

APPLICATION REFERENCE: PL/2016/02754/MAJFOT

Site Address: Land Adjacent J4 M42 Box Tree Farm Stratford Road Hockley Heath Solihull

Proposal:	Development of new motorway service area, associated highway improvement works and other associated infrastructure.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: http://publicaccess.solihull.gov.uk

Reason for Referral to Planning Committee:	The proposal has given rise to substantial weight of public concern and in the opinion of the Head of Development Management should be referred to Planning Committee.
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Recommendation:	Refusal.
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EXECUTIVE SUMMARY

Tables setting out relevant factors to weigh in the planning balance are found at the end of this Executive Summary.

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

The application development is inappropriate and would cause **harm by definition** to the Green Belt, **significant harm** to the openness of the Green Belt involving significant development on a large site (9.9 ha) which is currently open countryside, and **very significant harm** is caused as it also conflicts with 3 of the 5 purposes of including land within Green Belts, located to the east of Solihull in a narrow and vulnerable part of the Green Belt between Solihull (Monkspath) and Dorridge/Knowle, on the east side of the M42 at J4. The overall harm to the Green Belt is given **very substantial weight** in the planning balance.

Additionally, in terms of **other harm**, the proposal would cause **significant harm** to the character and appearance of the area and, by reason of a significant diversion of a footpath, to one land use objective (ease of access to countryside), both contrary to Local Plan Policy, to which **substantial weight** should be given. Further, the loss of agricultural land caused by the proposal also cannot be mitigated for and would also cause **additional harm**. **Moderate weight** should be given to this.

Highways England have advised that the proposed MSA scheme has four Departures from Standard, however some of these are existing. All four Departures have been independently assessed by Technical Specialist within Highways England. The Departures have been appraised as being critical to the scheme delivery and the safety mitigation proposed deemed sufficient. As a result, all four Departures have been given 'Agreement in Principle' (AiP). This means that the principle of the Departure is acceptable and likely to be approvable if supported by sufficient justification as part of a full departure application.

The departures from standard granted 'Approval in Principle' (AiP) also need to be viewed against the inherent benefits to drivers that a MSA facility provides in terms of the welfare benefits that they deliver. Evidence indicates that 20% of road accident's in the UK are due to driver fatigue as there is no safe place to stop, rest and refresh. Therefore, a safe access is achievable in principle and without contrary evidence, it must be concluded having regard to the Highway England consultation response that the access arrangement is appropriate in this location, having regard to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF para 109).

From the perspective of the impact on the Local Highway Network, the proposed junction improvements associated with the proposed MSA and the associated results demonstrate that the significant impacts from the development on the transport network (i.e. in terms of capacity and congestion) have been mitigated for. It is considered that the development does not result in a significant increase in delay to vehicles or safety on the Local Highway Network.

The proposal would continue the safe operation of Junction 4 (including local roads), the motorway, and its active traffic management system on the M42.

Therefore, both in terms of the impact of the proposal on the Strategic Road Network and Local Highway Network safe access to the site can be provided and the proposal causes no significant impacts on the transport network. The proposal therefore accords with Solihull Local Plan Policy P8, Policies T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and that the residual cumulative impacts on the road network would not be severe (NPPF para 109). Overall, **Neutral weight** should be attributed to the highways safety and impact matters in the planning balance.

In terms of impact on heritage assets, the proposed MSA would cause 'less than substantial harm' to the setting Four Ashes, a Grade 2 listed building and to the setting and substance of Monkspath Wood, Little Monkspath Wood, and Sanderfield Wood, in particular. In accordance with government policy NPPF paras 193-196),

great weight is to be given to the conservation of heritage assets including if the harm caused is 'less than substantial harm' and that this less than substantial harm needs to be balanced in the planning consideration against public benefits delivered by the proposal. The impacts on these Heritage Assets would cause less than substantial harm, are minor and would be mitigated by the additional planting identified within the landscape strategy for the wider site. These mitigation measures would reduce the scheme's impacts upon heritage assets to the lower end of 'less than significant' harm. The public benefits include the significant need for an MSA on this section of the M42, to which **substantial weight** should be given, and would clearly outweigh the less than significant harm caused by the proposal to heritage assets.

The evidence and previous appeal decision confirms that a significant need has been identified for a Motorway Service Station on the Solihull section of the M42. It would also deliver welfare benefits to drivers from fatigue. In relation to locational benefits of the site, the proposal is not in the locationally preferable location in terms of spacing between MSAs (the Catherine de Barnes location is to be preferred), but would still improve the current situation. Three routes would be in excess of the 28 miles sought by government policy (paragraphs B13-B15 of Circular 02/2013). Thus only **moderate weight** is attached to the locational benefits of this site.

Additionally, the economic benefits carry **substantial weight** in favour of the development.

The visual appearance and the architecture of individual buildings would secure a building layout that responds to the needs of the travelling public. The proposal would also help to deliver an efficient and affordable electrical vehicle charging network or alternative fuels at an off-line MSA on the Strategic Road Network (SRN) and support the transition to zero emissions transport in accordance with the government's climate change strategy. The bespoke design approach proposed and charging network proposed is now likely to be provided by every MSA proposed and therefore carries **moderate weight** in favour of the proposal in the planning balance.

The biodiversity impact assessment indicates the loss of habitat score of 66.31. The proposed mitigation including woodland habitat, grassland habitat, wetland habitat and other habitat would deliver a Habitat Mitigation Score of 67.99 a net gain of +1.68. In relation to Hedge Biodiversity Impact Score the proposal would deliver a net gain of 13.48. **Limited weight** is attached to the net gain in biodiversity the scheme would deliver.

The other material considerations namely drainage, noise, amenity, contaminated land, air quality, lighting and other material considerations are considered to be **neutral** in the planning balance subject to the imposition conditions.

When applying the Green Belt balance, the considerations to be taken into account in favour of the proposals are set out above, in the main report and in the Tables found at the end of this Executive Summary. These include the **substantial weight** is attached to the significant need for an MSA along this section of the M42, including welfare benefits of the scheme for drivers. **Substantial weight** is also attached to the economic benefits that the MSA would deliver and to the design solution proposed including provision of EV charging network within the scheme.

Moderate weight is attached to the locational benefits of the site and biodiversity benefits the proposal would deliver to the wider site. All other matters are neutral.

Consequently, when applying the Green Belt balance, it is concluded that the potential harm to the Green Belt by reason of inappropriateness together with the other harm resulting from the proposal is not clearly outweighed by the considerations in favour of the proposals therefore, when considered as a whole, very special circumstances do not exist.

Consideration has been given by officers as to whether there is a preferable alternative site able to meet the existing need for an MSA on the Solihull section of the M42 motorway where the conflict with policy would either not exist or be less or that the planning harm would be less than that caused by the application proposal. The comparison table at the end of this Executive Summary sets out the principal high level differences between the two proposed sites at M42 J4 and at Catherine de Barnes. The proposed MSA at Catherine de Barnes is locationally preferential (distance between MSAs) to the proposal at M42 J4 (applying paragraphs B13-B15 of Circular 02/2013). The conclusion has also been reached that the proposed MSA east of Catherine de Barnes (Application Reference: PL/2015/51409/PPOL) would better accord overall with Development Plan and government policy, including in relation to green belt policy, than the M42 J4 proposal the subject of this report, and have recommended approval for the MSA proposal east of Catherine de Barnes (Application Reference: PL/2015/51409/PPOL).

It is to be noted that there is a need for only one MSA on this section of the M42 Motorway. If the decision of the Planning Committee is that, in accordance with the officer recommendation, it is minded to grant planning permission for the MSA proposal located east of Catherine de Barnes on the M42 (Application Reference: PL/2015/51409/PPOL), the need for an MSA at M42 J4 in such circumstances would not exist and consequently no weight can be given in the Green Belt, heritage and planning balances to the need for a second MSA on this section of the M42 motorway. In such a case very special circumstances would not exist and the recommendation would be to refuse planning permission for the planning application the subject of this report on the ground that a preferable alternative site exists to meet the identified need

If the decision of the Planning Committee is to refuse planning permission for the MSA proposal located east of Catherine de Barnes (Application Reference: PL/2015/51409/PPOL), then the recommendation below would remain the same.

For the above reasons and taking into account all matters in the report, the very special circumstances necessary to justify the proposed development have not been demonstrated and the proposal does not accord with the Development Plan in respect of Policy P17 Solihull Local Plan and Policy VC1 of The Knowle, Dorridge and Bentley Heath Neighbourhood Plan and policy in the National Planning Policy Framework. There are no other material circumstances to be taken into account in the final planning balance which indicate that the presumption in favour of the Development Plan should not be applied and the planning application should therefore be refused.

Table 1 Green Belt Assessment/Comparison	
Land at J4 M42 Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)	
Harm to Green Belt	Weight to be attributed to matter
<u>Harm by definition.</u> The proposal causes harm by definition to the Green Belt.	Substantial weight negative.
<u>Harm to openness</u> The site area is 9.9 hectares, with circa 4900sq.m of buildings. The site includes parking for up to 662 cars (including 33 spaces for disable users), 87 HGV'S, 17 coaches, 22 caravans (including 2 spaces for disabled users) and 22 motorcycles is extensive and causes significant harm to the openness which would be exacerbated by the resultant merging of Shirley with Dorridge, Bentley Heath and Knowle.	Substantial weight negative
<u>Harm to purposes of the Green Belt.</u> The undeveloped gap between Catherine-de-Barnes and Hampton in Arden at c2 kilometres is substantially undeveloped and relatively open. The proposal would extend development beyond the J4 M42 junction into a predominantly rural area to the east that would contrast with the built development to the northern/western side of the M42. The fact that buildings and car parking have been situated as close as possible to existing built infrastructure associated with J4 M42 does not materially alter that perception. The proposal would still appear as a physical extension to the built up area in this location harming the first purpose of including land within the Green Belt, namely checking the unrestricted sprawl of urban areas. The gap between Shirley and Dorridge, Knowle and Bentley Heath is strategically important and already narrow and vulnerable in this location.	Harm to 3 of the 5 purposes of including land in the Green Belt. Very substantial weight.

