this context, NWBC and the Appellant agrees that NPPF (paragraph 146) requires strategic policy-making authorities to demonstrate that they have examined fully all other reasonable options for meeting their respective identified need for development prior to concluding that exceptional circumstances exist to justify changes to Green Belt boundaries. Furthermore, in this regard, '*all other reasonable options*' includes assessing the suitability of alternative sites outside the Green Belt to meet the identified need.

## 4.7 STRATEGIC GAP AND LANDSCAPE AND VISUAL IMPACT

4.7.1. A topic-specific landscape / visual SoCG will be agreed between the parties in advance of the inquiry. However, at a high level, the areas of agreement in respect of Strategic Gap, landscape and visual impact are summarised below and areas of disagreement are summarised in the following chapter.

4.7.2. Following an initial request for additional information (dated 29 March 2022), LUC, acting on behalf of NWBC, raised issues with the submission materials and Landscape & Visual Impact Assessment in its formal responses to the application as the Council's *de facto* consultee on landscape dated 17 August 2022 and 18 October 2022.

4.7.3. A meeting between the parties (including LUC) took place on 31 January 2023 to discuss the objections in further detail and at the meeting a request was made by the Appellant for LUC (on NWBC's behalf) to agree to areas of common ground and disagreement in respect of Strategic Gap, landscape and visual impact. LUC provided a Statement of Agreed Matters (SOAM) dated 15 May 2023 (**Appendix B** of this SoCG).

4.7.4. The Appellant submitted a package of further information (**CD-B28 to CD-B35**) in response to the meeting dated 31 January 2023 and the areas of disagreement set out in the subsequent SOAM dated 15 May 2023. This package of information was submitted to NWBC on 25 July 2023. A further response was received from LUC titled 'Review of Additional Information', dated August 2023, but only provided by NWBC to the Appellant on 12 December 2023. A copy is contained at **Appendix C** of this SoCG.

4.7.5. Whilst it is anticipated that a subject specific statement of common ground will cover landscape, at the time of this appeal against non-determination, the following matters set out in **Table 4-1** are in agreement with regards the impact of the proposal of the Strategic Gap and landscape and visual impact:

**Table 4-1: Strategic Gap and LVIA Matters in Agreement**

Strategic Gap and LVIA Matters in Agreement	LUC Reasons for Agreement (as set out in the SOAM dated 15 May 2023 and / or in the subsequent LUC Review of Additional Information dated August 2023)
LVIA Methodology	LUC agrees that the methodology set out is broadly in accordance with GLVIA3.
Study Area	It is agreed that the extent of the study area, as illustrated by the ZTV map is appropriate.
Baseline photography	The baseline photography taken during the winter months is in accordance with the Landscape Institute Technical Guidance Note 6-19.
Landscape Designations	LUC agrees that the Site is not located within any designated landscapes. It is however located within the Strategic Gap (Policy LP4). Policy LP4 is a planning policy designation. It is not a landscape character designation.
Viewpoint Selection and Receptors	LUC understands that the viewpoints included in the LVIA were agreed between the Council and SLR. LUC agrees that the approach to viewpoint selection is appropriate and that the viewpoints represent a variety of receptors with different viewing directions
Nature of the site	<p>LUC consider that the landscape of the site and the area to the east, although transitional, does have rural qualities.</p> <p>The site and surrounding area to the east comprises flat and gently rolling undeveloped agricultural land. Though influenced by urban edges it retains elements of its former rural character, as compared to the surrounding built-up areas of Dordon, Polesworth and Tamworth. This is best expressed when walking the footpaths and tracks, and when looking across open fields to hedgerows, field trees and woodland copses, or to more distant undeveloped skylines further afield. However, LUC agrees that the presence of the existing industrial development and the A5 does reduce the rural nature of the site as it is experienced from along the busy A5 road corridor, from the motorway bridges, and from within the other existing areas of large distribution units.</p>
On-site mitigation	<p>LUC agrees that on-site tree planting and bunding will not cause loss of sunlight.</p> <p>LUC agrees that bunding is indicative and that the final morphology would be set out at Reserved Matters stage, whereby a scape and scale more</p>

	sympathetic to the surrounding landscape can be agreed.
Off-site mitigation	Off-site mitigation planting will be secured via S106 agreement and obligations would remain if the land were sold or transferred in the future. LUC welcomes the off-site mitigation planting.
Lighting	LUC acknowledges that information on the baseline light levels within the site have been provided, concluding that the <i>'site is already strongly influenced by light from adjacent settlements and Infrastructure'</i> and is a <i>'characteristic of the site'</i> . LUC acknowledge that there are existing light sources around the site but note the additional impact that lighting on the proposed development would have, and recommend that a reduced lighting scheme is agreed. It is welcomed that a sensitively design lighting scheme would be designed to minimise potential impacts and we would urge conversations be had at reserved matters stage to minimise the brightness and potential effects on the landscape.

4.7.6. Matters that are not agreed or in dispute between the parties are set out in Chapter 5 of this draft SoCG.

## 4.8 ACCESS, HIGHWAYS AND TRANSPORT

4.8.1. A topic-specific highways SoCG will be agreed between the parties in advance of the inquiry. However, at a high level, the areas of agreement in respect of access, highways and transport are summarised below and areas not agreed are summarised in the following chapter.

4.8.2. A Consolidated Modelling Strategy note (**Appendix G** of **CD-B39**) has been agreed by all three highway authorities. In this document the following matters are agreed:

- The extent of the highways network to be assessed.
- The quantum of development generated traffic, together with its assignment on the agreed highway network.
- That the impact should be assessed in AM and PM peak hours in the:
  - “Reference Case” which includes committed development and background traffic growth, and the
  - “Local Plan Case” which includes Local Plan allocations, Local Plan highway infrastructure, committed development and background traffic growth.
- The assessment years are to be 2026 and 2033 for the Reference Case, and 2033 for the Local Plan Case (based upon the assumed local plan trajectory notwithstanding that has now slipped).
- The growth factors to be used.
- The derivation and assignment of traffic generated by committed development and Local Plan Allocations.
- The “No Development” and “With Development” traffic flows.



- That TRANSYT16 would be used to assess the agreed highway network.
- The traffic survey data to be used, the date of the traffic surveys and the 2023 surveyed AM and PM peak hour traffic flows.

- 4.8.3. The 2023 validation of the TRANSYT16 model is agreed by NH for all junctions in the agreed network with the exception of the stage call / frequency at the A5 / Core 42 junction.
- 4.8.4. That the proposed development does not have an impact at the A5 Longshoots /A5 Dodwells roundabout is agreed with NH.
- 4.8.5. The Vision Led Travel Plan is agreed by SCC, and apart for some minor points is also agreed by NH.
- 4.8.6. The diversion of the 766 / 767 Nuneaton-Tamworth bus service into the site is agreed by Stagecoach, the bus operator, and WCC public transport officers.
- 4.8.7. Pedestrian and cycle improvements on Pennine Way north roundabout and Pennine Way / Pennymoor Road junction is agreed by SCC.
- 4.8.8. Matters that are not agreed between the parties are set out in Chapter 5 of this draft SoCG.

