



LOCAL ACCESS FORUM

For the attention of:

Andrew Collinson
Case Officer

North Warwickshire Borough Council
(By Email)

27 January 2026

Dear Mr. Collinson

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

PAP/2025/0221 – Additional Response to Consultation.

The Warwickshire Solihull and Coventry Local Access Forum were disappointed to find North Warwickshire Borough Council (NWBC), as a section 94(4), body failed to notify the WSC LAF of an additional consultation, as an OBJECTOR. North Warwickshire Borough Council should have regard to relevant advice from this FORUM, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, in carrying out its function.

We do not intend to repeat our OBJECTION, dated 26 July 2025, but we do intend to respectfully remind the Council of various important planning considerations which are of enormous concern and which carry serious cumulative and dangerous implications for the safety and wellbeing of local residents and communities and all those, necessarily using the local lanes, roads and highway networks in the area. We do not believe any of these serious considerations can be appropriately or successfully mitigated.

The existing ancient Public Rights of Way, including Blind Pit Lane, cannot be legally closed obstructed or diverted without the landowner being able to demonstrate 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. The Thrive project seeks to permanently close Blind Pit Lane and summarily divert and change the status of several ancient public footpaths to 'permissive paths'.

The Thrive logistics development is based purely on financial gain. The use of community-based inducements and site orientated incentives to make the proposal appear more attractive to local residents and communities is questionable in planning law. None of these 'so-called' benefits fairly and reasonably relate to the project or the proposed use of the land. They are only being proffered as a general and unfair inducement which we perceive as a method of seeking to influence the planning decision.

In this case, questionable community benefits are clearly being proffered as an inducement in an attempt to influence the decision-making process.

This is also confirmed by the proposals surrounding the unwarranted diversion and re-locating of ancient footpaths (PRoW) and bridleway and proposal to permanently close the ancient Blind Pit Lane without honest and transparent information on their final status is disingenuous.

Relocating ancient public footpaths and reintroducing them as 'permissive paths' is clearly being used as an attempt to positively influence the planning decision.

Permissive paths are NOT public rights of way; the public have no legal right to use them. The Thrive planning application failed to openly and transparently inform on the legal status of permissive paths which are ultimate under the complete control of the landowner who can impose conditions on their use, including restricting when the public can use them, how the paths are used (e.g. walkers allowed, but not cyclists or horse-riders) and, moreover, the landowner can REMOVE any permissions at any time and on a whim.

The level of insurance cover required to grant members of the public, free or limited access to a privately owned and potentially dangerous logistics site, without 24/7 security and medical facilities, would be prohibitive and utter insanity.

The above CANNOT be legally considered as a material planning consideration to attempt to influence planning due process.

The unwelcome and unnecessary loss of the medically proven general and mental health and recreation benefits of free and safe access to Public Rights of Way in the countryside giving exposure to open and varied natural landscapes and habitats and the irreplaceable ecology and biodiversity ancient Green Belt land supports, is unconscionable. Such general and mental health benefits can NEVER be replicated within a commercial setting.

When we attended the consultation held by IM Properties in Curdworth Village Hall one of their senior representatives told us that the Thrive Project had already been 10 years in the making.

It was the wrong proposal in the wrong location circa 11 years ago and is still the WRONG proposal in the WRONG location today.

It remains a financially speculative, unsustainable concept project on unequivocally the WRONG site NOW. The eye-watering cost to get the proposal to this point can only be imagined. The expected profit margins must, therefore, also be eye-watering and all carried out at the expense of the cumulative negative impacts on the daily lives, safety and wellbeing of local residents and communities living in harmony with one of the last remaining 300-acre parcels of agricultural Green Belt, best and most versatile agricultural land, in full UK food production in the area.

