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FAO: Kerry Trueman

Email: dwh@hodgettsestates.co.uk
BY EMAIL ONLY

1st May 2019

Your ref: NWBC Local Plan

Our ref: Response to PS.07.17

Dear Kerry,

NWBC LOCAL PLAN: PROPOSED MAIN MODIFICATION MOTORWAY SERVICE AREA

We write in response to Highways England’s letter of 26th March 2019 (“the Highways England letter”), in relation to the proposed Main Modification (MM) for a reserved site allocation for a Motorway Service Area (MSA) on land north-east of J10 of the M42 in the event that HS2 Phase 2b comes forward during the plan period.

The reserved site allocation (referred to as “RMSA1”) was proposed by Moto Hospitality Ltd (Moto), the Road Haulage Association (RHA) (in so far as it relates to the identified need for lorry parking at J10 of the M42) and Hodgetts Estates (as the land owner and developer). This letter has been drafted in conjunction with Moto, their planners, Collins & Coward and transport consultants/highways engineer, PFA Consulting, as well as Bancroft Consulting, transport consultants/highways engineer on behalf of Hodgetts Estates. This letter forms the unified position of the aforementioned parties in response to the Highways England letter.

In addition to this letter, which addresses the planning points set out in the Highways England letter, Bancroft Consulting have prepared a separate response which confirms that sufficient land exists to deliver a geometrically compliant access solution for RMSA1 which should adequately serve the anticipated MSA traffic movements – ref. CJB/F18015/010519.

The letter is set out in the following sections:

- Executive summary – bullet points;
- Factual inaccuracies and points of clarification;
- Need case;
- Matters of soundness; and
- Conclusions.

Executive summary

- Moto and Hodgetts Estates are proposing a main modification for a reserved site allocation for an MSA and additional lorry parking that would only be implemented when it is confirmed that HS2 Phase 2b is going ahead and the route will require demolition of Tamworth Services. The proposed RMSA1 is not a full site allocation as stated in the Highways England letter;
- Allocating RMSA1 addresses outstanding issues of soundness in the plan and the failings of North Warwickshire Borough Council (NWBC) to meet the requirements of various paras. of NPPF 2012 (as set out by the three parties to this letter in SoCG.04 M9);
- The proposed reserved site allocation is, therefore, not considered to be ‘premature’;
- The proposal is for a like-for-like replacement of a MSA at J10, which would not lead to an increase in trip mileage;
- As things stand, the loss of Tamworth Services would lead to an unacceptable distance between MSAs in this part of the motorway network, in breach of the maximum separation distance set out at DfT Circular 02/2013;
- Even with construction of one or both of the proposed MSAs at Solihull, the loss of Tamworth Services would lead to a significant deterioration in provision of MSAs and consequently the level road safety in the northern section of the M42, particularly north of the M6;
- In addition to the need for a replacement MSA, there is an acute need for additional lorry parking provision at J10 of the M42¹ exacerbated by an excess demand for lorry parking across the West Midlands². The Highways England letter does not address this need; and
- CD0/1 is in conflict with or does not fully comply with the requirements of paras. 31, 152, 155, 156 and 162 of NPPF 2012. The Highways England letter does not rectify these issues of soundness and the proposed reserved site allocation RMSA1 is the only solution being put forward to the Local Planning Examination which would.

Factual inaccuracies and points of clarification

Route of HS2 Phase 2b

The ‘Preliminary Route’ for HS2 Phase 2b was published in January 2013, the ‘Preferred Route’ was published in November 2016 and the Secretary of State for Transport confirmed the route in July 2017, which has subsequently been subject to public consultation in response to the Draft Environmental Statement. All three of these iterations proposed that the route cross the A5 trunk road west of J10 of the M42 through the site of Tamworth Services. It is therefore inaccurate to claim a lack of certainty surrounding the proposed location of the route for HS2 Phase 2b.

Prematurity/nature of allocation

The Highways England letter makes several references to the appropriateness and prematurity of allocating a specific site for an MSA within the emerging North Warwickshire Local Plan (NWLPP), given that the route is still to be confirmed. Indeed, until the HS2 Phase 2b hybrid Bill receives Royal Assent there is no certainty that Tamworth Services will be lost. For this reason, and to ensure flexibility and soundness, we are proposed as a ‘reserved site allocation’ for an MSA which would only be instigated

¹ National Survey of Lorry Parking, Department for Transport, 2017

² National Survey of Lorry Parking, Department for Transport, 2017

should the hybrid Bill receive Royal Assent with the route going through Tamworth Services leading to its loss.

