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Our ref: VL/EXT00001/00014

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By email only:

chris.brown2@hinckley-bosworth.gov.uk

Dear Mr. Brown,

Site:	MIRA Technology Park South Site
Planning Application:	22/00882/OUT
The Applicant:	ERI MTP Ltd
Our Client:	Extra Room Self Storage (ERSS) & Drayton Grange Farm

We refer to our previous correspondence regarding the above matter and the Planning Committee meeting held on 30 June 2026. Our Client is grateful to Members for agreeing to the requested deferment until 28 July 2026. This letter addresses a number of key points and corrections we consider need to be addressed in advance of the July meeting.

1. Planning Balance

The oral advice given to Members at the June Committee meeting as to the planning balance was mistaken and misleading and must be corrected both orally and in the Officer's Report to the July meeting. Members were advised by Planning Manager, Ed Stacey, that if Members judge the impact on Our Client's business to be unreasonable, then planning permission can still be granted on the basis that the significant benefits of the MIRA scheme, including the creation of 2,500 jobs, outweigh the policy breach and the harm to Our Client's business. With respect, that is not the appropriate test for Members to consider, nor is it a rational basis on which to grant the planning permission in the current circumstances.

It is now accepted that there is a viable and deliverable alternative highways solution which can avoid the harm to Our Client's business whilst also enabling the MIRA scheme to proceed (with all its attendant benefits - including the 2,500 jobs). In these circumstances, the issue for Members to consider is whether (i) to grant planning permission for the scheme as it is, whilst causing unreasonable impacts on Our Client's business and breaching policy; or (ii) to grant planning permission for the scheme subject to conditions (see below) which avoid the harm to Our Client whilst still bringing forward both the economic benefits of the MIRA scheme and preserving the continued economic benefits of Our Client's businesses.

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In other words, there is no need for the Council to choose between the benefits of the MIRA scheme and the continuation of Our Client's business. With the viable, deliverable and safe alternative which is now under consideration, it is open to the Council to make a decision in the public interest which secures both. Whether or not the benefits of the MIRA scheme are considered to outweigh harms caused to Our Client is beside the point. To avoid continuing to mislead Committee and the risk of a resulting irrational decision, Members should be clearly advised by Officers (both orally and in writing) as to the correct and rational way to approach their decision making in circumstances where they may disagree with Officers as to the reasonableness of causing avoidable harm to Our Client's business.

2. Consultation with Leicestershire County Council (LCC) and Warwickshire County Council (WCC) as Highway Authorities (HAs)

To date, the HAs' remit has been limited to whether the Applicant's left in left out (LILO) arrangement offers acceptable highway mitigation for the development and the HAs have been reluctant to consider and comment on Our Client's alternative highways solution on the basis that it is 'not being put forward by the applicant'.

In circumstances where, as here, the Council (at least Members) are keen to explore an alternative highways solution which is less harmful in wider planning terms, it is incumbent on Council Officers to press the HAs to engage with that alternative. It is not open to the Council to simply rely on the HAs refusal to engage as evidence of unacceptability.

It is important for Members to be properly advised as to whether Our Client's alternative highways solution (which offers a synchronised signalised solution, with appropriate mitigation and monitoring, if necessary) could provide an acceptable (in highway terms) way of allowing the development to proceed. Members need clear advice as to whether the alternative highways solution would allow the MIRA development to proceed without causing unacceptable highway safety impact or 'severe' traffic congestion (in NPPF terms). National Highways (NH) have already confirmed this position. It is now incumbent on the local HAs to do the same. It is not sufficient for them to simply express a preference for the current scheme or to refuse to engage.

LCC's refusal to engage with Our Client's alternative highways solution on the grounds that it was not put forward by the Applicant is irrational in circumstances where consideration of alternatives is relevant to the determination of the Application and where HBBC has accepted that consideration of alternatives is relevant. NH have now accepted this approach. If Members do find that the restrictions are unreasonable (as appears to be already the case with at least some Members), it is not good enough for LCC to say that they will not advise on alternatives and HBBC should advise LCC accordingly.

At the very least, for Members to be sufficiently informed to be able to make a rational decision based on planning considerations, they need, as a minimum, clear advice as to whether the alternative provides acceptable mitigation for the MIRA scheme in highway terms. This advice has already been affirmatively provided by NH and this should be clearly conveyed and relied on. It would be irrational for Officers or Members to rely on suspicions of lingering concerns or on unevidenced preferences of the local HAs unless and until those HAs are able to engage constructively and provide full reasons for any issues they may have with the alternative mitigation proposed (including making clear whether their concerns merely relate to a preference for one scheme over the other or actually relate to the key issue, namely

as to whether the alternative mitigation scheme is acceptable in highway terms by reference to the NPPF 'severe' impact threshold).