<p>The significant incursion of the proposed MSA into this open, narrow rural countryside within this strategically important gap would significantly reduce the land remaining within the gap which is unbuilt. This causes substantial harm to the 2nd purpose of including land in Green Belts, namely preventing neighbouring towns from merging.</p> <p>The proposed scale of the development would cause significant encroachment into this valuable open rural gap that would result in substantial harm to the third purpose of including land within the Green Belt, namely encroachment.</p>	
<p><u>Harm to Green Belt character</u></p> <p>Influenced by J4 roads works and structures. Narrow gap east and west of M42. Land use to east currently open with agricultural land character with sporadic farmsteads.</p>	Substantial weight negative
<p><u>Harm to Green Belt objectives</u></p> <p>The requirement of a substantial diversion of the public footpath that crosses the application site would cause harm to the objective of ease of access to the countryside.</p>	Substantial weight negative.
<p>Land off Solihull Road, Hampton In Arden (Catherine de- Barnes site Application Ref: PL/2015/51409/PPOL)</p>	
Harm to Green Belt	Weight to be attributed to matter.
<p><u>Harm by definition.</u></p> <p>The proposal causes harm by definition to the Green Belt.</p>	Substantial weight negative.
<p><u>Harm to openness</u></p> <p>The proposal due to its extensive land take of 13.4 hectares, circa 9300sq.m of buildings extensive car parking area 705 spaces plus 91HGV spaces and 18</p>	Substantial weight negative.

caravans, 18 coaches both visually and spatially causes substantial and physical loss to the openness of the Green Belt through major incursion and land take.	
<p><u>Harm to the purposes of the Green Belt.</u></p> <p>The Meriden Gap in spatial terms is approximately 10 kilometres wide in this location. The undeveloped gap between Catherine-de-Barnes and Hampton in Arden at c2 kilometres is substantially undeveloped and relatively open. The development would result in a major incursion and represents significant encroachment into the countryside.</p> <p>Whilst the proposal would reduce to some extent the effectiveness of the gaps between Catherine-de-Barnes and Hampton in Arden, both villages are inset areas within the Green Belt and not towns. The perception remains that the development as a whole would be read as part of the motorway environment and would not lead to the merger of neighbouring towns but would reduce to some extent the effectiveness of the Meriden Gap</p>	<p>Harm to 1 of the 5 purposes of including land in the Green Belt.</p> <p>Substantial weight negative.</p>
<p><u>Harm to character of Green Belt.</u></p> <p>Land take of 9.7 hectares with significant buildings and car parking areas on currently open agricultural land. Heavily influenced by urbanising effect of the DCO works, road and structures of the M42.</p>	Substantial weight negative
<p><u>Harm to Green Belt objectives</u></p> <p>There are no public rights of way across the site or access by walkers and others for recreation.</p>	Neutral

Table 2 – Parameter Comparison Table.

Parameter	Land at Junction 4 M42, Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)	Land at Solihull Road, Catherine-de-Barnes. (PL/2015/51409/PPOL)
Land Take	9.9 hectares.	13.7 hectares.
Buildings (gross floor area)	5000sq.m.(upper parameter including drive thru coffee shop).	9241sq.m. (including Facilities Building/Hotel/Petrol Filling Station).
Vehicle parking provision.	662 cars (including 33 spaces for disable users), 87 HGV'S, 17 coaches, 22 caravans (including 2 spaces for disabled users) and 22 motorcycles	679 car parking spaces and 36 disabled spaces, Coach parking (18 spaces), 91 HGV spaces, 18 caravans/motor homes/vehicle and trailers and 2 caravans/motor home/vehicle and trailers for disabled persons.

Table 3 – Balancing Exercise (Harm/Benefits)

Issue	Land at J4 M42 Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)			Land at Solihull Road, Catherine-de- Barnes (PL/2015/51409/PPOL)		
	Harm	Benefit	Weight	Harm	Benefit	Weight
Green Belt – Harm by definition.	Yes 13.7ha		Substantial negative	Yes 9.9ha		Substantial negative
Green Belt – Openness.	Significant		Substantial negative	Significant		Substantial negative
Green Belt – Purposes.	3 of 5 purposes		Very substantial negative	1 of 5 purposes		Substantial negative
Green Belt – character.	Significant		Substantial negative	Significant		Substantial negative
Green Belt – Harm to objectives	Harm to access to the countryside		Substantial negative	None		None
Loss of Agricultural Land	9.9 hectares loss (limited)		Moderate negative	13.7 hectares loss (limited)		Moderate negative
Heritage Assets	Less than significant harm		Neutral	Less than significant harm	Restoration to viable use of Walford Hall.	Substantial positive

Highway Safety	Departures 4 (HE Agreement in Principle)	Mitigated	Neutral	Departures 5 (HE Agreement in Principle)	Mitigated	Neutral
Highways Impact		Mitigated	Neutral		Mitigated	Neutral
Need for an MSA		Significant	Substantial positive		Significant	Substantial positive
Locational benefits.		3 routes in excess of 28 miles	Moderate positive		1 route in excess of 28 miles.	Substantial positive
Economic		Substantial	Substantial positive		Substantial	Substantial positive
Landscape Character of the Area.	Limited adverse	Mitigated	Moderate positive	Limited adverse	Mitigated	Moderate positive.
Design Approach		Meets Development Plan Policy	Moderate positive		Meets Development Plan policy	Moderate positive
Ecology		Limited positive	Limited positive		Significant	Substantial positive
Drainage			Neutral			Neutral
Air Quality			Neutral			Neutral
Noise and Vibration			Neutral			Neutral
Amenity			Neutral			Neutral
Lighting			Neutral			Neutral
Contaminated Land			Neutral			Neutral

PROPOSAL

The planning application seeks outline planning permission for a Motorway Service Area (MSA) with means of access to be determined at this stage. Matter relating to appearance, landscaping, layout and scale are reserved for subsequent approval.

The proposed MSA development falls within Schedule 2 Section 10(p) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 relating to Infrastructure Projects and thus requires the submission of an Environmental Statement (ES) with the application. The applicants sought a Scoping Opinion from the Council in June 2016, which was formally responded to on 27th July 2016 which set out the issues of significance that needed to be considered within the ES.

A 2nd Addendum Environmental Statement was provided on 31st January 2019 and was prepared in response to transport and highway issues which required minor changes to off-site highway works. A 3rd Addendum to the Environmental Statement was provided on 22nd September 2020 due to the passage of time that has lapsed since the original submission to ensure that robust assessments are present. The purpose of the 3rd Addendum is to present any relevant up to date information, evidence or assessments which identify any likely significant impacts for completeness to ensure that robust and current environmental assessments are available for the

determination of the application. Further an updated Transport Assessment has been submitted which addresses the update to the opening year of the MSA to 2023.

The ES and subsequent Addendums to the ES submitted with the planning application meets the requirements of the Regulations and identifies the likely significant effects that may arise from the development proposed.

In terms of the application, the proposed new MSA and associated infrastructure is supported by an illustrative Masterplan and Parameters Plan defining the scope of the development. The purpose of the illustrative master plan is to give an idea to how the site could be laid out and how access would be gained from the motorway junction in response to site constraints that exist.

The Masterplan illustrates the following main elements: -

- An Amenity Building containing hot and cold food offers, a shop, toilets, pay phones, shower and seating/resting areas. The building would have a footprint of circa 3300sq.m and a gross floor area of circa 4500sq.m. The design of the building has a seeping green roof and is innovatively designed.
- A separate stand-alone Drive-through coffee shop.
- A fuel filling station with 10 islands (20 filling points) for cars, vans and small commercial vehicles which is located immediately to the south of the Amenity Building, underneath the combined green roof.
- A separate stand-alone fuel filling station with 2 islands (4 filling points) for HGV's and coaches.
- A dedicated means of access into the MSA from the A3400 on Junction 4 of the M42.
- A dedicated means of egress from the MSA via Gate Lane and the A3400 onto Junction 4. This would include the development of a new roundabout junction between the MSA site and Gate Lane (on the 90 degree bend with Gate Lane).
- The provision of an additional lane on the southbound exit slip road of Junction 4.
- Highway widening and improvement works to both Junction 4 of the M42 and to the A3400/Gate Lane.
- Construction of a new bridge (pedestrian/cycle only) over the M42 (located between the southbound off-slip road and northbound on-slip road). This would replace the current pedestrian/cycle provision that would be lost through the carriageway widening to the junction which has been identified with structural defects.
- Parking for up to 662 cars (including 33 spaces for disable users), 87 HGV'S, 17 coaches, 22 caravans (including 2 spaces for disabled users) and 22 motorcycles. The parking provision would include electric charging stations. All parking would be free for a minimum of 2 hours.
- An abnormal load/police enforcement area.
- The permanent diversion of a footpath and of overhead power and telephone lines.
- Surface water drainage infrastructure, forming part of a site wide sustainable drainage system.

- Hard and soft landscape scheme, together with earthworks across the site and provision of screen mounding. The landscape areas would include a children's play area, dog exercising area and driver stretch/exercise area.
- Off-site environmental enhancement scheme to be secured through a S106 Agreement. The proposals would include: -
 - Habitat creation works.
 - Land management techniques to enhance local ecology.
 - A network of footpaths, linking existing paths to improve public access to the local countryside.

Other associated infrastructure including fencing, lighting and signage.

The MSA would be open 24 hours a day, for 365 days a year.

The MSA would employ 336 staff and represent a circa £40 million investment in the Borough.

KEY PLANNING ISSUES

The following key planning issues are material to the determination of this application:-

- Background;
- Principle of development;
- Solihull Local Plan;
- Draft Solihull Local Plan;
- Green Belt;
- Need for a Motorway Service Area;
- Alternative Sites;
- Economic Benefits;
- Retail Impact;
- Highway safety;
- Impact on the character and appearance of the area;
- Sustainability;
- Impact on Landscape Character of Area;
- Impact on Ecology;
- Drainage;
- Impact on neighbour amenity;
- Agricultural Land Classification and Soils;
- Impact on Designated Heritage Assets;
- Noise and Vibration Impact;
- Air Quality;
- Lighting Impact;
- Contaminated Land;
- Community Infrastructure Levy;
- Other matters; and
- Planning Balance.

CONSULTATION RESPONSES

Statutory Consultees - The following Statutory Consultee responses have been received:

Ancient Monuments Society – No comments received.

Birmingham Airport – the outline proposals are acceptable in physical safeguarding terms.

Council for British Archaeology – No comments received.

Cheswick Green Parish Council - The Parish Council are aware that there is a perceived need for a Motorway Service Area between Junctions 3 and 7a of the M42, but can see several disadvantages with this being located adjacent to Junction 4.

This junction is already quite complex with access to the Blythe Valley Business Park in addition to the A34/A3400, and it is extremely busy during most of the day. The business park is scheduled to see further development in the near future, with both additional business use and the probable housing development agreed in the Solihull Local Plan. This development will invariably see a significant increase in traffic in the local area and particularly at this junction. The further development of a Motorway Service Area will bring even more traffic both from those using the service area and those who will work there to provide the services.