## 4.9 OTHER TECHNICAL PLANNING MATTERS

- 4.9.1. Aside from the matters set out above and in Chapter 5, the parties agree that the below technical and environmental planning matters relevant to the proposals are considered to be acceptable, as evidenced by the formal responses from statutory consultees to the application raising no objections and / or confirming the proposal is acceptable subject to the imposition of planning conditions (the conditions will form part of the schedule of conditions to be agreed with NWBC in advance of the inquiry).
- 4.9.2. The parties also agree that, by virtue of the appeal proposal being deemed acceptable by statutory consultees and therefore in accordance with relevant Local Plan policies in respect of the following technical and environmental matters, the appeal proposal also accords with the following relevant technical planning policies contained in the DNP.
- 4.9.3. This position is summarised in **Table 4-2** below:

**Table 4-2: Summary of statutory consultation responses to app ref: PAP/2021/0663**

Technical / Environmental Matter	Relevant Local Plan and DNP Policies	Statutory Consultee	Consultation Response
Amenity (Noise, Air Quality, Light)	LP29 DNP8	NWBC Environmental Health	No objection, subject to conditions
Amenity (Crime impact and safety)	LP29; LP34 DNP8	Warwickshire Police	No objection – supportive of design measures and overnight lorry parking

Ground Conditions	LP29	NWBC Environmental Health	No objection, subject to conditions
		Coal Authority	No objection, subject to condition/informatives
		Environment Agency	No objection
Biodiversity and Ecology	LP16; LP17; LP29 DNP2	Warwickshire County Council Ecology	No objection, subject to condition
		Natural England	No objection
Flood Risk and Drainage	LP29; LP33 DNP7	Warwickshire County Council (LLFA)	No objection, subject to conditions
		Severn Trent Water	No objection, subject to informatives
Heritage and Archaeology	LP15; LP29 DNP6	Warwickshire County Council Archaeology	No objection, subject to conditions
Public Rights of Way and Active Travel	LP23; LP27; LP29 DNP5	Warwickshire County Council PRow Team	No objection, subject to informative
		Ramblers Association	No objection, supportive of active travel proposals
		Active Travel England	Confirmed the application was outside of its remit
		Cycling UK	Supportive of active travel proposals
Public Transport Infrastructure	LP23; LP29 DNP14	Stagecoach	Supportive of public transport strategy and proposed bus service extension
		WCC Transport Operations	Supportive of public transport strategy
Critical Infrastructure	N/A	Cadent Gas	No objection
		HS2	No objection



## **4.10 SCHEME BENEFITS**

- 4.10.1. The parties accept and agree that the appeal proposal will deliver a range of positive social, economic and environmental benefits to the local area, in particular it will assist in meeting strategic employment and lorry parking needs. However, the weight to be given to these benefits is a matter not yet agreed.
- 4.10.2. The level of contributions through S106 has yet to be agreed with NWBC.

## 5 MATTERS NOT AGREED

- 5.1.1. As this is an appeal against non-determination, this chapter sets out the position in respect of matters not agreed at the time of submitting the appeal. This includes matters that are clearly in dispute and matters where there is no known position of agreement or disagreement, some of which could potentially become agreed matters following discussions between the Appellant and NWBC.
- 5.1.2. As such, the full extent of matters agreed / not agreed is to be confirmed following discussions between the Appellant and NWBC.

### 5.2 THE PRINCIPLE OF DEVELOPMENT

- 5.2.1. In the absence of NWBC providing a policy response to the application and providing no clear position in terms of the principle of development throughout the course of the determination period (be that the employment or the lorry parking elements of the proposal), at this stage the principle of development is a matter not agreed.
- 5.2.2. Accordingly, it is not clear whether NWBC considers that the significant weight to be attached to proposals that align with Policy LP6 (additional employment sites) or whether the weight to be attached to proposals that align with Policy LP34 (lorry parking provision and facilities) are engaged for the purposes of determining the appeal. The Appellant's position is that they are.
- 5.2.3. By extension, the weight to be attached to the other material considerations in the planning balance is assumed to be not agreed as a result of the absence of a policy response providing NWBC's position on the need and locational justification for the appeal proposal both in terms of the principle of employment development and also overnight lorry parking at the site.
- 5.2.4. The parties agree that the appeal site is located within the Strategic Gap by virtue of Local Plan Policy LP4 and the proposals comprise a strategic scale employment development in the context of Local Plan Policy LP6, therefore Local Plan Policies LP4 and LP6 take priority over the provisions of Dordon Neighbourhood Plan Policy DNP4, as clearly set out in the Policy DNP4 wording.

### 5.3 STRATEGIC GAP AND LANDSCAPE AND VISUAL IMPACT

- 5.3.1. As stated in Chapter 4, LUC, acting on behalf of NWBC, raised issues with submission materials and Landscape & Visual Impact Assessment in its formal responses to the application as the Council's *de facto* consultee on landscape. Whilst there are some areas of agreement (as demonstrated in Table 4-1 of Chapter 4), at the time of this appeal against non-determination, the following matters set out in **Table 5-1** remain in dispute with regards the impact of the proposal on the Strategic Gap and landscape and visual impact:

**Table 5-1: Strategic Gap and LVIA Matters Not Agreed**

Strategic Gap and LVIA Matters Not Agreed	LUC Reasons for Disagreement (as set out in the SOAM dated 15 May 2023) and / or in the subsequent LUC Review of Additional Information dated August 2023)
Bunds and Cuttings	LUC does not agree that bunds and cuttings of the scale proposed are a feature of the landscape.

Landscape and Visual Element of the Strategic Gap	From a landscape and visual perspective, LUC does not agree with the conclusions on the Strategic Gap identified in the LVIA. LUC considers that the sense of separation between Dordon / Polesworth and Tamworth would be reduced by the physical reduction in width of the gap and by bringing the urban edge closer in views, for example as experienced in views looking west, or when walking west on paths from the settlement edge of Dordon.
Significance of Effects Identified	LUC does not agree with the Magnitude of Change or significance of visual effects identified for several of the viewpoints included in the LVIA or subsequent visualisations submitted.
Cumulative Effects and CLVIA Methodology	LUC does not agree with the cumulative visual effects identified within the LVIA.

5.3.2. As part of the topic-specific SoCG to be agreed prior to the inquiry, the Appellant will therefore seek agreement with NWBC as to whether any areas of disagreement in the SOAM or in the Review of Additional Information provided by LUC on behalf of NWBC have now subsequently become areas of agreement.