Failure to include a reserved site allocation at this time would mean the process for identifying a replacement site would be instigated either at the time hybrid Bill receives Royal Assent in 2023 or at the next Local Plan review (most likely in five years' time). In either case, there would be insufficient time to provide a replacement for Tamworth Services before HS2 Ltd acquire the site on or before 2023, which would give rise to significant highways safety issues.

Vehicle movements/trip mileage

The proposal is for a replacement MSA, in the event that Tamworth Services are lost due to the construction of HS2 Phase 2b. Both Tamworth Services and the proposed site for RMSA1 are located in an "off-line"³ location from J10 of the M42. The swap from the north-west to the north-eastern quadrant of J10 of the M42 is unlikely to increase the turn-in rate for the MSA. Replacement of Tamworth Services with the proposed like-for-like MSA at RMSA1 would therefore avoid the creation of any increase in traffic demand at J10, in line with the requirements of para. B11 of DfT Circular 02/2013.

Detailed access arrangements are a matter for an application in due course. However, in order to provide confidence that sufficient land exists to deliver a reasonable access solution, Bancroft Consulting has prepared a geometrically compliant access solution which is submitted under separate cover – ref. CJB/F18015/250419.

Rugby is an example of a recent MSA planning permission (ref. [R17/0011](#)) in an off-line location with access from an "A" class road (the A426) set away from J1 of the M6. Such an arrangement is not unusual nor one that is unacceptable to Highways England.

Need

DfT Circular 02/2013 emphasises the importance of MSAs to road safety by providing opportunities for the travelling public to stop and take regular rest breaks. This is translated into a maximum distance between MSAs of no more than 28 miles, with no set minimum. As demonstrated below, the loss of Tamworth Services without adequate replacement at J10 would result in an excess of 28 miles between MSAs on the motorway network in the vicinity of RMSA1. Even with the construction of one or both of the proposed MSAs at Solihull (detailed below), the distance between several of the MSAs on this part of the network would be at or close to the 28 mile maximum meaning Tamworth Services serves and would continue to serve an important function to address potential road safety issues on this part of the network.

To suggest there should be a search for sites in future is clearly unsatisfactory to the travelling public who are familiar with having a MSA at Junction 10. Especially given the timeframe for delivery of a new MSA (see below) and HS2 Phase 2b.

³ Department for Transport (DfT) Circular 02/2013

MSA Need

The Highways England letter states that the need for a replacement MSA in this location has not been fully demonstrated. Since the publication of DfT Circular 02/2013, the emphasis is upon the private sector to promote and operate service areas that meet the needs of the travelling public. Indeed, as acknowledge within the Highways England letter, it is not for it to determine where new MSAs should be proposed.

Tamworth Services sits 25 miles from Hopwood Park MSA at J2 of the M42 to the south, 24 miles from Corley South MSA between J3/J3A of the M6 to the south and 21 miles from Donnington Park MSA on the M1 to the north, meaning it is strategically placed to serve the northern section of M42, particularly north of the M6. Therefore, as currently stands, its loss would be a major issue for road safety and the welfare of drivers on the M42 and contrary to the maximum separation distances between MSAs set out under DfT Circular 02/2013.

Reference is made to the two concurrent planning application for MSAs at J4 and between J5/6 of the M42. These proposals are on a different section of the M42, south of its junction with the M6, and if approve would therefore not fully address the potential loss of Tamworth Services from a road safety perspective. The distance from these proposed facilities to Tamworth Services is 14 miles and 18 miles respectively. However, the distance between the proposed facilities and the end of the M42 at J11 is 25.5 miles and 21.2 miles respectively, close to the maximum allowed. Furthermore, the distance between the proposed Solihull sites and Donnington Park MSA on the M1 to the north would be 35 miles and 39 miles respectively, well in excess of the 28-mile maximum, emphasising the importance of Tamworth Services or RMSA1. In any case, neither scheme has planning permission and there is no certainty that either will be permitted.

Timeframe for delivery

As noted in SoCG.04 M9, MSAs have significant lead in times, which, as evidenced by proposals between junction 5 (“J5”) and J6 of the M42 at Solihull (ref. PL/2015/51409/PPOL) can often take several years to proceed through the planning application process alone. The whole process from site identification, through planning, to construction and delivery can take much longer. Moto confirms that the average time to deliver an MSA from site identification to opening is actually more like 8-10 years. It is, therefore, wholly appropriate for consideration to be given to the need for a replacement MSA and any associated policy provision for such set out in CD0/1, since the plan period runs for 15 years⁴ and HS2 Ltd are likely to acquire Tamworth Services on or before 2023.