Although the proposed site is much smaller than others previously suggested, it still lies on green belt land. Such a development would erode the buffer between the main settlement of Solihull and surrounding villages. Is there a case to answer for special circumstances, especially when so much of our green belt land appears to be under threat of development. The amount of possible development within this area is excessive and every case needs extremely careful thought before any planning permission is granted.

The site is also close to the River Blythe which is prone to flooding. It is also close to an SSSI and there is a concern that runoff from the site, could impact on the purity of the water in this area and the obvious effect this could have on wildlife. Reference to putting the parking and buildings below the current ground level is also a concern, as the surrounding area is underlain by impermeable rocks which means that rainwater cannot penetrate. The implication from this is that flooding of the site is a distinct possibility.

Lead Flood Authority – No objection subject to condition.

Environment Agency – No objection.

Georgian Group – No comments received.

Highways England – Recommend that conditions should be attached to any planning permission that may be granted. Comments are summarised in this report.

Historic England – No comments received.

Knowle, Dorridge and Bentley Heath Neighbourhood Forum – Members do not believe that the need for an MSA along this stretch of the M42 has been established

or validated. There are 3 other motorway service areas within close proximity – Tamworth and Hopwood (8.5 miles away) on the M42 and Warwick (23.5 miles away) on the M40. The argument for development is often cited as safety; the issue of fatigue. Road travel has changed much in just a few years and if a driver feels fatigued or short of fuel along this stretch of the motorway, their Satnav will readily direct them to fuel facilities. In fact fuel facilities are available within three minutes in either direction of junction 4. Rest areas are also to hand at Tesco and Notcutts just seconds from J4 and the Tesco site is even open 24/7, akin to an MSA. These could be signposted from the motorway. The recommended maximum distance between stops may be applicable to rural motorways but this stretch is well supported by existing amenities close to every junction from 7 to 3a. Given that the above arguments may be dismissed, the impact needs to be considered.

An earlier application for an MSA at this site was regarded as an inappropriate development in the green belt and there is no new very special circumstance that could justify a different assessment.

An MSA development at Junction 4 would have an impact on the narrow and vulnerable green belt gap that exists between Solihull and Knowle / Dorridge.

There is a fear that such encroachment would not end with the MSA but would be seen as the thin end of the wedge and further applications for development would follow creating a creeping urbanisation and industrialisation of the area. The M42 is seen as a natural boundary and if an MSA is to be developed at J4 it would be more appropriate for it to be on the other side where there is already development. The development might be smaller than that proposed for Catherine de Barnes but the effect would be no less.

Whilst accepting that the environmental impact is mitigated by the innovative design including greening and screening, it is clear that large tracts will be covered in tarmac for car parks for over 700 cars plus coaches and considerable numbers of HGVs. This is an 'off-line' development and is not entirely Motorway related. The proposed exit via Gate lane has a further urbanisation effect. In addition, light pollution is light pollution whether you install smart dimming technologies or not. The visual impact is lessened at the margins only. Finally, the impact of pushing development into the green-belt has not been assessed in terms of the environmental impact on adjoining woodland and agricultural land, the new green-belt frontline.

Residents expressed many concerns about the impact of increased traffic volumes at J4 and the impact on local traffic. The planning assessment seems only to have considered motorway users. It was noted that J4 is already very busy at peak hours and this was accepted by the Applegreen representative since they have access to the statistics that support that assertion.

J4 will become a very complicated configuration and Gate lane is extremely compromised with an arrangement that seems to circulate around the existing property on the site with a roundabout and / or traffic lights. The exit onto Gate Lane does not seem viable. The plan estimates approximately 300 vehicle exits per hour in peak time. It is inevitable that such volumes will simply back up to the service station. In fact this is anticipated hence the long roads within the site. Thus local

traffic on Gate Lane will be heavily disadvantaged when competing with such numbers. Any 'smart' traffic signals will have to be very smart.

The increased volumes will make the entire junction more susceptible to complete grid lock in the event of the smallest incident, that now, the junction might be able to absorb. There is also concern that drivers who regularly use the junction will find alternative routes. This will increase traffic volumes through the Knowle, Dorridge and Bentley Heath area as drivers look for local shortcuts. The A34 is solid already at peak times so any more traffic attempting to use the junction will cause issues on that side of the junction. There are further plans for development at Blythe Valley and whatever form they take it is inevitable that they will result in increased traffic volume at the junction and A3400. So we have a junction that is already busy and where local developments are likely to increase the traffic volumes. It does not seem sensible to compound these issues with an MSA which can only exacerbate the congestion levels and create a much bigger problem for future generations.

The benefits in terms of new jobs are not disputed. However, the 300 roles are, by the Developers' own admission, predominantly entry level jobs, across a 24/7 operation. In an environment where there is lower than average unemployment in the area the benefits to Solihull and Knowle, Dorridge and Bentley Heath would be marginal. Local sourcing seems a bit unlikely and most local residents would have little need to use these facilities given the ready access to services across the borough.

Although this response to the consultation primarily addresses the plans for J4, it cannot be compiled without reference to the other MSA application at Catherine De Barnes. Knowle, Dorridge and Bentley Heath residents are no more in favour of the Catherine De Barnes proposal than they are in favour of the J4 proposal. The fact that the Catherine De Barnes proposal takes up even more Green Belt means that the arguments above regarding green-belt equally apply.

A contra argument that was voiced is that since the Catherine De Barnes option has its own dedicated motorway exits the congestion issues would not materialise and thus if the Secretary of State demands that an MSA is built, an on-line proposal would seem to be the 'proper' way to proceed and would appear to be more future proof.

National Grid Transco – No comments received.

Natural England – No objection subject to conditions.

Society for the Protection of Ancient Buildings – No comments received.

Victorian Society – No comments received.

Non Statutory Consultees - the following Non-Statutory Consultee responses have been received to the development: -

Forestry Commission – No comments received.

Open Space Society - It's considered that diversion of footpath SL56 around the edge of the site would be inconvenient, have poor amenity, and would suffer from maintenance issues. Any problems with foliage management and surface repair would become long-term issues for the Council. There seems little difficulty in providing a pedestrian route through the site, but it would need to be properly signed, provided with lighting, warning signs and zebra markings at road crossings, and be constructed to current standards.

Walkers would need to negotiate the access roads, car parks, and landscaped area, but would gain access to the service facilities. Any section alongside the A3400 should be kept as short as possible because of traffic hazards and pollution. A gate where SL56 joins the A3400 would reduce risks to children and dogs, and a gate at the east boundary of the site may be needed to exclude farm animals.

A detailed study is needed to determine whether the crossings of the slip-roads could be made safe by signalisation, request buttons, sensors, better marking, count-down indicators, and refuges. Substantial improvements are needed to give confidence to pedestrian users, particularly those with sensory or mobility issues.

A bridge spanning both slip-roads, as well as the M42 main line, would be a major structure. If it were located 100 m or more north of the junction, excessive height change for users could be avoided. Alternatively, spiral ramps, as used at junction 5, would be acceptable. Bridges with both steps and ramps can be very intrusive in the landscape, but a lot of users will find steps quicker.

The Open Space Society requests the following are required as part of the Planning approval:

- retention of footpath SL56 close to its current line instead of a lengthy diversion;
- widening the proposed footbridge to 2.5 m to comply with current standards;
- safe arrangements for pedestrians and cyclists to cross the roads, including
- signalised crossings of the slip-roads (or alternatively, bridges);
- compliance with latest accessibility standards⁴ on footpath SL56;
- diverted pedestrian Rights of Way to have a durable surface of 2 m minimum width
- and a minimum of 5 m between any enclosing hedges and fences; and
- the other footway and cycleway improvements suggested by the applicant.

Severn Trent Water – No comments received.

SMBC Ecology – No objection subject to conditions.

SMBC Heritage Assets – The imposition of conditions would ensure that the 'less than substantial harm' to heritage assets is minimised and mitigated for.

SMBC Highways – No highways objections, subject to appropriate conditions that secure the highway improvements outlined as part of the proposals.

SMBC Landscape – No objection subject to conditions.

SMBC Policy and Spatial Planning – No comments received.

SMBC Public Protection – No objection subject to conditions.

SMBC Rights of Way – A temporary diversion of a public right of way (footpath) would be required onto a route outside of the site boundary. It has yet to be demonstrated by the developer that all necessary agreements have been obtained from the appropriate landowners, or the land acquired, to make this temporary diversion possible.

The direction of the proposed permanent diversion changes to a northerly direction at the site boundary north of Gate Lane. This section of the diversion runs the public footpath along an existing adopted highway. The rights of way network is already a highway, so the ROW diversion would end at the site boundary, with the highway connecting the path to its existing end point.

The temporary diversion which leads in a southerly direction along the site boundary links to footpath SL55. In addition to the proposed permanent diversion, this link would increase connectivity of the rights of way network and it is recommended that following completion of construction the diversions be retained in perpetuity as an improvement of the PROW network. This would create a large loop of public footpaths connecting to the nearby town of Dorridge.

SMBC Urban Design - The applicant has provided a detailed and comprehensive Design and Access Statement (DAS) to support the outline application. It has recognised that the character of junction 4 of the M42 is already subject to a number of planning applications in the near vicinity (Blythe valley Business Park and The Fore) and therefore the character of this area is going to change significantly over the next 10 years. The proposal provides for a robust design rationale to the layout and architectural response to the sites constraints. A commitment to the 'illustrative' design and sustainable sources of energy and construction should be sought, through a planning condition which ties the outline application to the contents and aspirations of the DAS.

Warwickshire Museum (Archaeology) – No comments received.

Warwickshire Wildlife Trust – is a wildlife conservation charity, and as such our comments relate specifically to the protection and enhancement of wildlife on and around the proposed development area.

The Trust is concerned that some of the areas proposed for offsite enhancement works do not seem to have been surveyed during the Phase 1 Habitat survey. Additionally, should woodland be the best option, this area is shown to be within flood zone 2 and may be better suited to a tree species composition to suit the damper ground likely to be here.

West Midlands Fire Service – No comments received.

West Midland Police – Police are often attending MSA's not only to deal with crime, but also deal with motor vehicle accidents that have occurred on the motorway and

then moved off to the nearby MSA. Police are often required to take statements, from members of the public, which can be difficult in a public space. Also due to the crime risk posed by such sites, there will need to be Automatic Number Plate Recognition (ANPR) which captures all vehicles entering and leaving the site.

For these reasons the Police recommend a secure Police office on site (unmarked) for police to be able to take statements and for the Police ANPR equipment to be securely stored in. An Automatic Number Plate Recognition system is installed and operational (ANPR), which captures all vehicles entering and leaving the site. Designing Out Crime.

The application should also be built to achieve Secured by Design Accreditation.