3. Synchronised signalisation at Drayton Lane and Woodford Lane

During the Committee meeting, Officers advised Members that NH had referred to additional delays on the A5 if both Woodford Lane and Drayton Lane were signalised.

This assertion requires careful qualification in the Officer's Report to the July meeting. NH did not conclude that signalisation of Drayton Lane would cause unacceptable congestion or give rise to a highway safety objection. On the contrary, section 4.1 of NH's AMR states:

"NH agrees with the DTA assessment that it is technically possible to signalise Drayton Lane without causing undue congestion or safety risks."

This conclusion is important. It is not a finding that the signalised option would create unacceptable queuing on the A5, severe congestion, or safety concerns. It is an express finding that signalisation is technically possible and can be delivered *"without causing undue congestion or safety risks"*. In light of this NH advice, in planning policy terms (NPPF), there is no rational basis for rejecting the signalised option for 'delay' reasons. This is another related matter on which clear advice needs to be given by Officers to Members.

It is also important that Members are advised of the correct comparison. The comparison is not between no traffic lights and two sets of traffic lights. It is between the Applicant's proposed signalised junction at Woodford Lane, with LIFO at Drayton Lane and Our Client's alternative proposal for co-ordinated signalisation at both Woodford Lane and Drayton Lane.

The signalisation proposed as part of Our Client's alternative highways solution has been designed to operate in a co-ordinated manner, with the signal timings synchronised so that the two junctions work together as a linked system. The purpose of that design was expressly to manage A5 traffic flows and avoid additional delays to traffic on the A5 from the additional proposed Drayton Lane signals operating alongside the already-proposed Woodford Lane signals.

4. Inaccuracies relating to affected journeys to Our Client's business

During the Committee meeting, the Applicant's representative asserted that only 11% of journeys to Our Client's business would be affected by the proposed LIFO arrangement at Drayton Lane. This materially understates the extent of affected traffic movements.

The quoted 11% figure does not reflect the traffic evidence that Our Client has already provided to HBBC in the Traffic Survey Report dated 1 July 2025. The Report was based on two independent 7-day surveys undertaken by Auto Surveys Ltd (e-mailed to you on 2 July 2025) together with customer origin data and route modelling. This Report was prepared in response to Councillor Dr James Moore's request at the Planning Committee meeting on 17 June 2025 for ERSS to clarify the traffic impact.

By way of reminder, the Report concluded that MIRA's wider highway proposals would result in:

- longer journeys for approximately **75% of ERSS customers**;
- around **100 trips per day** would be affected;
- a weekly additional diversion of approximately **2,394 km**;
- approximately **40 hours** of additional travel time per week.

To provide a direct comparison with the Applicant's figure, ERSS assessed the proposed Drayton Lane LILO arrangement in isolation, excluding the separate diversionary impact of the partial closure of Caldecote Road. That analysis shows that:

- **60% of customer visits to ERSS** would have a longer travel distance;
- around **80 trips per day** would be affected;
- ERSS users would experience approximately **2,000 km** of additional travel per week; and
- approximately **34 hours** of additional travel time per week.

Some further commentary on why the Applicant's figures differ from ERSS is included at Appendix 1 of this letter. The 60% figure identifies the proportion of ERSS visits with a longer travel distance; it does not capture the full practical impact of the LILO restriction. In particular, it does not reflect the likely additional journey time for traffic from the east and A444 south (36.9%) diverted through Fenny Drayton village at lower vehicle speeds. Nor does it capture the added complication of visits involving different arrival and departure routes, or the effect on accessibility of diverting commercial traffic, including HGVs onto narrow village roads.

During the Committee meeting, Officers advised Members that "*only a minority*" of ERSS trips would be affected and that those trips "*will not be prevented but will just have a short delay.*" If Officers continue to rely upon the 11% figure rather than Our Client's Report, Members should be clearly advised as to why this is the case. This evidence is directly relevant to the assessment under paragraph 200 of the NPPF. If Members rely on this erroneous advice without adequate reasons being given for rejecting Our Client's expert evidence on the issue, their decision is likely to be vulnerable to legal challenge.

5. Economic and commercial impact on ERSS

At the June Committee meeting, Councillor Williams questioned whether the 11% figure was the only quantified evidence Members had of the impact of the LILO arrangement on Our Client's business. It was not. In addition to the Traffic Survey Report, Our Client has also provided a Financial Impact Assessment (see our letter to HBBC dated 16 June 2025). This was not referenced in the Officer's Report or during the Committee debate. This is another misleading omission which needs to be corrected by Officers.

Further, the assessment of impact must address the commercial reality of Our Client's business. This is that distance and accessibility are the primary factors influencing a customer's choice of self storage provider.