## 5.4 ACCESS, HIGHWAYS AND TRANSPORT

5.4.1. Whilst the assessment methodology, traffic surveys undertaken and junction modelling approach used to inform the Transport Assessment has been agreed between the Appellant and the respective highways authorities (National Highways, Warwickshire County Council Highways and Staffordshire County Council Highways), the following matters are not agreed at the time of writing:

- The impact of the appeal proposals on the highway network and whether it would result in a severe cumulative impact in the context of the NPPF;
- The suitability of the access proposals in terms of design and highways safety;
- The acceptability of the proposed highway improvements in terms of design and highways safety.
- The acceptability of the connectivity proposals and accessibility of the site in terms of sustainable travel mode;
- The acceptability of the submitted Vision Based Travel Plan, noting that this is agreed by SCC;
- The weight to be attached to the off-site highways improvements in the planning balance; and
- The weight to be attached to the off-site connectivity enhancements in the planning balance.

5.4.2. This is by virtue of formal responses from the highways authorities yet to be provided in respect of the following submission documents:

- Revised Transport Assessment, submitted February 2023 (**CD-B25**). Requested updating the 2022 survey data to 2023 owing to concerns with potential Covid-19 effect on traffic volumes.
- Revised Framework Travel Plan submitted February 2023 (**CD-B26**). No comments received.
- Stage 1 Road Safety Audit Brief February 2023. The proposed road safety auditor is approved by NH. Other NH comments are delayed pending the updated traffic modelling. No comments from SCC and WCC.

- Vision Based Travel Plan (**Appendix P of CD-B39**), September 2023. Agreed by SCC. NH have provided comments of a minor nature. No comments received from WCC. A revised document was issued on 8 December 2023 and a response is awaited.
- TRANSYT 2023 Validation Report (**CD-B55**), September 2023. Agreed by NH with the exception of the stage call / frequency at the A5 / Core 42 junction. Two further submissions on the Core 42 junction have been made, most recently on 30 November. A response is awaited.
- Road Safety Risk Assessment (GG104) Brief, November 2023 (**CD-B56**). A response is awaited.
- Transport Assessment Addendum report, December 2023 (**CD-B39**). A response is awaited.

5.4.3. The Appellant will continue to engage with the highways authorities to try and reach agreement of all of the above matters in advance of the inquiry.

5.4.4. A topic-specific SoCG will be sought with the highways authorities prior to the inquiry, if necessary.

## **5.5 OTHER MATTERS NOT AGREED**

5.5.1. In addition to the above, the following matters are not agreed at the time of writing – with the position to be clarified following discussions between the Appellant and NWBC:

- The weight to be attached to the scheme benefits in the planning balance; and
- The weight to be attached to the emerging NWBC Employment DPD.

## **6 PLANNING CONDITIONS AND SECTION 106 OBLIGATIONS**

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### **6.1 PLANNING CONDITIONS**

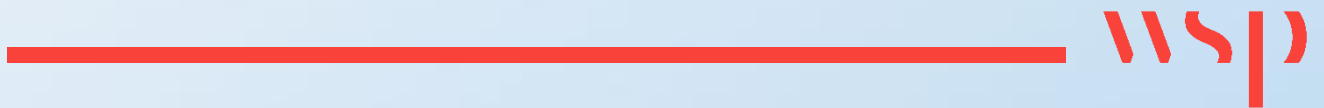
- 6.1.1. The Appellant will seek to reach agreement on planning conditions with NWBC in advance of the inquiry. An update will be provided accordingly.

### **6.2 SECTION 106 OBLIGATIONS**

- 6.2.1. A Section 106 (S106) Agreement will be prepared in conjunction with NWBC and other required parties and duly executed prior to the commencement of the inquiry.
- 6.2.2. Without prejudice to the Appellant's case, it is anticipated that the S106 Agreement will address the following heads of terms:
- Access and highways;
  - Off-site landscaping / green infrastructure;
  - Off-site connectivity infrastructure improvements;
  - Employment, skills and training.

# Appendix A

## **SUMMARY OF SUBMISSIONS MADE DURING DETERMINATION PERIOD**



CD-B	SUBMISSIONS MADE DURING APPLICATION DETERMINATION PERIOD	
Core Document Ref	Document Title	Document Reference (Submission Date)
B1	Environmental Statement Vol 2 - Main Statement	RPT.EIA.VOLII.JW.2 (08.12.21)
B2	Flood Risk Assessment and Drainage Strategy	20073-BGL-XX-XX-RP-D-00001 (16.12.21)
B3	Community Fund Information Sheet	N/A (25.01.22)
B4	Revised EIA documents: ES Vol 3 - Appendix 10.1 – LIVA Appraisal Plans ES Vol 3 - Appendix 10.2 – LVIA Methodology and Tables ES Vol 4 – Figure 3.1 - Parameters Plan	LAJ-1 (15.02.22) ES Vol 3 Appendix 10.2 (15.02.22) 4263-CA-00-00-DR-A-00075-P16 (15.02.22)
B5	J10 M42 Planning Statement	RPT.007.JW.1 (15.02.22)
B6	Amended Parameters Plan submitted 16.02.22	4263-CA-00-00-DR-A-00075-P16 (16.02.22)
B7	Landscape Visual Impact Appraisal Amendments	LAJ-1 (16.02.22) LAJ-2A (16.02.22) LAJ-2B (16.02.22) LAJ-3 (16.02.22) LAJ-4 (16.02.22)
B8	LVIA Methodology submitted 16.02.22	N/A (16.02.22)
B9	Design and Access Statement PL4 - Part 1 (p.1-65)	63-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (19.04.22)
B10	Design and Access Statement PL4 - Part 2 (p.66-144)	4263-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (19.04.22)
B11	Design Guide: PL5 - Part 1 (p.1-55) PL5 - Part 2 (p.56-106)	4263-CA-00-XX-RP-A-06004_Design Guide PL5 (19.04.22) N/A (19.04.22)
B12	Archaeological Evaluation Report – Complete: Part 1 (p.1-83) Part 2 (p.84-106) Part 3 (p.107-133)	N/A (19.04.22)
B13	Birmingham Live Article March 2022 - Addendum to Appendix 12 of HGV Parking Need Assessment	N/A (19.04.22)
B14	Photos of Existing Laybys on A5	N/A (19.04.22)
B15	Illustrative Landscape Sections	N/A (27.05.22)
B16	Proposed Connectivity Plan - Route Type and Surface	4263-CA-00-00-DR-A-00803-P3 (01.09.22)
B17	Existing Connectivity Plans: Route Surface Route Type	4263-CA-00-00-DR-A-00802-P3 (01.09.22) 4263-CA-00-00-DR-A-00801-P3 (01.09.22)
B18	Community Integration Route Plan: Birchmoor to Dordon v3 Freasley to Polesworth v2	N/A (01.09.22) N/A (01.09.22)