Woodland Trust – No comments received.

PRE-CONSULTATION

The NPPF recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

The Council's adopted Statement of Community Involvement suggests examples of pre-application community involvement. For large scale applications, it suggests considering holding public exhibitions/drop in sessions, public meetings and providing a newsletter to keep people up to date with the progress of the scheme.

Before the launch of community involvement, the applicants invited key stakeholders to a briefing at the Solihull Ramada Hotel on 29th June 2016. To raise public awareness of the project and to inform communities a press release was issued to local media which received strong local coverage.

Following the briefing, the applicants undertook a formal consultation process which was launched on Monday 25th July 2016 with a closing date of Friday 12th August 2016 (19 days). A full suite of communication was utilised which included: -

- Project website;
- E-mail address;
- Freepost address; and
- Feedback forms.

Two public exhibitions were undertaken in the communities close to the site at: -

- Dorridge Village Hall – Tuesday 26th July between 3pm – 8pm; and
- Cheswick Green Village Hall – Wednesday 27th July between 3pm – 8pm.

These events were promoted through a variety of channels namely newspaper advertisements in the Solihull Observer and Solihull News, media release and community posters and letters of invitation to key stakeholders and Ward Councillors.

39 Feedback Forms were received (21 hard copies and 18 on-line).). Analysis of the responses indicates the following matters were raised by the consultation process, which can be summarised in the following headings: -

- Need case;
- Congestion;
- Gate Lane;
- Site suitability;
- Highway safety;
- Impact of cumulative development;
- Impact on the Green Belt;
- Local ecology; and
- Noise.

All the responses have been analysed by the applicant, which have resulted in a number of changes from the initial concept Masterplan. These include: -

- The provision of clear signage at the MSA egress point on to Gate Lane to ensure that all motorists leaving the MSA turn right towards the A3400;
- Gate Lane is widened entirely to the north to ensure no impact on Monkspath Wood; and
- The height of the screen bund along the western boundary (motorway) has been decreased in height along with the roof line of the MSA amenity building.

The responses received raise matters which are material considerations, which will need to be considered in the determination of the application.

In terms of the procedures carried out, the applicant has complied with advice set out in the NPPF and carried out a consultation exercise in accordance with the Council's adopted Statement of Community Involvement.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

One petition electronic petition submitted by Councillor Hawkins with 1128 signatures opposing the introduction of an MSA at Junction 4 M42.

206 responses were received. 202 responses objecting to the proposal including letters from Cllr Courts, Cllr Meeson, Knowle Society, Dorridge & District Residents Association and 4 responses in support. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Objections

Alternative Sites

- The assessment wrongly dismisses all potential on-line locations between J3A and J7 on the basis of substantive departures from highway standards;
- Consideration should be given to providing a rest area for HGV drivers on developed land on the northern bank, which could be accessed from Jct 4 by both northbound and southbound vehicles;
- In 2001 the Inspector ruled that an alternative site between junctions 5 and 6 should be the preferred site.

Amenity

- Adverse effect on Dorridge from noise and pollution;
- Light pollution;
- Increased motor emissions;
- Noise pollution;
- Impact on Blythe Valley Park and Fore Business Park; and
- Littering in local area from drivers using the services - already a fly tipping hotspot.

Character and appearance of the area

- Green roof is cosmetic window dressing;
- Irreversibly change the character of the area;
- Proposal make no attempt to blend into the office park vernacular;
- Introduces a sea of car parking;
- Urbanisation; and
- Built envelope has changed little from previous schemes; and
- Making Gate Lane a 4 lane road would dramatically change the character of the area.

Drainage

- Gate Lane is often flooded;
- The foul sewer will be thrust bored beneath the River Blythe, but details are limited and do not advise whether it would have a direct adverse impact on the SSSI;
- There is no evidence that surface water flow or foul discharge have considered alternative routes;
- The addendum does not quantify the impact of the proposed culvert extension on flood risk;
- There is potential for widening of the carriageway would increase pollutant loadings to the River Blythe;
- Inaccuracy of flood zone information; and
- The proposal poses flood risks around the site.

Employment

- Employment opportunities will be mainly low paid unskilled jobs; and
- Jobs actually created will be negligible and not the kind of jobs the community needs where unemployment is low.

Green Belt

- Erosion of the Green Belt;
- Damages the objectives of the Green belt;
- Encroachment into the Green belt;
- Narrow area of Green belt;
- No very special circumstances;
- Inappropriate development in the Green Belt contrary to the NPPF and Local Plan;
- Loss of openness;
- In this application there are no 'very special circumstances', as it is not established that the harm to the Green Belt is outweighed by other considerations;
- Impacts on the integrity of the gap between Solihull and Dorridge;
- Development would infringe the land gap that separates Dorridge and Monkspath;
- The Green Belt is being destroyed;
- The proposal would breach the defensible boundary of the M42 which forms a clear demarcation between the urban and rural part of this area of the Borough;
- Paragraph 136 of the NPPF states that "Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified." There are no such exceptional circumstances to alter the Green Belt boundary in this case. Paragraph 139 f) requires that Green Belt boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent. This is currently the case with the M42 Green Belt boundary, and changing the boundary to accommodate an MSA would breach this clause;
- Unacceptable encroachment into the Green Belt and Meriden Gap;
- The proposal is also contrary to Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, both in its impact on the Green Belt and its failure to be in harmony with the character of the villages' surroundings;
- Harm to the purposes of including land within the Green Belt; and
- The site is located within a highly sensitive strategic gap within the Green Belt.

Highways

- Increased Traffic on A3400/Gate Lane;
- Cause increased journey times;
- Impact on Gate Lane;
- J4 is already at capacity;
- Access from Gate Lane is dangerous;
- Future major housing sites will add to the congestion at the junction;
- Increased traffic on J4 M42;
- Configuration of access around junction is not fit for purpose;
- Increased traffic volumes through Knowle, Dorridge and Bentley Heath;
- No assessment has been provided to how the proposal affects the managed motorway system is operating;
- Already a complicated junction with multiple lanes and safety implications;

- Gate lane already busy and a rat run for commuters;
- Gate Lane too small for this type of development;
- The access arrangements are broadly the same and the traffic modelling has not been updated;
- Would cause even more congestion;
- Despite an upgrade to the M42 Smart Motorway, the traffic often comes to a stand still and a service station would aggravate the existing and growing traffic problem;
- The use of Gate Lane as a feeder and exit from the service station will cause this route out of Dorridge to block up;
- Traffic will further block the M42/A34 roundabout;
- The additional several thousand new homes planned to be built within 3 miles as well as commercial development will all contribute to significant additional traffic in this location;
- The proposed design of the footbridge does not leave space for the future widening of the M42;
- The stretch of the M42 around Junction 4 is one of the most congested parts and has very frequent long queues of stationary or very slow-moving traffic. Having MSA traffic joining at this point would create additional pressure.
- Stage 1 Road Safety Audit raises 24 problems with the scheme;
- Traffic in the area already too heavy for road capacity;
- Highway solution unsatisfactory and would increase traffic excessively at what is already a busy junction;
- Why introduce a smart motorway function only to grid lock it even further with services;
- The proposal would put additional traffic onto an already difficult junction and section of the M42 which is subject to frequent and heavy congestion;
- Constant delays at J4, causing staff to be held up;
- Junction 4 is already a complex junction with access to the Blythe Valley Business Park (BVBP) as well as the A34 and A3400. It is extremely busy throughout the day, particularly so at peak hours, and this is already increasing with the further development of the BVBP and Fore Business Parks and the new housing accessed via the BVBP. The A34 approaching the J4 roundabout is itself already solid with traffic at peak times;
- The proposed layout changes to the J4 roundabout will create a potentially dangerous configuration at the end of the North Bridge, with the four lanes across the bridge splitting into 9 lanes over a distance of a few metres (2 lanes for the MSA, 2 for A3400, 3 for M42 south and BVBP access, and 2 going around the roundabout to the South Bridge), with significant potential for confusion and accident;
- Gate Lane is already one of the local pressure points on the road infrastructure as most traffic from Knowle Dorridge and Bentley Heath heading for the motorway junction uses this lane, resulting in very heavy use at peak times. It is specifically identified as an existing traffic pressure point in Policy T5 of the Neighbourhood Plan. Its characterisation in the application as carrying 'relatively low traffic volumes' shows a lack of understanding of its major role at peak times;
- The proposed MSA will inevitably make this congestion significantly worse, with peak flows of over 700 vehicles per hour passing through the MSA and hence

twice this number of additional movements through J4. The increased volumes and the potential for a queue back from the MSA entrance will make the entire junction more susceptible to complete grid lock in the event of the smallest incident;

- Impact on travel times;
- There could be car cruising by hot hatches in the area using what would be a new large car park late at night, causing anti-social behaviour and drug dealing/use;
- This stretch of the M42 currently has inadequate capacity, increasing this from 3 lanes to 4 lanes would further add to the noise, light and air pollution and would not help reduce the chaos;
- The proposed diversion of SL56 is a deterioration of the facility, with an increase in the distance walked alongside the busy M3400 and the loss of an section across open fields;
- Appreciable lack of details with regard to highway proposals; and
- Turning rates are now out of date;
- The proposal could see additional traffic volumes at Junction 5 of the M42 and Junction 16 of the M40 associated with drivers choosing to divert away from the junction because of its complexity and traffic volume/congestion; and
- The complexity of vehicle manoeuvres around Gate Lane/ Blyth Valley exit/ Stratford Rd southern end & also traffic already heading for Hockley Heath & environs increases the chance of congestion backing onto the M42 if Service Station traffic is added into the mix.

Landscape/Ecology

- Impact on Landscape setting and wildlife;
- There would be no biodiversity gains;
- Site close to the sensitive River Blythe and associated grasslands;
- Impact on woodland;
- Impact on SSS;
- Conflicts in EA with respect of mitigation and off-site enhancements;
- Wrong landscape baseline has been utilised for the assessment;
- Monkspath Wood is designated as an Ancient Woodland;
- Trees along the boundary of Monkspath Wood currently overhang low over the carriageway. As a consequence extensive pruning will be required which would have a direct impact on the trees;
- The addendum to the ES looks in isolation at the landscape impact and does not tie it back to the wider MSA;
- Effect on the local character of the countryside would be devastating with a severe detrimental impact on woodland, trees and biodiversity;
- The landscape and visual impact assessment is fundamentally flawed;
- Omissions within the ecology baseline;
- Proposal represents a loss of 10 hectares of ground foraged by birds and animals and inhabited by many forms of life; and
- Solihull is a specialist area for hedgehog conservation and so loss of further habitat should be prevented.