Lorry parking

In addition to the demonstrable need for a replacement MSA in this location, there is an identified acute need for additional lorry parking provision at J10 of the M42⁵, notwithstanding the potential loss of the 65 HGV parking spaces and 18 coach spaces should Tamworth Services be lost without adequate replacement. The position is exacerbated by an excess demand for lorry parking across the West Midlands of 613 spaces⁶.

⁴ A requirement under paras. 47 and 157, NPPF 2012

⁵ National Survey of Lorry Parking, Department for Transport, 2017

⁶ National Survey of Lorry Parking, Department for Transport, 2017

NPPF 2019 recognises the importance of lorry parking in planning, stating at para. 107 that:

“Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.”

In the case of J10 of the M42, evidence of a shortage locally for lorry parking is also provided by the use of the east and westbound laybys, to the east of the junction, for parking throughout the day and night. These laybys lack the proper facilities required and give rise to potential nuisance – please refer to SoCG.04 M9.

The Highways England letter does not make reference to or provide a solution to address the acute need for additional lorry parking at J10 of the M42. RMSA1 is the only solution/site being proposed through the Local Plan which could address the identified site-specific need for lorry parking locally.

Matters of Soundness

As outlined in SoCG.04 M9, CD0/1 is in conflict with or does not fully comply with the requirements of paras. 31, 152, 155, 156 and 162 of NPPF 2012. As such, in its present form, the CD0/1 is unsound. We summarise the position in relation to para. 31 of NPPF 2012 below. Please refer to SoCG.04 M9 for further information on the matter.

Paragraph 31

NWBC, as Local Planning Authority (LPA), are required under para. 31 of NPPF 2012 to work with transport providers, such as MSA operators, to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as roadside facilities for motorists. Accordingly, the provision of roadside facilities is not discretionary but needs to be properly planned as part of the strategic policies in a local plan.

NWBC have not and continue to not engage with Moto in relation to its strategy to provided a replacement site for Tamworth Services, should HS2 Phase 2b come forward. As such, the requirements under para. 31 of NPPF 2012 have not been met and in this regard the emerging NWLP is unsound.

Hodgetts Estates and Moto are putting forward the only solution which can address this issue of soundness, in the form of the proposed reserved site allocation RMSA1. Highways England has been consulted by NWBC but ultimately it is for NWBC to make a suitable modification or to be directed to do so by the Inspector.

Conclusions

The extent of Highways England’s remit in relation to the proposed reserved site allocation RMSA1, is to provide advice to NWBC on matters relating to the impact that the proposed development could have upon the safety and operation of the strategic road network.

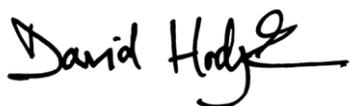
It is important to stress that Highways England has not been asked to determine where a replacement MSA could or should be located. This is a matter for the Local Plan, the LPA and through the Local Plan Examination, the Inspector. Any replacement MSA would need planning permission and would be subject to the normal approval by Highways England of the Transport Assessment at the appropriate time. It would then only be necessary to explore alternative sites for an MSA if an application was refused on RMSA1.

As demonstrated above, the loss of Tamworth Services would lead to an unacceptable distance between MSAs in this part of the motorway network, in breach of the maximum separation distance set out at DfT Circular 02/2013. Even with construction of one or both of the proposed MSAs at Solihull, the loss of Tamworth Services would lead to a significant deterioration in provision of MSAs and consequently the level road safety in the northern section of the M42, particularly north of the M6. In addition to the need for a replacement MSA, there is an acute need for additional lorry parking provision at J10 of the M42 exacerbated by an excess demand for lorry parking across the West Midlands. The Highways England letter does not address this identified need.

Over and above these considerations, and particularly relevant to the Local Plan Examination is the fact CD0/1 is in conflict with or does not fully comply with the requirements of paras. 31, 152, 155, 156 and 162 of NPPF 2012. The Highways England letter does not rectify these issues of soundness and the proposed reserved site allocation RMSA1 is the only solution being put forward to the Local Planning Examination which would.

We trust the views of Moto and Hodgetts Estates, as set out above, will be given due consideration in the North Warwickshire Local Planning Examination.

Kind regards



David W. Hodgetts
For and on behalf of Hodgetts Estates

Encs.

*CC: Mark Franks – Moto Hospitality
Tony Collins – Collins & Cowell
Peter Finlayson – PFA Consulting
Chris Bancroft – Bancroft Consulting
Chrys Rampley – Road Haulage Association*