

LOCAL ACCESS FORUM

For the attention of:

Andrew Collinson

Case Officer

North Warwickshire Borough Council

(By Email)

26 July 2025

Dear Mr. Collinson

**Ref: Thrive Logistics Project: Junction 9 M42 – on open green belt
agricultural Land between Wishaw and Curdworth Warwickshire:**

PAP/2025/0221 - OBJECTION

This letter constitutes formal advice from the Warwickshire Solihull and Coventry Local Access Forum. North Warwickshire Borough Council as a section 94(4) body in the area of the LAF is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions which include:

- The needs of land management,
- Desirability of conserving the natural beauty of the area for which it is established, including the flora and fauna and geological and physiographical features of the area.
- Advise the Planning Inspectorate on access issues in respect of land use planning matters.
- Advise on the recreation and access implications of individual planning applications on all public rights of way issues including roads and highways.
- The term 'land' is not defined in the CROW Act, which means that the definition in the Interpretation Act 1978 applies. This stipulates that 'land' includes "buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right over land"

Background:

We were initially invited by IM Properties to attend workshops on Active Travel, Access and Public Rights of Way. We attended virtually on 14/05/24 and, in person, on 04/12/24. Members of the LAF also attended the Drop-In Session in Curdworth Village Hall on 20 September 2024. IM Properties were, in return, invited to give a

formal presentation to the WSC LAF on 16 January 2025 in Shire Hall Warwick with a Q&A session afterwards.

We are, therefore concerned not to have received details of a request for an EIA Scoping Opinion, or sight of the report, considering our involvement in the pre-application process at the invitation of IM Properties Ltd; we, in the company of other organisations including the Canal and River Trust and British Horse Society gave our time to positively contribute to what we thought was an open and transparent dialogue.

We believe a full Environmental Impact Assessment is essential on this irreplaceable open green belt land with its varied landscape, ecosystems and biodiversity. The land has continually produced food crops and cereals for the local market certainly since the second world war and is an important large parcel of productive land in the fast diminishing remaining agricultural land in UK food production in the area. The 300 acres of the best and most versatile open green belt productive agricultural land and its valuable natural landscape and vistas, in an otherwise cumulative sea of polluting motorway and major road networks and commercial developments, should be protected and conserved for future generations. Once it is gone it is gone forever.

The proposal to 'remove' the ancient Blind Pit Lane from the map and attempting to justify the decision by describing it as a 'rat run' is a dishonest description of reality. In addition, the intent to divert and change forever, the existing ancient public rights of way network, including bridleways, for what sadly purports to be altruistic reasons, is equally unacceptable. The decision is purely financial made for profit. The construction of 'permissive paths' is no substitute for retaining public rights of way which have been in existence for hundreds, if not thousands, of years. The 'owner', whoever that may be, of a permissive path can remove permission at any time and on a whim. Who is going to provide adequate insurance and security to ensure the safety of members of the public in case of accidents and other losses. Pedestrians, cyclists, dog walkers, the disabled and those with reduced mobility and CHILDREN do not sit well amongst commercial vehicles and cars using the internal road systems of a huge logistics development, for recreation? The internal road systems will be in constant use by HGV, commercial and workers vehicles; public use of the permissive paths will be a public safety nightmare without inbuilt security and 24/7 patrols.

"Permissive paths, sometimes referred to as concessionary paths, are not public rights of way and the public do not have a legal right to use them. They can play an important role in improving public access to the countryside providing a connection between existing public rights of way where gaps currently exist in the network. As permissive paths they are not public rights of way, landowners may impose conditions on their use. This can include restrictions on when the public can use them and how the paths are used (e.g. walkers allowed, but not cyclists or horse-riders)".

The existing Public Rights of Way including Blind Pit Lane cannot lawfully be closed obstructed or diverted without an application to the Highways Authority for a legal order or, in some cases, a closure order. It has to be demonstrated that the

diversion benefits the landowner or the public and that the new route isn't significantly less convenient for users. Obstruction of a public right of way is a criminal offence. Any decision for closure or diversion of the PRoW on the proposed Thrive logistics development is purely based on financial gain and a ploy to make the proposal appear more attractive to local communities.

Those buying or leasing the huge logistic warehouses and smaller units will not want members of the public, which will inevitably include those with malicious intent, to have free access 24/7 to storage and working facilities. The cost of providing security patrols and insurance against accidents and loss on such a vast development would be prohibitive. It is a flawed premise to suggest such a proposal is sound and deliverable. The entire proposal to give the public 24/7 access to the site for 'recreation' and other pursuits is clearly deeply flawed

If the viability of the huge financially speculative commercial development proposed to be constructed on open green belt productive, best and most versatile, agricultural land in UK food production is dependent on changing the entire layout and design of an ancient highway system, including an ancient lane, public rights of way including bridleways, that have connected communities for hundreds of years and which are 'kind' to the irreplaceable rural landscape, for purely for financially speculative reasons, the proposed development is clearly and unequivocally in the wrong place.