Other considerations

- No need for an MSA;
- There has been no MSA for many years and many journeys on the motorway are local;
- Annexe B of Circular 02/2013 requires planning authorities to determine applications for MSA's on the applications specific planning merits;
- On line service areas are considered more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break;
- Most long-distance journeys are now undertaken with the aid of sat-navs or hands-free phone apps and it is now normal for these to provide the location of fuel, food and other services close to motorway junctions throughout the route. Many drivers now use these off-motorway services in preference due to the considerable savings achieved. Fuel facilities are available within three minutes in either direction of junction 4. Rest areas are also to hand at Tesco and Notcutts just seconds from J4 with the Tesco site normally open 24hrs a day;
- In 2009 the Secretary of State, in response to a previous application for an MSA at the site, concluded that the unmet need for an MSA did not constitute the 'very special circumstances' that would be sufficient to clearly outweigh the substantial harm identified in relation to the scheme. There are no substantial changes that would change this view;
- Tesco Petrol Station only a short distance off the M42 motorway;
- McDonald's is only a short distance from M42 where users of the M42 can seek food and drink;
- Contravenes Knowle, Dorridge and Bentley Heath Neighbourhood Plan;
- There are many other fuel and food outlets within easy access of the junction. These now considerably reduce the need for a dedicated MSA;
- Already facilities along the Stratford Road;
- Existing MSA's already exist in the area;
- MSA should go on Blythe Valley Park;
- No need for an MSA for vehicles travelling north as this is provided at Hopwood;
- The Tesco Petrol Service Station and Supermarket could be sign posted on the motorway to provide such a facility;
- Other sites have less harm;
- Sets a precedent;
- Service Station is completely unnecessary;
- Already Petrol Stations nearby;
- J7 development has been easily dismissed;
- Loss of agricultural land;
- Already sufficient provision of MSA's;
- Use the land for housing instead;
- No benefits to residents locally;
- Specific Neighbourhood Plan Policies on employment (E1 to E4) focus on the retention and development of employment opportunities in the village centres, the potential provision of a business centre, and support for working from home. This development would do nothing to help achieve these goals;
- Development is unnecessary;
- Safety and fatigue arguments are redundant;
- Impact on local infrastructure;

- Site should be at the Solihull Interchange site;
- Proposal does not benefit local people;
- Hopwood Services is only 2 junctions away;
- Neither J4 or Catherine-de-Barnes are correct locations of another MSA;
- This part of Solihull is already over developed with new housing planned and approved;
- Contrary to the emerging Solihull Local Plan;
- The same site was rejected by the Planning Inspectorate following a Public inquiry when a previous MSA application was made in 2001. The Inspector ruled that an alternative site between junctions 5 and 6 (near Catherine –de Barnes) should be the preferred site and would cause less disruption. The reasons for refusal of the previous application have not been overcome in this application;
- If it is considered that a new MSA is required along this stretch of the M42, then an MSA proposal that links into the hub of regeneration / economic activity would seem to be the more appropriate solution;
- There is little change to the development envelope from the previous schemes in 2001 and 2009;
- The development constraints and development impacts are largely the same as those previously considered;
- Covid 19 is already changing the way we work, with more people working from home and fewer needing to travel well into the future;
- Transport infrastructure should be integrated into the HS2 Hub site;
- Arden's Cross location would be a win/win for the community, the environment, employment and the developers;
- the guidance stipulating the frequency of such facilities, were written pre-covid conditions;
- The decision made on this application will have a direct influence on the borough's carbon emissions for decades to come;
- Greater need for a MSA at the proposed junction 5a for UK Hub and HS2; and
- A motorway service area is likely to have fuel at the current motorway premium prices, which is very significantly higher than fuel prices in towns and cities.

Support

- Better proposal than the Catherine-de-Barnes proposal which causes far greater harm to the Green Belt;
- Provides a facility for motorists to rest on a busy section of the M42 motorway;
- Well put together application;
- Far less impact on the Green belt than rival scheme at Catherine-de-Barnes; and
- Best MSA proposal seen for M42;
- Clear safety need for an MSA on this section of the M42;
- The alternative proposal for an MSA at J5a is far too close to J6 M42;
- The MSA will provide much needed jobs in the local area;
- The design of the MS is interesting and environmentally sustainable; and
- Disruption to people will be minimal.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2018, the National Planning Practice Guidance.

Further, the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 - 2033 (NDP) Referendum was held on 14th March 2019. The referendum result showed clear support for the NDP. The Knowle, Dorridge and Bentley Heath Neighbourhood Plan is now formally part of the statutory Solihull Local Plan (i.e. the development plan) and a material consideration.

Background

There have been two previous applications for development of an MSA broadly on the same site as this application.

An outline planning application was submitted in February 1999 with all matters reserved for the development of an MSA on land adjacent to J4 of the M42. The development comprised of an off-line facility covering 17 hectares of land and included an amenity building, lodge (hotel) containing 66 bedrooms, picnic area, refuelling area and parking for 602 cars, 69 HGV’S, 20 coaches and caravans. Access to the MSA for southbound traffic would have been provided via a new roundabout to which there was proposed a direct link to the M42 southbound off-slip at J4 M42. Access to the MSA for northbound traffic would have been from the roundabout at J4 M42. Planning permission was refused in August 1999 for the following reasons: -

1. The application site lies within the approved West Midlands Green Belt and in a narrow and vulnerable part of the countryside which separates Knowle and Dorridge from Shirley/Solihull. The protection of the Green Belt is a fundamental principle of the Solihull UDP. Very special or exceptional circumstances have to be advanced by the applicant to justify departing from the normal presumption against development in the Green Belt, where there is considerable planning constraint. In the view of the Local Planning Authority no case has been put forward by the applicants to override the normal presumption against development.

2. The National Planning Policy Statement of (sic) MSAs (July 1988) considers the need to take into account the distances of adjoining MSAs, evidence of over-demand on existing MSAs, higher than normal incidences of accidents attributed to driver fatigue and genuine need for services provided. Additionally, the need should be justified by the type and nature of traffic used on the road. Insufficient information has been put forward by the applicants to fulfil those tests and accordingly there is no case of need demonstrated for a MSA in this location.
3. The proposals involve departures from standards and the Highway Agency direct that the application be refused because there is insufficient time to consider the proposal against standards.
4. The proposed components of the facility, especially the lodge, and the lack of information as to control of car parking, as the site is close to the National Exhibition Centre and Birmingham International Airport mean, in the view of the Local Planning Authority that this site is likely to be a destination in its own right, and therefore, unlikely to adequately cater for the needs of motorway users with consequential impacts on road junctions, parking, the Green Belt and the environment.
5. The application is in an area of broadly open landscape and would have an unacceptable urbanising impact on that landscape character. It will be visually intrusive and have a detrimental impact by way of buildings, structures and lighting on the character of that area in general and on the immediate environment itself.
6. The proposal would exacerbate the adverse influence of the M42 on the landscape generally and combined with existing features in the landscape would impact further on the open rural character of the area.
7. The proposal will increase traffic demand at a busy complex of junction which will have inadequate spare capacity.
8. The proposed junction alterations would add complexity to the junction making signing difficult and resulting in potential confusion for drivers.
9. The above factors together with the likely attraction of additional traffic to the site as a destination in its own right will increase the likelihood of congestion on the junction, the risk of accidents, and may result in traffic diverting to less sustainable alternative routes.
10. The proposal is close to the River Blythe SSSI. Further development in the catchment of the River Blythe may direct or indirectly have an adverse impact on the special interest of that river.
11. There are omissions from the environmental impact assessment, especially in respect of levels, historic and cultural effects and ecology and water quality which require further examination to assess whether those impacts are adverse and what mitigation measure may be suitable.

An appeal was submitted in August 1999. The appeal was subsequently recovered for determination by the Secretary of State by direction in a letter on November 1999. The reason given was that the appeal relates to proposals for significant development within the Green Belt.

The appeal was considered with two others which also related to proposed motorway service areas on the M42, namely the site adjacent to the northern quadrant of Junction 5 of the M42 motorway at Ravenshaw, Solihull and the site adjacent to the M42 at Catherine-de-Barnes.

The report of the Inspector who held the public inquiry into this and the other appeals in 1999 and 2000 was published in October 2000. The interim conclusions of the Inspector at paragraph 19.172 and 19.173 found that: -

“The provision of an MSA at J4 would meet the need for such a facility on this section of the M42, which I conclude at paragraph 19.47 is significant. However, very special circumstances must be demonstrated to justify inappropriate development in the Green Belt. In my opinion, the proposed MSA at J4 would cause serious harm to the openness of the Green Belt and conflict with several of the purposes of including land in Green Belts. In particular, the development would be extremely detrimental to the integrity of the narrow gap between Solihull and Dorridge. Moreover, its prominent location and lack of screening would cause severe harm to the attractive landscape that provides the setting for this part of Solihull.

In addition, I consider that the road improvements associated with the scheme would not allow the gyratory system at J4 to operate safely and without causing undue congestion. In my judgement, the proposed roadworks would result in a road layout that was so complicated that it would lead to confusion for drivers unfamiliar with its layout. As it would serve an MSA, it is likely that the junction would attract a significant number of drivers unfamiliar with the area. For these reasons, I have no doubt that the harm which would be caused by the development far outweigh the benefits and I conclude that very special circumstances have not been demonstrated to justify such a development at this location. As such the development would clearly conflict with those policies in the UDP designed to protect the Green Belt and the landscape of the Borough”.

The Secretary of State’s decision letter dated 6 March 2001 dismissed the appeals at the two MSA sites at Junction 4 of the M42 at Box Tree Farm, Stratford Road, Monkspath and in northern quadrant of Junction 5 of the M42 motorway at Ravenshaw, Solihull. However, the Secretary of State indicated that he was minded to grant outline planning permission for a MSA at Catherine-de-Barnes, excluding the use of Walford Hall Farmhouse as a training centre. The minded to approve letter was expressed to be subject to: -

- Appropriate conditions;
- The execution of a signed agreement under Section 278 of the Highways Act 1980 between the appellant and the Highways Agency and the completion of any additional procedures required under the same Act necessary to enable the Highway Agency to reach a final decision on whether auxiliary lanes should be constructed;
- Consideration of the views of the parties on the omission of the use of Walford Hall Farmhouse as a training centre;
- Consideration of the views of English Heritage and of any further representations received in respect of the impact of the proposed MSA on the setting of that listed building: and

- The entering into of a new Deed of Planning Obligation by Undertaking which binds all owners of the land and off-site land in respect of each obligation in the Deed.