The impact of the proposed LILO arrangement is not properly assessed simply by asking how often an existing storage customer may visit their unit. During the debate, Officers directed Members to paragraph 8.38 of the Committee Report, which describes some, but not all, of the possible rerouting options and additional distances (see Appendix 1), and paragraph 8.41, which considers the frequency with which existing storage customers may visit their units. Those paragraphs do not address ERSS's principal commercial concern: reduced customer acquisition and move-in activity.

Self-storage is a choice-based business, and the critical commercial impact arises at the point of customer enquiry, where accessibility, perceived convenience, simplicity of route and ease of van / HGV access are material factors in customer decision-making.

Our Client's business relies upon a continuing flow of new move-ins, not just visits by existing customers. Many customers are short-term. Our Client must attract approximately 100 new customers each month simply to maintain occupancy. Any reduction in accessibility, or increase in journey time, journey cost or route complexity, will hinder customer acquisition. This is particularly relevant for valuable longer-term business customers who often require regular access to tools, stock and equipment.

That point was reinforced by the Financial Impact Assessment, which modelled scenarios based on reductions in new customer move ins. The financial modelling evidenced that even a 25% reduction in new customer acquisition - from 100 new customers per month to 75 - would make the business loss-making in approximately 8 months.

Members should not therefore be advised that the impact of the LILO arrangement is limited to a small delay for occasional access by existing customers, without also being advised of ERSS's evidence that the principal commercial harm arises from reduced customer acquisition and move-in activity. We ask that this be addressed in the Officer's Report to the July Committee and that Members' attention be drawn to it in your oral presentation and update.

Indeed, as already noted by one Member at the meeting, it is simply not credible that Our Client would be continuing to expend so much effort, time and cost to seek to achieve an alternative solution if the likely impacts on its business were as limited as contended by the Applicant and Officers. This is a crucial point that needs to be properly understood as it is obviously Our Client who is best placed to understand and predict effects on its own business.

6. Grampian Condition

As previously indicated in our letters dated 16 June 2026 and 30 June 2026, we urge you to advise Members that it is possible to accommodate a satisfactory way forward without needing to refuse the Application or causing further delay to the Applicant. This can be achieved by amending condition 3 of the planning permission originally granted on 19 January 2026 to delete the drawings relating to the Woodford Lane/Drayton Lane Safety Enhancement Scheme and for Grampian conditions to be imposed along the lines of the following:

"No part of the development hereby permitted shall be commenced until a scheme of works to improve highways access at the A5 Watling Street / Woodford Lane / Drayton Lane junctions has been submitted to and approved in writing by the local planning authority in consultation

with the highways authorities. For the avoidance of doubt, this shall include signalisation of both the Woodford Lane and Drayton Lane junctions.”

“No part of the built development hereby permitted shall be occupied until the scheme of works to improve highways access approved under condition [x] above has been completed and opened to traffic.”

The Grampian condition route is important because it gives Members a practical mechanism for ensuring that the development can proceed without defaulting to the Applicant's preferred LILO arrangement simply because it is the scheme currently before them. It allows the detailed highway scheme to be resolved through condition, in consultation with the highway authorities, while requiring a signalised solution which avoids unnecessary and permanent harm to Our Client's business.

Whilst, in your presentation, you made very brief reference orally to the potential to deal with the alternative by way of condition, this option was not presented to Members in the Officer's Report to the June meeting and was not clearly explained. The impression given was that all the highways details would need to be settled and worked up fully in advance of a Committee resolution. As you know, that is not the case. This type of highway detail is routinely dealt with by planning condition, once its acceptability in principle is established (as is the case here). This is another point that needs to be expressly corrected in advice to Committee.

It is worth also noting that this route would not cause a problem with the existing North Warwickshire Borough Council (NWBC) planning permission. Once the position of HBBC is clear (being the authority within whose area the highway works are situated) relevant conditions on the NWBC planning permission should be capable of being amended in a straightforward manner through the submission of a s.96A application (or, if required, through a s.73 application).

7. Traffic reassignment through Fenny Drayton

The concern about traffic reassignment through Fenny Drayton was given significant weight during the Committee debate. However, it was also acknowledged that the scale of any such reassignment under a signalised Drayton Lane option has not been quantified.

If that concern is to be relied upon as a reason for refusing to require, or at least further explore, signalisation at Drayton Lane, Members should be told clearly whether there is any quantified evidence of the likely reassignment effect. If there is not, Members should be advised that the concern is a matter of professional judgment rather than quantified modelling and that NH have made clear that it 'is not an insurmountable issue'. They should also be advised that this is not a binary issue: potential reassignment could be addressed through mitigation at the outset (if considered necessary), monitoring and trigger mechanisms, or future mitigation if the concern arises in practice.