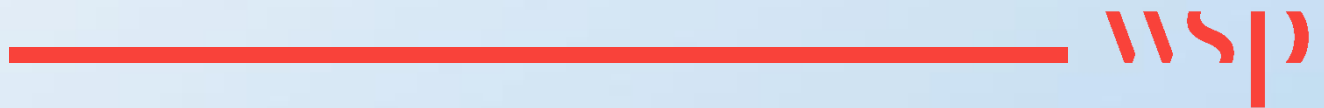
B19	Commuter Point Plan:  Dordon to Relay Park v5 Polesworth to St Modwen Park v4 Site Allocation H4 to Centurion Park v3 Site Allocation H5 to Birch Coppice v4 Stonydelph to Core 42 v3	N/A (01.09.22) N/A (01.09.22) N/A (01.09.22) N/A (01.09.22) N/A (01.09.22)
B20	Statement of Community Engagement Addendum (inc. Appendices)	N/A (01.09.22)
B21	The Future of Freight Plan - Planning Note	N/A (01.09.22)
B22	Indicative Proposed Fitness Trail	4263-CA-00-00-DR-A-00084-P6 (01.09.22)
B23	Walking Routes Plan	220810_403.11077.00001_Walking Routes_EW.dwg (01.09.22)
B24	Planning Statement Addendum (Transport):  Part 1 (p.1-156) Part 2 (p.157-189)	RPT.008.2.JW.70075293 (06.02.23)
B25	Revised Transport Assessment:  Part 1 (p. 1-381) Full Report to Appendix B Part 2 (p. 382-557) Appendix C - E Part 3 (p.558 - 665) Appendix F - J Part 4 (p.666-673) Appendix K - L Part 5 (p.674-705) Appendix M-N	784-B033920 (06.02.23)
B26	Revised Framework Travel Plan:  Part 1 (p. 1-25) Full Report Part 2 (p. 26-37) Appendices	784-B033920 (06.02.23) N/A (06.02.23)
B27	Rail Terminal Connectivity Statement - Technical Addendum	222047r_railaddendum_verfinal (27.04.23)
B28	Indicative Masterplan INST+ Specification	4263-CA-00-00-DR-A-00090-SK5 (25.07.23)
B29	Proposed Elevations:  Proposed Middle Unit Elevations  Proposed North Unit Elevations  Proposed Smaller Unit Elevations  Proposed South Unit Elevations	4263-CA-00-00-DR-A-05009-SK3 (25.07.23) 4263-CA-00-00-DR-A-05010-SK3 (25.07.23) 4263-CA-00-00-DR-A-05011-SK2 (25.07.23) 4263-CA-00-00-DR-A-05008-SK3 (25.07.23)
B30	Landscape and Visual Impact Assessment Drawings:  REV D Section A Drawing REV D Sections B+C+D Drawings	LAJ-54 (25.07.23) LAJ-55 (25.07.23)
B31	Landscape and Visual Appraisal Drawings:  Wirelines DB REV E Type 3 Photomontages Viewpoint Photography	LAJ53-56 (25.07.23) LAJ56-70 (25.07.23) LAJ5-48 HD (25.07.23)
B32	Precedent Images of Development submitted 25.07.23:  Image 1 Image 2 Image 3 Image 4 Image 5	N/A (25.07.23)
B33	SLR Response to Review of Additional Information prepared by LUC	403.11077.00001 (25.07.23)
B34	Full Resolution Version of Design and Access Statement	4263-CA-OO-XX-RP-A-



		06005_Design and Access Statement PL4 (25.07.23)
B35	Revised Design Guide PL6 Part 1 (p.1-78) Part 2 (p.79-125)	4263-CA-00-XX-RP-A-06004_DESIGN GUIDE PL6 (25.07.23)
B36	Planning Statement Addendum (DNP)	RPT.008.1.JW (01.12.23)
B37	Amended Parameters Plan	4263-CA-00-00-DR-A-00075-P18 (01.12.23)
B38	Amended Proposed Connectivity Plan	4263-CA-00-00-DR-A-00803-P6 (01.12.23)
B39	Transport Assessment Addendum: Part 1 (p.1 – 64) Part 2 (p.65-76) Part 3 (p.77-183) Part 4 (p.184-319) Part 5 (p.320-379) Part 6 (p.380-387)	784-B033920 (07.02.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23)
B40	Photos of Existing Laybys on A5 - Addendum	N/A (21.12.23)
B41	Proposed Indicative Masterplan	4263-CA-00-00-DR-A-00095 P1 (21.12.23)
B42	Proposed Hub Office	4263-CA-00-00-DR-A-00080 P4 (21.12.23)
B43	Indicative Proposed Fitness Trail	4263-CA-00-00-DR-A-00084 P7 (21.12.23)
B44	Zero Emission Goods Vehicles Statement	220053r_zero_emissions_goods_vehicles_statement_ver5 (21.12.23)
B45	Employment, Skills and Training Statement	RPT.015.JW (22.12.23)
B46	Coventry and Warwickshire Chamber of Commerce – Letter of Support dated 07.10.22	N/A
B47	JLL – Letter of Support Land NE Junction 10 M42 dated 18.11.22	N/A
B48	Logistics UK Letter of Support dated 12.11.22	N/A
B49	Maritime Transport – Letter of Support dated 29.09.22	N/A
B50	NaVCIS – Letter of Support dated 10.06.22	N/A
B51	Rail Freight Group – Letter of Support dated 02.11.22	N/A
B52	Road Haulage Association – Letter of Support dated 22.11.21	N/A
B53	Tamworth Borough Council – Letter of Support dated 07.01.22	N/A
B54	Warwickshire Police – Support dated 10.05.22	N/A
B55	TRANSYT 2023 Validation Report and Correspondence:  TRANSYT 2023 Baseline Validation Report Final NH Validation Review and Attachment dated 21.09.23 TRANSYT 2023 Baseline Model – TT Response dated 09.10.23 NH Validation Comments and Attachments dated 26.10.23 TT TRANSYT Comments and Attachments dated 30.10.23 NH TRANSYT Validation Comments dated 27.11.23 TT Email on TRANSYT Validation and Attachments dated 30.11.23	  N/A (21.08.23) N/A (21.09.23) N/A (09.10.23) N/A (26.10.23) N/A (30.10.23) N/A (27.11.23) N/A (30.11.23)
B56	Road Safety Risk Assessment (GG104) Parameters Note Part 1 (p.1-20) Part 2 (p.21-85)	784-B033920 Land North East of M42 Jn10 (01.11.23)

# Appendix B

**LUC STATEMENT OF AGREED  
MATTERS (15 MAY 2023)**



## Review of PAP/2021/0663 – Statement of Agreed Matters

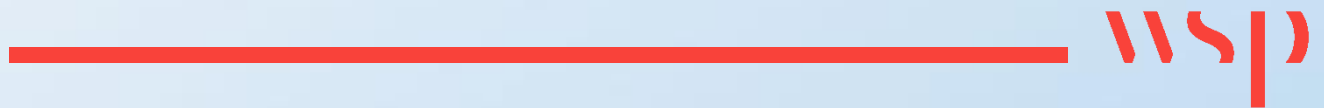
1.1 This Statement of Agreed Matters (SOAM) seeks to identify the matters relating to the Landscape and Visual Impact Assessment (LVIA) with which LUC are in agreement, and disagreement, with the LVIA consultants, SLR. Areas of agreement and disagreement are set out in **Table 1.1.** below.