In August 2001, shortly after the Secretary of State's decision in relation to the original appeal, a revised outline application was submitted to the Council for an MSA at J4 M42. The proposed development was broadly in the same location as the previous scheme, but sought to address the Inspectors/Secretary of State's decision.

The main differences between the original scheme dismissed at appeal compared to the 2001 submission were: -

- Increased site area from 17 hectares to 23 hectares;
- Different access arrangements from Junction 4 M42;
- Removal of the lodge;
- Less built development; and
- Different landscape arrangement.

The application was not determined by the Council and the applicants lodged an appeal against non-determination.

Following further correspondence with all parties involved in the inquiry, the Secretary of State decided by letter on 6th September 2005 that, in light of material change in circumstances since the original public inquiry, a fair way to proceed to a decision in order to serve the interest of natural justice would be to re-open the inquiry. The Secretary of State considered that the changes in circumstances were sufficiently wide ranging and complex to indicate that it would not be appropriate to proceed to a decision without the relevant evidence being tested at a public inquiry. By the time the inquiry re-opened the then Highways Agency had separately decided to use this section of the M42 as a pilot scheme for its Active Traffic Management (ATM) proposals.

The second planning application submitted for a MSA at Junction 4 was recovered by the Secretary of State in order that the public inquiry could be conjoined with the re-opened inquiry relating to the MSA at Catherine-de-Barnes.

The inquiry subsequently re-opened on 12th February 2008. The Secretary of State in her decision letter of 22nd January concluded in relation to the appeal that: -

"The Secretary of State has given very careful consideration to all issues raised by the appeal proposal. She has concluded that the appeal would cause harm to the Green Belt by reason of inappropriateness, loss of openness; conflict with three of the purposes for including land in the Green Belt; and conflict with two of the objectives for the use of land in the Green Belt. She has also identified conflicts with the development plan with regard to light pollution, the landscape, visual amenity and the delays to J4 and their implications. The Secretary of State recognises the need has increased over recent years. She acknowledges that the scheme would bring about benefit to the existing motorway system through changes to the southbound off slip from the M42 to J4. However, overall the Secretary of State concludes that the

benefits offered by the appeal proposal do not overcome the dis-benefits and do not indicate that she should determine the appeal other than in accordance with the development plan. She has found that very special circumstances do not exist and she concludes that planning permission should be refused”.

Principle of Development

It remains the case that the proposed Motorways Service Area (MSA) represents inappropriate development in the Green Belt contrary to Policy P17 of the Solihull Local Plan (Development Plan) and guidance in Section 13 of the National Planning Policy Framework (NPPF) - Protecting the Green Belt.

As set out above the previous applications have all been dismissed at appeal on this site. The last scheme (2001 submission) was dismissed for reasons of harm to the Green Belt by reason of inappropriateness, loss of openness; conflict with three of the purposes for including land in the Green Belt; and conflict with two of the objectives for the use of land in the Green Belt; conflicts with the development plan with regard to light pollution, the landscape, visual amenity and the delays to J4 and their implications.

Whilst it was acknowledged at the appeal that the need has increased over recent years and the scheme would bring about benefit to the existing motorway system through changes to the southbound off slip from the M42 to J4. It was considered that the benefits offered by the proposal do not overcome the dis-benefits and therefore the proposal should not be determined other than in accordance with the development plan. Thus very special circumstances did not exist and planning permission was refused.

In the light of the development plan and the NPPF the consideration of this application will rest on whether the MSA has overcome matters set out above and all other material considerations to whether the very special circumstances clearly exist to outweigh the harm any other harm to the Green Belt.

Solihull Local Plan

The Solihull Local Plan is the adopted Development Plan and needs to be read as a whole with appropriate regard had to all relevant policies with weight given to their consistency with the Framework.

The adopted Solihull Local Plan within the supporting text to Policy P8 at paragraph 9.3.24 in relation to Motorways Service Areas (MSA) states: -

“The Highway Agency has indicated that it is not promoting a Motorways Service Area in Solihull, but recognises there is evidence of need. In January 2009 the Secretary of State considered MSA proposals in the Solihull part of the M42. The Secretary of State accepted that there is a need for one additional MSA serving traffic in both directions. However, none of the proposals considered at the Inquiry were found to be suitable or appropriate in terms of harm to the Green Belt and other matters. Having regard to the decision of the Secretary of State the Council does not consider there is justification to make specific provision in the Local Plan for this purpose”.

The Framework at paragraph 104(e) at Section 9 Promoting Sustainable Transport in respect of planning policies states that:

Planning policies should:

e) provide for any large scale transport facilities that need to be located in the area⁴², and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements;

Footnote 42: Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

The Solihull Local Plan makes no specific provision for an MSA within the development plan. Representations have been received to the Draft Local Plan from such providers to make such a provision(s) within the development plan.

Draft Solihull Local Plan – November 2016

In relation to MSA the draft Local Plan paragraphs 284 – 287 states that in 2001 the Secretary of State (SoS) was minded to grant permission for an on-line MSA to serve the M42 near to Catherine de Barnes. It was judged that the need for the services outweighed the harm to the Green Belt that had been identified. However, in 2005 prior to the formal decision being made, the SoS was of the view that due to material change in circumstances since the original inquiry that the inquiry ought to be re-opened.

The inquiry re-opened in 2008 and the MSA proposals near to Catherine de Barnes were considered alongside alternative proposals for an off line facility at junction 4. At the re-opened inquiry the Highways Agency's (as Highways England was then known) primary concern was to ensure that the safe and efficient operation of the strategic highway network would not be compromised by an MSA; and this included the operation of the Active Traffic Management (ATM) which had been bought into use after the initial inquiry.

In 2009 the Secretary of State dismissed the two appeals. Although the SoS concluded that there was still a significant unmet need, this need did not constitute the 'very special circumstances' that would be sufficient to clearly outweigh the substantial harm that had been identified in relation to both schemes. In relation to the Catherine de Barnes proposals, she did not consider that the proposals before her were compatible with the safe and efficient working of the ATM system.

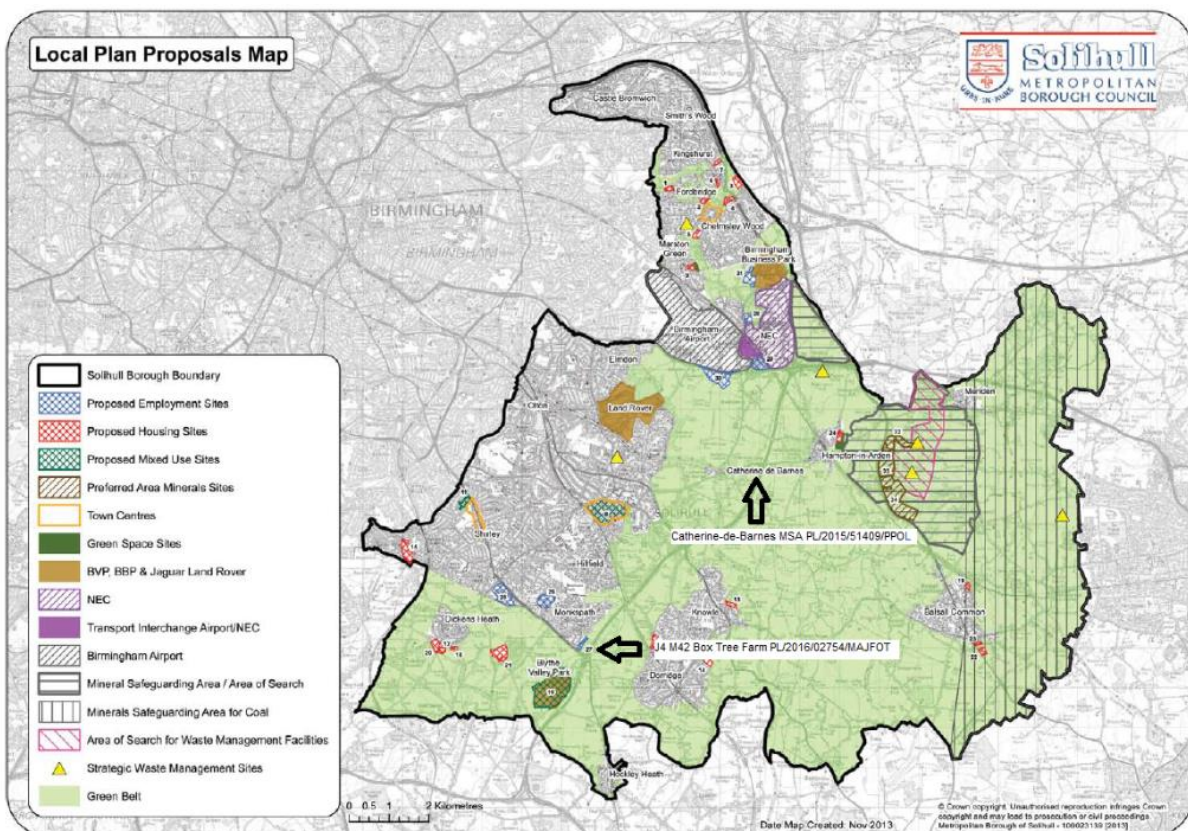
Since then revised planning applications have been submitted and are currently being assessed by the Council and Highways England. Whilst the applications are under active and detailed consideration it is not considered necessary to address the issue further through this review of the development plan.

Thus it can be seen that there has been no material policy change in the Review to designate a site for an MSA within the Borough.

Paragraph 48 of the Framework gives details in terms of what weight should be attached to relevant policies in emerging plans. Given the current status of the Local Plan Review only very limited weight should be attributed to the Local Plan Review given its current stage of preparation.

Green Belt

The Solihull Local Plan identifies the application site as clearly located within the approved West Midlands Green Belt within the Meriden Gap. Below is an extract from the Solihull Local Plan Proposals Map that identifies the MSA sites:-



In relation to Green Belt Policy, the development plan (SLP) and NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Para 133).

Paragraph 134 confirms that the Green Belt serves five purposes:

- i. to check the unrestricted sprawl of large built-up areas;
- ii. to prevent neighbouring towns merging into one another;
- iii. to assist in safeguarding the countryside from encroachment;
- iv. to preserve the setting and special character of historic towns; and

- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Para 143).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 144).

Paragraph 145 confirms that Local Planning Authority should regard the construction of new buildings as inappropriate development.

Policy P17 of the Solihull Local Plan in relation to the Countryside and Green Belt which is in conformity with the NPPF, gives additional guidance to national policy in a small number of areas.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan at Policy VC1: Green Belt and Landscape reconfirms that National and Solihull Local Plan Green Belt policies will apply in the relevant parts of the Plan Area. The policy goal seeks to maintain separation of Knowle, Dorridge and Bentley Heath from Solihull, Shirley and surrounding villages by protecting the Green Belt from inappropriate development whilst ensuring easy access to the countryside. The setting, character and feel of the villages, their historic cores and the natural environment will be protected. The provision of new features that enrich the quality of the natural environment will be supported.