NH's AMR expressly identifies potential mitigation measures, stating that these:

“may for example include changes to junction priorities or inclusion of traffic calming features in or around Fenny Drayton.”

NH went on to conclude that such mitigation:

“is not an insurmountable issue.”

These are important conclusions which were not included in the Officer’s Report to the June Committee and should be addressed in the July Report.

If Members remain concerned about traffic reassignment, the proportionate approach would be to retain full access at Drayton Lane and deal with any proposed impact through a ‘monitor and manage’ approach secured via a planning condition (an approach expressly supported by current Government highways policy). That mechanism could require post-opening traffic surveys at agreed locations and, if those surveys show that traffic through Fenny Drayton has increased above agreed thresholds, proportionate traffic-calming or junction-priority measures could then be brought forward. An example of such a condition is set out below:

“Prior to the occupation of any built development a Traffic Monitoring and Management Plan (“TMMP”) shall be submitted to and approved in writing by the Local Planning Authority, following consultation with the Local Highway Authority.

The TMMP shall include:

- 1. Baseline traffic surveys on Fenny Drayton roads undertaken prior to commencement of development;*
- 2. A programme of traffic monitoring at intervals of 6 months, 12 months and 24 months following first occupation;*
- 3. Details of survey methodology, including traffic flows, vehicle speeds and classification counts;*
- 4. Thresholds which would indicate a material increase in through-traffic attributable to the development;*
- 5. A package of mitigation measures to be implemented should those thresholds be exceeded, which may include traffic-calming measures, vehicle-activated signs, weight restrictions, gateway features, speed management measures, junction improvements or other measures agreed with the Highway Authority;*
- 6. Arrangements for reporting survey results to the Local Planning Authority and Highway Authority.*

The approved TMMP shall thereafter be implemented in full. Any mitigation measures identified as necessary under the approved TMMP shall be implemented within a timescale first approved in writing by the Local Planning Authority and thereafter retained.”

This monitor and manage approach would address the reassignment concern if it materialises, without imposing an immediate and permanent restriction on Drayton Lane access in response to an impact which has not presently been confirmed or quantified. If HBBC or LCC do not consider that this approach would address the reassignment concern, reasons should be provided.

8. Conclusion

We respectfully urge HBBC to consider the points raised in this letter and to correct the identified inaccuracies in Officers' advice (both orally and in the Officer's Report). Should this not be done and/or if inadequate advice is provided to Members and/or inadequate reasons are given, Our Client reserves the right to bring further judicial review proceedings against the grant of planning permission.

Finally, please provide us with copies of NH's latest consultation response (referenced at the June Committee meeting), together with any further correspondence with NH. Please also provide us with copies of all correspondence on this issue with the Applicant, LCC and WCC.

Yours faithfully

[Redacted signature block]

For and on behalf of Lidders Solicitors LLP

Tel [Redacted]

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Appendix 1

Why ERSS figures differ from the Applicant's 11% figure

The Applicant's figures rely on traffic modelling / census-based assumptions. ERSS's figures are based on measured traffic survey data, actual customer origin data and route modelling. The result is that the Applicant:

- **Overestimates routes with no diversion**

The Applicant estimates **23%** of traffic comes from the north when the actual number is just **3%**. The north includes small populations of villages like Twycross, Market Bosworth and Stoke Golding so naturally very little business comes from these destinations vs. the urban centres to the south, east and west (this can be observed from the customer map on the next page which also visually demonstrates how vitally important the A5 corridor is to ERSS).

- **Underestimates the route with the largest diversion**

ERSS's largest market is to the west e.g. Atherstone, Polesworth and Tamworth. This represents **41%** of ERSS customers, whereas the Applicant estimated **22%**. This route experiences a **3.7 km** diversion on departure.

- **Ignores customers reaching ERSS via Woodford Lane**

The Applicant only modelled traffic from Nuneaton reaching ERSS via the A444 through Weddington. Many customers reach ERSS from areas such as Chapel End, Camp Hill, Galley Common and Stockingford via Woodford Lane. The Applicant assumes **0%** of customers use this route, whereas ERSS customer data shows the figure is approximately **19%**. This route experiences a **3.4 km** diversion on arrival.

The Applicant, identifies approximately **22%** of ERSS customer journeys would be affected by the proposed LILO arrangement compared to Our Client's like for like estimate of **60%**. However, the Applicant presents their figure as 11% on the basis that the restriction affects only one leg of the journey, either arrival at ERSS or departure from ERSS.

Customers do not assess accessibility by separating the inbound and outbound movements. They make a practical decision based on the length and ease of the overall round trip.

If either leg of the round trip is materially affected, then the customer visit or decision to store with ERSS is impacted in practical and commercial terms. Presenting that impact as 11% gave Members a materially understated impression of the impact of the proposed restriction.

ERSS Customer Locations