LVIA Matters	Agreement/ Disagreement
<b>LVIA Methodology</b>	LUC <b>agrees</b> that the methodology set out is broadly in accordance with GLVIA3.
<b>Visualisations</b>	<p>LUC <b>disagrees</b> that baseline photography provided is sufficient to understand the potential effects of the Proposed Development. In response SLR provided 5x images with the max. building heights illustrated. These images appear to have mitigation planting on the surrounding proposed bunding modelled in. Whilst this indicates the visibility when these trees have grown to maturity (after perhaps 20 years or more), it does not show the worst-case visibility when the trees are absent or newly planted and providing less screening.</p> <p>In addition, the worse case winter time scenario should be illustrated rather than summer views when screening would be at its maximum.</p> <p>SLR agreed to provide high-resolution versions of these images as those available on the planning portal are unclear.</p> <p>As mentioned in the meeting (31/1/2023), baseline photography should be retaken during winter. Care should be taken to ensure distant skylines are captured as this forms context to the view looking west from Dordon. The exposure of the current photos means this is lost.</p> <p>SLR to provide box montages <b>without</b> mitigation planting in place to show the worst-case visibility of the Proposed Development.</p> <p>The photographs and photomontages should be taken and presented in accordance with the <b>Landscape Institute Technical Guidance Note 6-19</b>, such that the image size, scale, projection, Field of View, resolution and information shown meets the required standards.</p>
<b>Study Area</b>	LUC broadly <b>agrees</b> with the extent of the Study Area as illustrated by the ZTV Map (LAJ-51) and described in the LVIA chapter.
<b>Landscape Character Areas</b>	LUC <b>agrees</b> that the Site is located within LCA 5 Tamworth Fringe Uplands and that this LCT is considered in the assessment.
<b>Landscape Designations</b>	LUC <b>agrees</b> that the Site is not located within any designated landscapes. It is however located within the Strategic Gap (Policy LP4).
<b>Viewpoint Selection and Receptors</b>	LUC understands that the viewpoints included in the LVIA were agreed between the Council and SLR. LUC <b>agrees</b> that the approach to viewpoint selection is appropriate and that the viewpoints represent a variety of receptors with different viewing directions, however, recommends some viewpoints are better microsited to avoid obstructions, summer time leaf cover and to provide an open view where it is available. For example, take photo at the top of the bank at the edge of the open space at Dordon, above the gate into the lower field, rather than set back within the area where the summer time trees in leaf obscure the view, rendering it less informative.
<b>Rural Nature of Site</b>	The Site and surrounding area to the east comprises flat and gently rolling undeveloped agricultural land. Though influenced by urban edges it retains elements of its former rural character, as compared to the surrounding built-up areas of Dordon, Polesworth and Tamworth. This is best expressed when walking the footpaths and tracks, and when looking across open fields to hedgerows, field trees and woodland copses, or to more distant undeveloped skylines further afield. However, <b>LUC agrees</b> that the presence of the existing industrial development and the A5 does reduce the rural nature of the Site as it is experienced from along the busy A5 road corridor, from the motorway bridges, and from within the other existing areas of large distribution units.

LVIA Matters	Agreement/ Disagreement
<p><b>Bunds and Cuttings – Common Landscape Features</b></p>	<p>LUC <b>does not agree</b> that bunds and cuttings, particularly of the scale proposed, are a feature of the landscape. LUC recognises that there are bunds in the wider area to the east and south of the M42 and A5, respectively, and along the length of the M42. However, bunds of the scale proposed are not a feature of the landscape between the M42 and Dordon or between the A5 and Birchmoor/Polesworth, which is a rolling agricultural landscape.</p> <p>LUC recognises that the details of bunding will be agreed as Reserved Matters, and that the figures provided represent a maximum case scenario for the height of the bunds. The proposed bunds are of a large scale (maximum parameters) and detailed design would be required to achieve a better landscape fit and a more naturalistic shape and appearance. The bunds themselves could exacerbate landscape and visual effects, and block views.</p> <p>All planting should be native – it is noted that this is not the case for some of the other similar developments nearby.</p>
<p><b>Landscape and Visual Element of Strategic Gap</b></p>	<p>The consideration of the Strategic Gap is primarily a planning matter, although landscape and visual concerns feed into it. From a landscape and visual perspective, LUC <b>does not agree</b> with the conclusions on the Strategic Gap identified in the LVIA. LUC considers that the sense of separation between Dordon/ Polesworth and Tamworth would be reduced by the physical reduction in width of the gap and by bringing the urban edge closer in views, for example as experienced in views looking west, or when walking west on paths from the settlement edge of Dordon.</p>
<p><b>Significance of Effects Identified</b></p>	<p>LUC <b>does not agree</b> with the magnitude or significance of visual effects identified for several of the viewpoints included in the LVIA, particularly immediately after construction when there would be limited screening provided by mitigation planting. Uncertainty remains, particularly given the nature of the visualisations provided. The assessment should consider effects of the proposed lighting on and around buildings and car parks, given the effects of this within surrounding developments which have similarities to that proposed. The provision of further cross sections and long sections through the site and the proposed development would assist in better explaining the landscape and visual effects, and particularly how the development would relate to the existing levels across the site.</p>
<p><b>Cumulative Effects</b></p>	<p>LUC <b>does not agree</b> with the cumulative visual effects identified within the LVIA, particularly in relation to the St Modwens Park industrial estate to the south of the Site.</p>

# Appendix C

**LUC REVIEW OF ADDITIONAL  
INFORMATION (AUGUST 2023)**



# Appendix B

## Review of Additional Information

**B.1** LUC was commissioned by North Warwickshire Borough Council (NWBC) in August 2023 to provide a review of the response and additional information provided by the applicant in July 2023. This additional information has been provided in response to LUC's initial review of the LVIA for the Proposed Development of 'Land North-East of Junction 10 M42, North Warwickshire', produced by WSP for Hodgetts Estates (planning application ref. PAP/2021/0663), and the meeting held with the Council and the applicant on 31<sup>st</sup> January 2023. The purpose of this appendix is to provide a technical review of the additional information provided in the Applicant's response received July 2023.