The 300-acres of prime (BMV) Green Belt agricultural land, between Curdworth and Wishaw, has been in full UK food production growing a variety of vegetables for Birmingham markets and cereals, since the Second World War and probably well before that. The carbon this land sequesters and the positive small carbon footprint from growing food for local markets, makes it a reliable and irreplaceable asset within the Climate Change Emergency. It also acts to provide 300-acres of permeability in the land and crops it grows. The value of this land in combating the increases in intensity and frequency of adverse weather and rain is incalculable.

The huge adverse impacts on the already dangerous and often gridlocked local lanes, roads, highways and the motorway network will also rise exponentially with the overwhelming

increases in HGV, other commercial traffic and private vehicles necessarily accessing and egressing the site on a daily basis.

The increase in size and weight of HGVs, other commercial vehicles and private cars, has grown over the 10+ production years of the Thrive Proposal already casts serious doubt on the veracity of the application and many of the supporting documents.

Transport Reports and Highway Assessments relying on desk-based study, modelling and assumption and certain consultees supporting responses give an overwhelming impression of few having very little or no meaningful knowledge of the project or the site

There can be no effective or safe mitigation of a proposal which, from the outset, some 10+ years ago, was fatally flawed and is exponentially more fatally flawed today.

The Thrive proposal and chosen rural site remains an ill-conceived unsustainable and unviable concept project lacking credibility.

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.

No Very Special or Exceptional Circumstances have been demonstrated or exist which outweigh the inappropriateness of the proposal on BMV Green Belt land in UK Food Production.

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:

Development in the Green Belt is inappropriate unless one of the following exceptions applies and even then has to weighed up against other material considerations.

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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.*

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 do not believe ANY **of the above 'exceptions' apply** on the undeniably unsustainable 300-acre rural productive Green Belt (BMV) agricultural site in full UK food production. The concept proposals for providing sustainable public transport and highway safety mitigation are unrealistic and unachievable.

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

The type of development and its unsustainable 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. The application fails to provide believable definitive information which provides compelling evidence that any of the above can be **genuinely** achieved. The project remains a concept.

We were deeply concerned when reading correspondence from National Highways, the first dated 24 June 2025 and second, and most recent, dated 06 January 2026. The first documents asked for clarification for the application to be deferred for 3 months; the second, dated 06 January 2026 clearly remained dissatisfied and, yet again, asked for another 3 months deferment.

We believe this shows an unwillingness to respond appropriately or a willful inability to respond, openly and transparently, to satisfy the requests for information from National Highways, on both occasions?

This gives us cause for huge concern and makes us ask the question why the developer is failing to answer questions from those who work, every day, at the sharp end of the Highway network and, therefore, on the dangerous road and highway network safety issues at the forefront of our OBJECTION.

No 'Very Special or Exceptional 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 respectfully remind the Council of the DISMISSED Appeal Decision for a development, in the same area, proposed on a NON-GREEN BELT site on land north-east of Junction 10 of the M42 Motorway in North Warwickshire, dated 05 August 2024.

We believe the DISMISSED Appeal Decision set a WEIGHTY PRECEDENT which should be considered as a Weighty Material Planning Consideration when OBJECTING to application PAP/2025/0221.

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:

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 on open Green Belt agricultural (BMV) land between Curdworth and Wishaw.

The Appeal Decision detailed weighty material planning considerations which outweighed any very special circumstances presented in evidence which were referred to by the Inspector in the decision notice.

The Inspector, David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, makes 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 or Exceptional 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 and congestion 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 concept commercial development cannot be considered sustainable or acceptable.

In our additional consultation response, the Warwickshire Solihull and Coventry Local Access Forum again ask North Warwickshire Borough Council to **REFUSE** application **PAP/2025/0221** for all of the reasons as stated above and in our previous OBJECTION.

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 request to speak at the forthcoming planning meeting.

Yours sincerely

A handwritten signature in cursive script that reads "Sheila Cooper". The signature is written in black ink on a white background. Below the signature is a long, horizontal, slightly wavy line that serves as a decorative flourish or underline.

Sheila Cooper

Acting Chair of the Warwickshire Solihull and Coventry Local Access Forum
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