The proposed Thrive logistics development negatively and cumulatively impacts the safety of all the local roads and village accesses. Supporting reports do not provide any believable or compelling evidence on how the already dangerously overcrowded narrow local roads and lanes can suddenly be changed to mitigate the negative effects of, what will be, undeniable huge increases in commercial and HGV traffic. Local residents and communities are already at the mercy of dangerously overcrowded local roads and gridlocked access on a daily basis. The proposal contains no believable proposals to upgrade the local highway infrastructure in mitigation.

For instance, crossing the Kingsbury Road from Wishaw Lane (adjacent to the White Horse) to access Coleshill Road and Curdworth village is a nail-biting experience and only one of many in the area. The proposed vast logistics development will inevitably cause exponential increases in HGV, other commercial traffic and private vehicle movements, to and from the proposed site, onto already gridlocked local roads and the wider highway and motorway networks. Highways and Transport assessments and reports are fatally flawed and lack veracity; there can be no effective or safe mitigation of a proposal which, at the onset, is fatally flawed.

The largest logistics warehouse on the site is 1 million square feet, larger than any Amazon warehouse in the UK and is one of circa 10 huge warehouses and several smaller units to be built on the proposed site. The numbers, type and size of commercial traffic movements and numbers of worker journeys to and from the site each day, and from where, remain merely an assumption, a concept.

The assumptions on public transport sustainability also remains an ill-conceived concept with the overwhelming historic reality, based on experience, that workers

will favour the speed and convenience of private car travel. Any huge development, built on a site inaccessible to public transport will inevitably be dependent on private car travel. Public transport to and from such an isolated rural setting will not be served by time sensitive and cheap public transport. Sustainable public transport has to be financially viable for providers to make a profit; this proposal is clearly unviable.

Developers and Planners cannot continue to advocate proposals where increases in traffic, of all sizes, continues to pour onto our overstretched highway and motorway networks infrastructure. The safety and wellbeing of all road users and, in this case, the daily health, safety and wellbeing of local residents and communities, using the local road and lane network, is at serious risk.

It is disingenuous to suggest, in supporting documents, this proposal is 'public transport' sustainable and more dishonest to promote cycling and walking, to and from the site, as a safe option to using private cars. The entire proposal is unsustainable and remains a concept.

When considering the climate emergency, losing 300 acres of permeable open productive green belt land in UK food production (BMV) and replacing it with huge swathes of warehouse roofs all WITHOUT provision of solar panels is unthinkable. Increasingly frequent and intense weather events caused by the climate change emergency cause flooding and other unwanted issues. The cumulative loss of the best and most versatile green belt permeable agricultural land in UK food production (BMV) which also sequesters carbon confirms the unsustainability of the proposed development and the naivety of those promoting it as 'sustainable'.

In addition, the loss of the recreational and health benefits, gained from access to public rights of way networks which connect the rich local natural environment, open green belt land and the irreplaceable ecology, ecosystems and biodiversity it supports, are incalculable. The medically recognise mental and general health benefits gained from access to the open countryside are irreplaceable and can never be replicated within a commercial setting. The openness of the proposed site, where one is unaware of the surrounding major road networks lying below and beyond due to the falling lie of the land, is truly irreplaceable

We repeat: the loss of 300 acres of open, best and most versatile, agricultural Green Belt land in full UK food production, it's species rich ecology and biodiversity and vitally important ecosystems, hidden archaeological importance and ancient hedgerows, trees, ponds and watercourses, are truly irreplaceable. Once they have gone they are gone forever.

The potential damage caused during construction and operation of such a huge project, on the sensitive habitats, ecology and biodiversity living and thriving alongside the Birmingham and Fazeley Canal (completed in 1789) and the negative impact of increases in the size and weight of commercial and other vehicles using the narrow 236-year-old canal bridges is unconscionable.

Archaeological features and material discoveries around Over Green, Wishaw and Curdworth are extensive with the potential for undiscovered artefacts and finds not appropriately investigated.