**B.2 Table B.1:** below sets out the different elements of the additional information received, and LUC's response.

**Table B.1: Additional information received**

Item	LUC comment
<p>Viewpoint photography taken during winter conditions (inc. relocation of VP 5)</p> <p>(Ref: 230714_403.V11077.00001.LAJ5-48)</p>	<p>Winter photography has been provided from all of the viewpoints. This is in accordance with the Landscape Institute Technical Guidance Note 6-19. The winter photography illustrates the increased filtered visibility towards the site which will be afforded through vegetation during the winter months. This is particularly evident from viewpoints 9, 11, 13 and 14.</p> <p>Viewpoint 5 has been microsited to be located slightly higher up at the edge of the recreational area following LUCs recommendation at the January 2023 meeting. This provides a more elevated view towards the site, with greater visibility above the intervening block of woodland. There would be greater visibility of the proposed development from this viewpoint.</p>
<p>Full resolution versions of the Design &amp; Access Statement and Design Guide</p>	<p>A full resolution version of the D&amp;A statement was provided which shows more clearly the wirelines provided for viewpoints 1, 4 and 5. The wirelines alone are not particularly informative as they show the maximum parameters with matured mitigation planting screening most of the view. The Type 3 photomontages provide a much clearer indication of what views of the proposed development would look like.</p> <p>In reading these documents it is noted that non-native landscape planting is proposed, as copied below. We would suggest that in this rural fringe location, it would be more appropriate to adopt a purely native planting list, and note that the use of non-natives around the adjacent distribution centres appears somewhat incongruous in terms of its character, on the edge of</p>

Item	LUC comment																																																																																																		
	<p>more undeveloped countryside.</p> <table border="1" data-bbox="491 443 1503 1684"> <thead> <tr> <th colspan="2" data-bbox="491 443 1503 474">Ornamental Shrubs</th> </tr> </thead> <tbody> <tr> <td data-bbox="491 474 979 506"><b>Ornamental Shrub Mix 2 – Small</b></td> <td data-bbox="979 474 1503 506"><b>Ornamental Shrub Mix 1 – Medium</b></td> </tr> <tr> <td data-bbox="491 506 979 537">Berberis frikartii 'Amstelveen'</td> <td data-bbox="979 506 1503 537">Ceanothus 'Blue Mound'</td> </tr> <tr> <td data-bbox="491 537 979 568">Ceanothus thyrsiflorus repens</td> <td data-bbox="979 537 1503 568">Choisya ternate</td> </tr> <tr> <td data-bbox="491 568 979 600">Genista lydia</td> <td data-bbox="979 568 1503 600">Escallonia 'Apple Blossom'</td> </tr> <tr> <td data-bbox="491 600 979 631">Hebe albicans</td> <td data-bbox="979 600 1503 631">Photinia fraseri 'Red Robin'</td> </tr> <tr> <td data-bbox="491 631 979 663">Lonicera pileata</td> <td data-bbox="979 631 1503 663">Prunus laurocerasus 'Otto 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<p>2 x wirelines in full resolution <i>(ref: 230123_403.11077.00001.L AJ-53-56)</i></p>	<p>In addition to the wirelines provided within the high-resolution D&amp;A statement, additional high-resolution wirelines have been provided from viewpoints 8 and 9. These show more clearly which parts of the building will be visible from the viewpoint, and which parts will be screened by existing planting and/or proposed mitigation planting. As above, the wirelines are not particularly informative as they show the maximum parameters with matured mitigation planting screening most of the view. The Type 3 photomontages provide a much clearer indication of what views of the proposed development would look like.</p>																																																																																																		

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<p>Updated SLR Technical Note  (ref: 230531_403.11077.00001 Version 3)</p>	<p>An updated technical note was provided by SLR in response to the Review of Additional Information by LUC issued in November 2022, and following the January meeting with all parties. This updated technical note includes further information relating to dark sky landscapes.</p> <p>Our comments on the technical note below consider discussions had during the January 2023 meeting with NWBC and SLR, and the SOAM which was issued by the Council in May 2023.</p> <p><b>Study Area</b> – Following review of the LVIA and subsequent discussions in January, it was agreed that the extent of the study area, as illustrated by the ZTV map was appropriate. This is confirmed in the SOAM.</p> <p><b>Baseline photography</b> – Updated viewpoint photography better displaying the horizontal angle of view has been provided. In addition, this most recent pack of information includes a new set of baseline photography taken during the winter months, as requested during the January 2023 meeting. This is in accordance with the Landscape Institute Technical Guidance Note 6-19.</p> <p><b>Visualisations</b> – Additional wireline visualisations were requested from viewpoints 8, 10/11, and 13. SLR provided updated wirelines for viewpoints 8 and 9 which show potential visibility from Dordon. No updated wireline visualisations were provided from viewpoints 10 and/or 11 as these <i>"are at close range to the proposed development and provide limited information on potential effects"</i>. Given VP10 is identified as major (significant) at construction stage and moderate (not significant) with mitigation planting, it would have been useful to see the visualisations to fully understand the scale that the proposed development would appear. No visualisations were provided from viewpoint 13 because <i>"it is not considered a particularly informative view with the motorway and motorway junction in the foreground and the recent St Modwen development in the background"</i>.</p> <p>Following the meeting in January, SLR have provided photomontages of the proposed development based on the indicative site plans and elevations from viewpoints 1, 4, 5, 8 and 9. These show the development with and without mitigation planting, which helps provide clarity as to the levels of likely effects, given that planting will take 10-15 years to reach semi-maturity, and thus become a more effective screen.</p> <p><b>CLVIA methodology clarifications</b> – It is understood that Site Allocation E2 has been included as part of the baseline and within the cumulative assessment as it has a high certainty of coming forward due to being found justified (appropriate) and effective (deliverable).</p> <p>LUC originally stated that we thought the cumulative effects associated with the proposed development have been underestimated, particularly when considered with the development immediately south of the site. We stand by this comment and provide the following justification for it. The proposed development will increase the cumulative effect of the presence of largescale commercial buildings as experienced from around the junction 10 roundabout, developing the last undeveloped quadrant with a large-scale scheme similar to those south and west of the site. The proposed development would be visible alongside existing and proposed development (notably site E2) from across the study area. From viewpoint 1, industrial development is visible in filtered views to the south and west. The proposed E2 site would be located east of the existing development south of the site. It is expected E2 will be of a similar scale to the existing development. The addition of the proposed development alongside in views from VP1 will introduce large-scale development in much closer proximity to the viewpoint. Similarly, from viewpoints 4 and 5, the addition of the proposed development alongside development at E2 will extend the presence of large-scale commercial development across the view, with the proposed development likely to appear of a greater scale, from VP4 in particular.</p> <p><b>Off-site mitigation</b> – It is confirmed that off-site mitigation planning will be secured via s.106 agreement and obligations would remain if land were sold or transferred in the future. LUC welcome the off-site mitigation planting. It is for the Council's planning and legal advisors to advise on appropriate process.</p>