It can be seen that there is a strong presumption against new development unless it is considered to be appropriate in the Green Belt as defined by the policies in the NPPF, Policy P17 of the Solihull Local Plan and Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan.

This part of the West Midlands Green Belt in which the site is located is known as the Meriden Gap – an area of open countryside, which separates Coventry from Birmingham. The Meriden Gap has been long recognised by Government as a primary example of the three fundamental purposes of Green Belts. It is perhaps the most crucially important area of Green Belt in the West Midlands. One of the key spatial strategies of the Solihull Local Plan is protecting the Green Belt in the Borough, whilst making provision for the Boroughs local needs, regeneration and growth. The development would in addition lie adjacent to a motorway junction where development pressure is increased.

Paragraph 5.4.10 of the Local Plan confirms that "National Green Belt policy applies to the Green Belt in the Borough, which is identified on the spatial strategy diagram within the Local Plan. Locally, protection will be given to the key gaps between settlements in the Borough, such as the Meriden Gap". Clearly, the gap between Shirley and Dorridge is of key importance, given the narrow nature.

It is accepted and acknowledged by the Applicant that the proposed Motorway Service Area and its associated development represents inappropriate development within the Green Belt and should not be approved except in very special circumstances.

In assessing the harm, to the Green Belt, the proposed MSA clearly represents inappropriate development which is by definition harmful to the Green Belt. In view of the presumption against inappropriate development, **substantial weight** must be attached simply to this aspect alone.

- Impact on Openness

The table below sets out a comparison between the proposed MSA's.

Parameter	Land at Solihull Road, Catherine-de-Barnes. (PL/2015/51409/PPOL)	Land at Junction 4 M42, Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)
Area of Site in Green Belt	13.7 hectares.	9.9 hectares.
Buildings (gross floor area)	9241sq.m. (including Facilities Building/Hotel/Petrol Filling Station).	5000sq.m.(upper parameter including drive thru coffee shop).
Vehicle parking provision.	679 car parking spaces and 36 disabled spaces, Coach parking (18 spaces), 91 HGV spaces, 18 caravans/motor homes/vehicle and trailers and 2 caravans/motor home/vehicle and trailers for disabled persons.	662 cars (including 33 spaces for disable users), 87 HGV'S, 17 coaches, 22 caravans (including 2 spaces for disabled users) and 22 motorcycles.

The proposed MSA would have a substantial impact on the openness of the Green Belt. Whilst, there is no definition of openness, it can be described as being land that is free from any built development.

The proposed MSA would represent a major incursion into the open countryside Whilst, it is acknowledged that the proposed built development is sited closer to the M42 and the footprint has been reduced to the minimum to provide a functional MSA and in comparison to previous appeal schemes. This has resulted in a planning application boundary of 9.9 hectares (a reduction 42% against 2001 appeal scheme and 57% reduction on 2009 appeal scheme). It needs to be noted that off-site mitigation works are identified within the blue land (i.e. land in the control of the

owner of the site). It is the aggregate of such impact on openness that must be considered.

The proposed MSA would still involve significant buildings and car parking provision (Circa 4900 m² of buildings and 9.9 hectares of land take) in an area which at present is open rural land. Even though the proposed MSA has been situated as close as possible to existing built infrastructure associated with J4 M42, and the built form and hard surfacing are located in less prominent locations, the proposal would represent a significant and physical loss of openness compared to the existing undeveloped state of the land. This would be apparent from the public footpath SL56 that crosses the site, which would require diversion by the proposal. Further, given the narrowness and vulnerability of this area of Green Belt, the general harm to openness would be exacerbated by the resultant merging of Shirley/Monkspath with Dorridge, Bentley Heath and Knowle. The consequent reduction in this important gap would harm the integrity and openness of this gap. Openness of the site and area within which it is located would be seriously harmed and arguably lost. Openness together with its permanence is an essential characteristic of the Green Belt (Para 133 NPPF). Overall, the proposal would cause significant harm to the openness of the Green Belt in this location and this carries **substantial weight** against the proposal.

- Impact on the character and appearance of the Green Belt.

In terms of the impact of the proposed MSA on the character of the Green Belt, the site lies within the M42 motorway corridor which includes its associated gantries, signage, lighting columns, raised junction (J4 M42), local roads and other urban land uses also influence the character of the Green Belt. The site exhibits a high noise level and physical separation. The area from which the site can be seen is very well contained. It falls within the area already dominated by the urbanising influences of the motorway, and is less well-associated with the more rural landscapes to the east, due both to landform and several layers of vegetation / woodland within the local landscape. Although some screening would be slightly reduced during winter months, the depth of vegetation within woodlands ensures that the site remains visually well contained.

The proposed introduction of a significant motorway related facility including its buildings, extensive car parking/infrastructure into this area would clearly add to and have a significant urbanising impact on the character and appearance of the Green Belt in this location despite the significant influence of the M42 motorway and associated urban uses within the built up area of Shirley to the west of the M42 motorway. Owing to the quantum of development proposed and urbanisation of the site, there would be an adverse effect on the open and rural character and appearance of the area. This causes significant harm to the character and appearance of the Green Belt and carries **substantial weight**.

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Paragraph 134 of the NPPF sets out the five specific purposes that the Green Belt serves (see above). The proposal would extend development beyond the J4 M42 junction into a predominantly rural area that would contrast with the built development to the northern/western side of the M42. The fact that buildings and car

parking have been situated as close as possible to existing built infrastructure associated with J4 M42 does not alter that perception. It is acknowledged that the design principles of the development would assimilate the MSA far better into the landscape context than previous schemes. However, the proposal would still appear as a physical extension to the built up area in this location. The proposal would therefore harm the first purpose of including land within the Green Belt, namely checking the unrestricted sprawl of urban areas.

The gap between Shirley and Dorridge, Knowle and Bentley Heath is already narrow in this location at approximately 1.5 kilometres wide. Despite the reduction in site area of the proposal, the incursion of the proposed MSA into this open, narrow rural countryside within this strategically important gap would significantly reduce it. This causes substantial harm to the 2nd purpose of including land in Green Belts, namely preventing neighbouring towns from merging. Given the scale of the development it would also cause encroachment into this valuable open rural gap that would result in substantial harm to the third purpose of including land within the Green Belt.

The proposed MSA would therefore harm 3 of the 5 purposes on including land in the Green Belt namely checking unrestricted sprawl of urban areas, preventing towns from merging and safeguarding the countryside from encroachment. These matters carry **very substantial weight** in terms of harm to the Green Belt.

Paragraph 141 of the NPPF confirms that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. The MSA proposal in this instance would deliver a series of landscape enhancements to the landscape context of the site, through the off-site mitigation of native woodland planting, native hedgerow planting and positive land management improving nature conservation. However, the present rural feel adjacent to J4 M42 would be lost for the public that utilise the public footpath that crosses the site, although the public footpath would be re-provided through a diversion. This would reduce the opportunity for ease of access to the countryside currently provided.

Paragraph 144 of the NPPF confirms that when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.

In summary, the proposed MSA represents inappropriate development which is by definition harmful to Green Belt. The proposal causes harm to the openness of the Green Belt since it would involve significant development into an area which is currently open countryside. The proposal would also contribute to urban sprawl by extending development into a predominantly rural area, appearing as a physical extension of the existing built up area. It would also increase the perception of coalescence between Shirley and Dorridge as more of the gap is reduced and it becomes more vulnerable. Further it would encroach upon the countryside and reduce access to the countryside. The proposal also causes harm to land use

objectives through the reduction is the ease of access to the countryside, which carries substantial weight.

The proposal therefore does not accord with the Development Plan in respect of Green Belts (Policy P17 and Policy VC1 of The Knowle, Dorridge and Bentley Heath Neighbourhood Plan), nor does it accord with those categories of development deemed appropriate within Green Belts by the NPPF. The fundamental question then becomes whether there are very special circumstances. These do not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations; **substantial weight** is given to any harm to the Green Belt (NPPF Para 144).

It is therefore, necessary to consider the very special circumstances advanced by the applicant in this case.

Need for a Motorway Service Station (MSA)

Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development sets out the current government policy with regard to the function and provisions of MSA on the motorway network. It notes and advises that a well functioning strategic road network enables growth by providing safe and reliable journeys.

Paragraph B4 of Annex B deals with spacing of motorway service area and other facilities. The Circular notes that MSA's and other road side facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours.

The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However, timing is not prescriptive as at peak hours, on congested parts of the network, travel between service areas may take longer.

Highway England therefore, recommends that the maximum distance between motorway service areas should be no more than 28 miles. The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the Design Manual for Roads and Bridges including its provisions in respect of junction separation.

Speed limits on the strategic road network vary and therefore, applying the same principles, the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time.

Paragraph B8 of Annex B to the Circular confirms that the distances set out are considered appropriate for all parts of the strategic road network and to be in the interest and for the benefit of all road users regardless of traffic flows or route choice. In determining applications for new and improved sites, Local Planning Authorities should not need to consider the merits of the spacing of sites beyond conformity with

the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.

The Circular also sets out the minimum requirements for various roads facilities. In terms of a motorway service station they are required to be open 24 hrs a day 365 days a year; provide free parking for up to 2 hours minimum for all vehicles permitted to use the road; free toilets/hand washing facilities with no need to purchase; shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area; fuel; hot drinks and hot food available at all opening hours for consumption on the premise; access to a cash operated telephone; and minimum parking requirements.

It is therefore, firstly necessary to identify if there is an existing, unmet need for a new MSA on the motorway network in the Solihull Area.