The finds include:

- Prehistoric enclosures and cropmarks and deserted settlement near Curdworth.
- Ridge and furrow agriculture
- Roman coin hoard Wishaw Hall Farm Grove Lane
- Cropmarks, prehistoric enclosures visible on aerial photographs south east of Pool Hall
- Worked Flints
- Burnt Mound Wishaw Hall Farm
- Iron Age Pit Alignment near medieval Lynchet. One pit containing a human skull and pottery sherds.
- Moat and possible fishponds

The failure to undertake appropriate archaeological investigation of the proposed 300-acre site is unacceptable. Again, once it has gone it is gone forever.

The proposal breaches:

NPPF Policy 13 - Protecting Green Belt land.

The 300-acre site represents one of the last large parcels of productive, best and most versatile, Green Belt agricultural land in UK crop production in the area. The land is also one of the last areas of open Green Belt land to assist in:

- checking the unrestricted sprawl of large built-up areas and
- safeguarding the countryside from encroachment

Furthermore:

- the proposed site is unsustainable with consequences for future sustainable development
- it has not been demonstrated that a full examination of all other reasonable options for meeting the perceived need for commercial development has been carried out which makes use of brownfield, derelict or sites on underutilised land.
- most of the proposal remains speculative and a concept with a lack of definitive information on the configuration and use of the huge units.
- The size and makeup of the workforce and skills to be employed also remain a mystery.

- The 'need' for the huge development is undefined and speculative.

We have serious concerns for the uncompromising cumulative negative impact on the surrounding area and the undeniably clear and significant adverse impact on the distinctive character and identity of local villages especially Over Green, Wishaw and Curdworth.

The impact of the large-scale logistics, storage and distribution facility will be hugely significant with the cumulative negative impact on the safety, health and wellbeing of local residents and wider communities from the overwhelming increases in commercial traffic compromising their daily lives, unconscionable.

We do not believe Very Special Circumstances have been demonstrated or exist which outweigh the inappropriateness of the proposal.

NPPF Policy 15 – Conserving and enhancing the natural environment:

187 Planning policies and decisions should contribute to and enhance the natural local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.....;
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecoservices – *including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- Minimizing impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.
- Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water and noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as water quality, taking into account relevant information such as river basin management plans; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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- The presumption in favour of sustainable development does not apply where the plan or proposal is likely to have a significant effect on a habitat site

(either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plans or project will not adversely affect the integrity of the habitats site.

NPPF Policy 13 :

153 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is **clearly outweighed** by other considerations.

We believe the only exceptions which the developer may attempt to rely on, are the following:

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Development in the Green Belt is inappropriate unless one of the following exceptions applies.

- Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it

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- There is a demonstrable unmet need for the type of development proposed where the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

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- The planning system should actively manage patterns of growth in support of these objectives (Promoting sustainable transport). Significant development should be focused on locations which are, or can be made sustainable, through limiting the need to travel and offering a **genuine** choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health. ***However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision making.***

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In assessing sites that may be allocated for plans, or specifically applications for development, it should be ensured that:

- Sustainable transport modes are prioritised taking into account the vision for the site, ***the type of development and its location***
- ***Safe and suitable access to the site can be achieved for all users***
- ***Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated*** to an acceptable degree through a vision-led approach.

We believe that **none of the above 'exceptions' apply** in the case of this undeniably unsustainable 300-acre rural productive Green Belt (BMV) agricultural site. The concept proposals for sustainable public transport are unrealistic and unachievable.

Safe and suitable access to the site for all users is unachievable.

The type of development and its location preclude demonstrating very special circumstances exist.

The undeniably dangerous, significant negative and cumulative impacts from the proposed development on the local transport network, in the terms of capacity and congestion, are unequivocal. The cost of effectively and appropriately upgrading the local lane, road and highway infrastructure to provide genuine mitigation of road safety and congestion issues for ALL, including providing safe accesses to local villages would be prohibitive. There is no definitive information within the application which genuinely and believably provides compelling evidence that any of the above can be genuinely achieved. The project remains a concept.

No 'Very Special Circumstances' have been demonstrated which outweigh the inappropriateness of the Thrive proposal on the safety, health and wellbeing of local residents and communities. The adverse and cumulative negative impacts on local road, lane and highway safety remains a major issue as does the adverse effect on the character and identity of local villages.

We believe a legal precedent has already been set for such development in the area by the Appeal Decision, on a **NON-GREEN BELT** site on land north-east of Junction 10 of the M42 Motorway in North Warwickshire, dated 05 August 2024.

The appeal made under section 78 of the Town and Country Planning Act 1990, against North Warwickshire Borough Council by Hodgetts Estates, application Ref: APP/R3705/W/24/3336295 (PAP/2021/0663) was **DISMISSED** after an Inquiry lasting 12 days:

The Appeal Decision is extremely detailed and thorough and although it is not feasible to list all the details within the decision here, weighty material planning considerations outweighed any very special circumstances presented in evidence and cross referenced by the Inspector in the decision notice.