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	<p><b>L&amp;V effects</b> – It is noted that potential construction effects were assessed at a high-level in section 10.5, which are useful to understand the general construction related effects. With relation to our original comments, it would have been helpful if construction effects were considered separately for each viewpoint in the main assessment. We appreciate that this is an outline application and there is no detailed understanding of the construction requirements, however by providing a high-level assessment for each viewpoint, it may show more clearly which viewpoints could be most affected during the construction phase. We note the requirement for extensive areas of cut and fill and the large scale of the earthworks and excavation that would be required in order to dig out flat construction platforms.</p> <p>With relation to 'value', 'susceptibility', 'size and scale' and 'geographic extent', very brief commentary is provided in Appendices 10.3 and 10.4. This is noted; however, it is our opinion that this could be better explained in the assessment to make it easier for the reader to understand the assessment process and effects identified. That said, the overall information is there, perhaps just not presented in the most user-friendly way.</p> <p><b>VP selection</b> – Information on why viewpoints were selected has been provided, and it is understood from our meeting with the SLR and NWBC in January 2023 that these viewpoints were agreed between both parties. This approach was agreed in the SOAM. Recommendations to microsite viewpoint 5 have been taken on board in the most recent set of visualisations, and this shows that the proposed development would be more visible from the slightly more elevated location.</p> <p><b>ZTV</b> – The applicant has provided an updated ZTV which show the theoretical visibility of the development (built form and proposed bunding on which trees would be planted). Although no proposed tree planting has been modelled into the ZTV, the inclusion of the bunding illustrates that more of the proposed development would be visible from the east towards Dordon. Beyond this area, the extent of visibility would remain largely similar to the previous iteration, which included the proposed planting as a screening element, although its effectiveness during the first 1-15 years or so would be limited, given the time taken for plants to grow. The applicant states that woodland planting is a desirable characteristic of the landscape character area, and it is therefore considered suitable mitigation. Whilst we welcome the inclusion of woodland, we still have concerns about the prominence of the woodland, and the way it will block longer distance open views, due to being planted on the underlying very large-scale bund (see further comment on this below under design guide). However, it is noted that details of the bund morphology would be set out at Reserved Matters stage, and that a height/scale and shape more sympathetic to the surrounding landscape may be agreed.</p> <p><b>Design Guide</b> – Comments relating to the planting of native species is welcomed and it is noted that not all of the 10,000 trees would be "<i>adolescent or semi-mature</i>". With relation to concerns about bunding height, the applicant has advised that the bunds are only indicatively illustrated. Bund morphology would be set out at Reserved Matters stage, and that a height/scale more sympathetic to the surrounding landscape can be agreed. Provided appropriate discussions are had to determine the height/scale as well as the shape and profiling of the bund, this approach is considered to be acceptable, although there are still concerns how it will be possible to achieve a sympathetic bund morphology within the confines of the site area, given the very large volume of excavated material that will be created from the excavation of flat development platforms.</p> <p>Following the site visit in January, LUC consider that the landscape of the site and the area to the east, although transitional, does still have rural qualities. It is recognised that the surrounding area to the south and west is industrial in nature and does influence the wider area, however where possible the rural qualities of the site and strategic gap area should be protected. LUC agree that the proposed development would be similar to the character of the other industrial areas to the south and west of the site but is not characteristic of the landscape, fringed with smaller scale residential dwellings, immediately to the north and east.</p> <p><b>D&amp;A Statement</b> – With relation to the prominence of the proposed development from Dordon, it is not considered that siting the large-scale buildings (which will take up much of the site) to the south-west will have a significant role in reducing visual prominence from key</p>

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	<p>viewpoints. The photomontages provided illustrate that from most views the development will be a prominent feature which will block longer distance views, and of a similar scale to the existing industrial development. The change to landscape character from an open arable field to commercial building within bunds, fringed with planted trees will remain considerable. Proposed planting between Dordon and the proposed development may break up the massing of the built form in time and to an extent, however based on the photomontages, the buildings would still be notably visible above this planting, especially in the earlier years.</p> <p><b>Light levels</b> – Information on the baseline light levels within the site have been provided, concluding that the "site is already strongly influenced by light from adjacent settlements and infrastructure" and is a "characteristic of the site". LUC acknowledge that there are existing light sources around the site but note the additional impact that lighting on the proposed development would have, and recommend that a reduced lighting scheme is agreed. It is welcomed that a sensitively design lighting scheme would be designed to minimise potential impacts and we would urge conversations be had at reserved matters stage to minimise the brightness and potential effects on the landscape.</p>
<p>Indicative Masterplan INST+ Specification <i>(ref: 4263-CA-00-00-DR-A-00090 Rev SK5)</i></p>	<p>An indicative masterplan has been provided which illustrates the form in which a multi-unit scheme is likely to come forward at the site. This layout is illustrated within the accompanying Type 3 photomontages.</p> <p>It is useful to understand the likely layout and configuration of the scheme, supplemented by photomontages (discussed further below).</p>
<p>Indicative Elevations based on Indicative Masterplan INST+ Specification</p> <p>Proposed South Unit Proposed Elevations <i>(Plan ref: 4263-CA-00-00-DR-A-05008 Rev SK3)</i></p> <p>Proposed Middle Unit Proposed Elevations <i>(Plan ref: 4263-CA-00-00-DR-A-05009 Rev SK3)</i></p> <p>Proposed North Unit Proposed Elevations <i>(Plan ref: 4263-CA-00-00-DR-A-05010 Rev SK3)</i></p> <p>Proposed Smaller Unit Proposed Elevations <i>(Plan ref: 4263-CA-00-00-DR-A-05011 Rev SK2)</i></p> <p>(See also the Five images of the G.Park Blue Planet warehousing development at Chatterley Valley, Stoke-on-Trent)</p>	<p>Figures showing the elevations of each of the buildings forming the development have been provided. The three larger buildings will have a maximum height of 21m, whereas the smaller building will have a maximum roof height of 12m. These building heights are comparable (although still taller) to the other industrial buildings to the south, south-east and west of the site. They are, however, much larger than the nearby properties at Birchmoor to the north.</p> <p>Indicative elevations have been provided which illustrate that the buildings would use colour banding transitioning from green to grey as they get higher up. This design may help the development blend better into the landscape and sky, particularly when viewed from more elevated locations (e.g., Viewpoint 8). In addition, the curved roof on the buildings may help the buildings blend better into the sky, albeit that at this outline stage there is no certainty as to the design/colour etc. Agreement through Reserved matters would be required.</p> <p>Although the development will be a very prominent feature in views from the surrounding landscape (particularly to the east) whilst the mitigation planting matures, the colour banding approach is considered to be more suitable than using block colours, for example as used in the light grey scheme to the south of the site. This existing scheme is visually very prominent in the landscape.</p> <p>The photos of G Park Blue Planet are helpful in understanding what the development may look like once built, albeit again at this outline stage, the design is uncertain. One comment is that the green colour used on these appears to be much brighter than indicated in the proposed elevations, and therefore appears more prominent. It is recommended that if this approach is taken slightly more toned down/ natural looking RAL colours are used.</p>
<p>Sections A, B, C and D based on Indicative Masterplan INST+ Specification <i>(Plan refs: 403.11077.00001.LAJ-54)</i></p>	<p>Cross sections across the site have been provided based on the indicative master plan.</p> <p>Section A-A' provides a south-north cross section across the site. It illustrates that the large building at the southern end of the site will sit at a level slightly above the existing ground level, whilst the larger buildings in the middle and northern part of the site will sit at lower elevations compared to the existing ground level. The ground level will be stepped further north in the site, with the smallest unit sat higher up compared to the others. Although the</p>

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<p>Rev D and 403.11077.00001.LAJ-55 Rev D)</p>	<p>ground level of this unit will be higher, it will still sit below the existing ground level, and the height of the building itself will be lower than the larger units.</p> <p>The proposed tree planting between the buildings and Birchmoor will be on bunding which sits at a higher level to the current ground level of the site. This bunding will be tapered. A separation distance of c.15m will be maintained between the bunding/ woodland and between the gardens of Birchmoor. This area currently contains paddocks. Therefore, the proposed northern bund and woodland is not expected to cause loss of sunlight. Detailed plans should be reviewed as part of Reserved Matters, to examine this issue, as these south facing properties presently benefit from their open outlook across the fields and the sunshine which falls on their facades.</p> <p>Sections B-B', C-C' and D-D' provide a west-east cross section at the southern, middle and northern parts of the site. Bunding as shown in the C-C' cross-section of the site appears to be quite high compared to the northern and southern sections. As previously discussed, LUC still consider that the scale of this bunding as shown indicatively is not sympathetic to the character of the surrounding landscape. However, it is understood that this bunding is indicative and that the final morphology would be set out at Reserved Matters stage, whereby a scape and scale more sympathetic to the surrounding landscape can be agreed.</p>
<p>Type 3 Photomontages (based on Indicative Masterplan INST+ Specification)  (ref: 403.11077.00001.LAJ- 56-LAJ-70 Rev E)</p>	<p>Type 3 photomontages are provided from viewpoints 1, 4, 5, 8, and 9. These show the existing view, a photomontage of the proposed development at year 1 (showing building and landform but no vegetation), and a photomontage of the proposed development at year 15 (with proposed planting modelled in at a height of 8m). The photomontages use the winter photography that was captured this year following our meeting on 31<sup>st</sup> January.</p> <p>LUC have previously raised concerns about the levels of effect which have been identified in the LVIA. This was based on a limited number of wirelines which were provided (showing the mitigation planting once matured). Photomontages have been produced from 5 viewpoints. LUC have revisited the LVIA in light of these visualisations. Our comments are provided below.</p> <p><b>Viewpoint 1</b> – The LVIA identified a slight magnitude of change (MOC) at construction, and a negligible MOC after 15 years. The visual effect is Moderate (not significant) at construction and Minor (not significant) after 15 years.</p> <p>The photomontage produced for year 1, clearly shows the proposed development forming a prominent feature and taking up much of the view from this location. LUC disagree that the MOC is 'slight' with an overall moderate (not significant) effect. LUC consider this to be a substantial MOC resulting in a significant effect.</p> <p>LUC agree that screening provided at year 15 will reduce the MOC and significance of effect, although the planting itself will also result in a significant change to the view.</p> <p><b>Viewpoint 4</b> - The LVIA identified a substantial MOC at construction, and a negligible MOC after 15 years. The visual effect is Major (significant) at construction and Moderate (not significant) after 15 years.</p> <p>The photomontage produced for year 1, clearly shows the proposed development forming a prominent feature and taking up much of the view from this location. LUC agree that the MOC is 'substantial' with an overall major (significant) effect.</p> <p>LUC do not agree that the MOC at 15 years will be negligible, as the proposed development would be clearly visible above the intervening mitigation planting, and the bund and planting itself would also lead to a significant change in the view.</p> <p><b>Viewpoint 5</b> - The LVIA identified a slight MOC at construction, and a negligible MOC after 15 years. The visual effect is Moderate (not significant) at construction and Minor (not significant) after 15 years.</p> <p>The photomontage produced for year 1, shows the proposed development as a notable feature in the photomontage, albeit with views filtered by intervening vegetation. Given the prominence of the proposed development from this view, LUC <b>disagree</b> that the MOC is</p>

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	<p>'slight' with an overall moderate (not significant) effect. LUC consider this to be at least a medium MOC resulting in a significant effect.</p> <p>LUC do not agree that the MOC at 15 years will be negligible, as the proposed development would be clearly visible above the intervening mitigation planting. The view remains largely similar between year 1 and year 15 from this viewpoint due to its elevated nature.</p> <p><b>Viewpoint 8</b> - The LVIA identified a medium MOC at construction, and a slight MOC after 15 years. The visual effect is Moderate (not significant) at construction and after 15 years.</p> <p>The photomontage produced for year 1, clearly shows the proposed development forming a prominent feature and taking up much of the view from this location. LUC <b>disagree</b> that the MOC is 'medium' with an overall moderate (not significant) effect. LUC consider this to be a substantial effect with significant effects.</p> <p>LUC do not agree that the MOC at 15 years will be slight, as the proposed development would be clearly visible above the intervening mitigation planting. LUC consider this to be at least a medium MOC, as a result of the new buildings. The proposed hedgerows and field trees would be beneficial and are welcomed.</p> <p><b>Viewpoint 9</b> -The LVIA identified a slight MOC at construction, and a negligible MOC after 15 years. The visual effect is Moderate and minor (not significant) for walkers and vehicle users, respectively, at construction and Minor (not significant) after 15 years. LUC agrees with this assessment. Seeing this photomontage, we would suggest that the location is not particularly informative. The view would be more apparent from further along the road to the east.</p>



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