We believe the Dismissed Appeal Decision (3336295) is compelling when considering the much larger proposed (300-acre) logistics site, a more destructive proposal to be built on open productive, best and most versatile, Green Belt agricultural land in full UK food production known as the Thrive project situated at Junction 9 M42 – in an irreplaceable open Green Belt landscape between Wishaw and Curdworth - **PAP/2025/0221**.

The Inspector, David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, makes vitally important detailed comparisons of evidence given and reaches a balanced and honest decision which relates to reality and fact.

The following brief summary paraphrases some of his points:

- *Concerns about the development's impact on the character of the surrounding area and its potential to compromise the strategic gap between adjoining towns and villages.*
- *Specifically, the Inspector concluded the proposed development would have a 'clear and significant' adverse impact on the distinctive character and identity of local villages as the proposal involved large-scale industrial storage and distribution development.*
- *The speculative nature of the proposal and lack of information regarding size and configuration of building(s) and future occupation required application supporting figures to be treated with caution.*
- *He also stated that; whilst accepting that providing people with a place to work is important, NWBC argues that the proposal would not align with other aspects of its Sustainable Community Strategy as by failing to protect landscape and Strategic Gap it would not accord with the environmental and amenity considerations of this strategy; a view the Inspector shared.*
- *While giving modest weight to some of the social benefits proposed referenced in paragraph 8 of the NPPF, active travel and 'fitness trail' the Inspector came to the opinion that these did not.*
- *While recognising benefits the Inspector concluded the harm caused to the character and appearance of the surrounding area, to the integrity of the strategic gap, and the resulting significant adverse impact on the character and identity of local villages means the proposal is not 'otherwise acceptable.*
- *Conflict with adopted development plan policies reinforces his point.*

- *In not satisfying LP policies the proposal and, therefore, does not attract significant weight and clearly weighs heavily against the proposed development.*
- *The Inspector also concluded the appeal site would NOT be appropriate for an overnight parking area and associated facilities.*
- *He concluded that significant disbenefits arose from the proposed development in each of the following; economic, social and environmental terms and as such would not fully accord with the objectives and could not, therefore, be considered to represent sustainable development.*

The proposal does not represent sustainable development. In having regard to all other matters raised nothing has been found sufficient to outweigh the considerations that have led to the conclusion that the appeal should be DISMISSED.

The Warwickshire Solihull and Coventry Local Access Forum do not believe Very Special Circumstances have been demonstrated which outweigh the inappropriateness of the Thrive proposal on the safety, health and wellbeing of local residents and communities or on the adverse effects on the character and identity of local villages and the undeniable cumulative negative effects on the already seriously pressurised capacity of local, roads, highways and motorway networks. The day-to-day safety of residents and local communities when accessing and egressing local villages is already severely compromised.

The inevitable exponential increases in traffic, and size and weight of vehicles, accessing and egressing the proposed site will seriously compromise the safety and wellbeing of ALL road users. The proposed site is unsustainable. No genuine definitive proposals for mitigating the many individual components of the unsustainability have been provided. The project remains a concept.

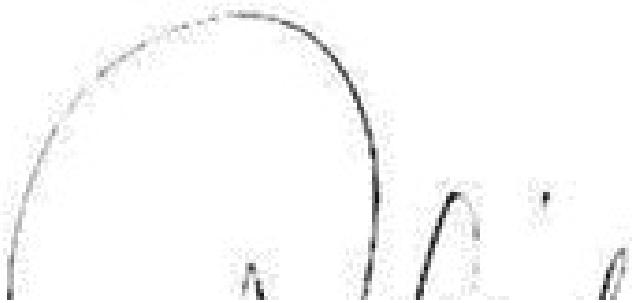
The loss of 300-acres of irreplaceable natural landscape in an open Green Belt environment with its rich ecology, biodiversity and ecosystems provided by productive best and most versatile agricultural land in UK food production in exchange for a financially speculative and undefined commercial development cannot be considered sustainable or acceptable.

The Warwickshire Solihull and Coventry Local Access Forum ask North Warwickshire Borough Council to **REFUSE** application **PAP/2025/0221** for all of the reasons as stated above.

We request an acknowledgement of receipt and confirmation that we will be kept apprised of the applications passage through the planning system. We also request confirmation that as a locally contentious Major Project it will be brought before the Planning Committee for determination.

We advise NWBC Planning that we will wish to speak at the planning meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sheila Cooper', with a large, sweeping arch over the first part of the name.

Sheila Cooper

Acting Chair of the Warwickshire Solihull and Coventry Local Access Forum

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