The West Midlands lies at the centre of the country's motorway network linking the north with the South East and South West. There are eight existing MSA's on the Midlands motorway network. These are located at: -

Motorway	Location
M40	Warwick Services (between J12 and J13)
M42	Hopwood Park Services (J2)
M42	Tamworth Services (J10)
M6	Corley Services (between J3 and J4)
M6	Hilton Park Services (between J10 and J11, North of Junction with the M54)
M6 Toll	Norton Canes (between JT6 and JT7)
M54	Telford (Junction 4)
M5	Frankley Services (between J3 and J2)

MSA's exist to meet a safety and welfare need on the motorway network and Circular 02/2013 provides specific guidance in terms of maximum distances and equivalent driving time between services. Based on the policy guidance, it is necessary to consider the gaps that exist on the Midlands Motorway Network. These matters have been considered in detail in both the 2001 and 2009 decision letters. The evidence provided the Applicant's in this case indicates the following gaps, as shown in the table below (it should be noted that this slightly differs from that provided by the other applicant): -

Neighbouring MSA's in the West Midlands	Existing Gap (miles)
Telford – Warwick	64
Warwick – Telford	64
Hilton Park – Warwick	49
Warwick – Hilton Park	49
Norton Canes – Warwick	46
Warwick – Norton Canes	46
Tamworth – Warwick	37

Warwick – Tamworth	37
Corley – Warwick	34
Warwick - Corley	34
Norton Canes – Hopwood Park	35
Hopwood Park – Norton Canes	35
Hilton Park – Hopwood Park	38
Hopwood Park – Hilton Park	38
Hopwood Park - Tamworth	27
Tamworth – Hopwood Park	27
Hopwood Park – Corley	25
Corley – Hopwood Park	25

The gaps identified above are based purely upon a 28 mile maximum separation between MSA's and does not take into account that it may take drivers in excess of the 30 minutes to travel the 28 miles due to the congestion experienced on this part of the network. It is clear from Circular 02/2013 that a gap either exists or it does not, and that flows and route choice are not material. Paragraph B8 of Circular 02/2013 is clear "in determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons". A recent High Court Decision in respect of the Gloucester Gateway MSA confirmed this approach stating that need should be indeed be established by sole reference to the wording of the Circular (as set out above).

It is clear from the evidence provided above that there is little doubt that based on government policy relating to the maximum distance between MSA's, a need exists for a new MSA located in Solihull Section of the M42. This MSA proposal would meet that need within this section of the M42.

The table below sets out the potential reduction in spacing between the proposed MSA's at J4 M42 and Catherine-de-Barnes. Further highlighted in red are the routes that would still exceed the guidance in Circular 02/2013: -

Neighbouring MSA's in the West Midlands	Existing Gap (Miles)	Revised Gap with Shirley MSA J4 M42 (miles)	Revised Gap with Catherine-de-Barnes MSA (miles)
Telford – Warwick	64	45	41
Warwick – Telford	64	19	23
Hilton Park- Warwick	49	30	26
Warwick – Hilton Park	49	19	23
Norton Canes – Warwick	46	28	24
Warwick – Norton Canes	46	19	23

Tamworth – Warwick	37	18	14
Warwick – Tamworth	37	19	23
Corley – Warwick	34	15	11
Warwick – Corley	34	19	23
Norton Canes – Hopwood Park	35	28	24
Hopwood Park – Norton Canes	35	8	12
Hilton Park – Hopwood Park	38	30	26
Hopwood Park – Hilton Park	38	8	12
Hopwood Park – Tamworth	27	8	12
Tamworth – Hopwood Park	27	19	15
Hopwood Park – Corley	25	8	12
Corley – Hopwood Park	25	17	13

The table indicates that both MSA's are capable of meeting the vast majority, but not all, the maximum distance between motorway service areas recommended by Circular (i.e. MSA's should be no more than 28 miles apart). Whilst, it is acknowledge that both MSA schemes would significantly improve the current situation in terms of the existing gaps between MSA in the West Midland Region. The evidence in the table above demonstrates that the Catherine-de-Barnes MSA proposal is a best fit in terms of achieving the reduction in spacing between existing MSA's in the West Midlands Region with only one route Telford to the proposed MSA at Catherine-de-Barnes in excess of the 28 miles.

Whilst, this application would improve the situation, it still indicate that three routes would be still in excess of the distances indicated in the Circular, namely Telford to Warwick Services, J4 M42 MSA and Hilton Park to Warwick and Hilton Park to Hopwood Park. Thus only **moderate** weight is attached to the locational benefits of this application site.

The provision of a MSA at J4 M42 would still meet the significant unmet need for such a facility on this section of the M42 for traffic travelling in both directions. That need is even greater now than was in the previous appeal cases given the increase in traffic and congestion along the M42. The provision of a MSA would also improve safety on the strategic road network in accordance with the Circular.

It is clear from the evidence provided, consultation response from Highway England and having regard to the Secretary of State's decision letter of 2001 and 2009 that there has been no change in the provision or availability of MSA since the matter

was last considered. Based upon government policy relating to the maximum distance between MSA's there still remains a significant unmet need for a new MSA on the M42 between Junction 3A and 7. That need is somewhat greater now given the extent of congestion that occurs on this part of the motorway network as journeys become significantly longer at peak times.

It should be noted that in the Swayfield Ltd's appeal for a MSA between Junction 9 and 10 of the M25 and at the east quadrant of Junction 2 of the M40, the Secretary of State attached substantial weight to the clear and compelling need for an MSA at these locations. In these cases this unmet need amounted to very special circumstances of sufficient weight to outweigh the harm to the Green Belt and any other harm. The Secretary of State also confirmed that the need for an MSA amounts to a material consideration which can be sufficient to outweigh conflicts with other national planning policies, the development plan and any other matters. However, this is a matter for the decision maker to attach the necessary weight to the matter in undertaking the planning balance, depending on the circumstances of each case.

Other matters

A number of representations made consider that the proximity of existing drive thru facilities or supermarkets close to junctions on the M42 are sufficient to provide drivers with appropriate facilities for the welfare of drivers. It is clear from the minimum requirements to set in the Circular (set out above) that such drive through facilities and supermarkets do not meet the definition or requirements to be considered an MSA. Thus, a significant need for an MSA exists for such a facility on the M42 having regard to the guidance in Circular 02/2013 and such local facilities made reference to in representations do not meet these requirements.

Alternative Sites

Circular 02/2013 provides guidance to the process of identifying an appropriate location for a new MSA.

Paragraph B13 – B15 states “on-line (between junctions) service areas are considered to be more accessible to road users and a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions”.

Therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, the Highway Agency has a preference for new facilities at on-line locations.

However, in circumstances where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, a site sharing a common boundary with the highway at a junction with the strategic road network is to be preferred to the continued absence of facilities”.

The application proposal is for an off-line facility.

Traditional MSA's pre 1991 were often constructed with separate facilities each side of the motorway. However, more recent developments have tended although not exclusively to favour single facility buildings and car parking located on site with access from both carriageways. This approach reduces the land take required and duplication of facilities.

The applicants as part of the ES have therefore, undertaken an Alternative Site Assessment. In considering such sites, the Assessment has had regard to safety and operational considerations which are set out in The Design Manual for Roads and Bridges (DRMB) and Interim Advice Note (IAN) 149/11 which provides Standards which need to be applied to new slip roads and safe weaving distances for vehicles entering and leaving the motorway.

The Solihull section of the M42 runs through rural areas. The guidance in DRMB at paragraph 4.35 states: -

"For Rural Motorways. The desirable minimum weaving length must be 2 kilometres. Above 3 kilometres apart, merges and diverges tend not to interact and can be considered as separate entities, since weaving ceases to occur.

The maximum possible weaving length can thus be taken as 3 kilometres. This would be the case up to and including weaving sections 5 lanes wide. The weaving formula is not to be used for weaving lengths above 3 kilometres. The requirements for weaving for MSA's on rural motorways are as for rural motorway junctions".

If a proposed design aspect falls outside the requirement of the design standards, then it must be treated as a Relaxation or a Departure (a Relaxation may be adopted at the discretion of the designer but a Departure must be approved by Highways England).

The conclusions of the assessment advise that there are no opportunities to deliver a new junction between J3a to J7 M42 without substantive departures from highway standards set out in the Design Manual for Roads and Bridges. The applicant's in this planning application contend that the Catherine-de-Barnes MSA has sought to engineer a solution whereby highway standards could be materially disregarded so to make the Catherine-de-Barnes MSA feasible.

In terms of junction sites, the assessment states that three of the 5 junctions between J3a to J7 M42 can be discounted. J3 and J7 M42 are both free flowing junctions and do not provide opportunity to provide access to / from the motorway and thus cannot serve a MSA. J6 M42 is an all movement grade separate, signalised roundabout interchange. This junction will be materially affected by HS2, M42 Gateway Master Plan and Highway England DCO highway improvement proposal and thus no available land sharing a common boundary with the junction can be found. Thus this option has been dismissed within the assessment.

The assessment therefore, contends that only J4 and J5 M42 are the only options available. In terms of J5 M42 this is an all movement, grade separated, signalised roundabout interchange. It is contended that there is insufficient land for an MSA on three quadrants of the motorway. This leaves only the north-east quadrant lying next to Ravenshaw Lane as an option. The assessment recognises that the north-east

quadrant at J5 M42 has been subject to planning applications which have been dismissed at appeal by the Secretary of State. However, this site is dismissed as part of the alternative site analysis due to the spatial relationship and impact on the local landscape.

On this basis the Applicant's assessment considers that the only site suitable for an MSA is the J4 site proposed in this application.

Whilst, the alternative site assessment required by the ES has come to different conclusions than the Catherine-de-Barnes planning application, it has provided evidence to support conclusions to discount such alternative sites, which will need to be balanced in terms of consideration of both MSA applications.

A number of representations have raised the issue that a further search for alternative site should be undertaken and Tesco's and existing services along the Stratford Road are sufficient to meet these needs. However, the continuing long term absence of suitable alternative MSA sites adds significantly to the motorists' significant need for an MSA on this section of the M42. In light of the assessment already undertaken there are no reasonable grounds to delay a decision on the grounds that a further search might be successful in identifying alternative sites.

A comparison table setting out the principal high level differences between the proposed MSA site at M42 J4 and the proposal the subject of this report is found above.

It is concluded that the Catherine de Barnes proposal is overall to be preferred having regard to all material considerations.

Economic Benefits

The NPPF is based on the principles of sustainable development and requires the planning system to balance economic, social and environmental factors.

Para.8 of the NPPF from an economic perspective means "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure".

Paragraph 80 advises that decisions should help create the conditions in which businesses can invest, expand and adapt. Substantial 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

The Solihull Local Plan provides an up to date policy framework for the Borough, It contains a vision of how will develop as a place to meet the needs of its local

residents, businesses and visitors now and in the future. The Council has active engagement with the Greater Birmingham and Solihull Local Enterprise Partnership.

Paragraph 2.7.1 of the Local Plan notes that “the M42 Economic Gateway is a major economic growth driver in the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) and is home to key strategic assets and employers.....The M42 Economic Gateway is one of the key investment locations within the LEP. It is estimated that realising the full potential of the Gateway could create over 36,000 additional jobs by 2026 and add £5.9bn to the West Midland economy. Expansion of Birmingham Airport and proposals for a high speed rail link could add to the existing strategic transport infrastructure of the M42, A45 and West Coast main line. The areas economic success has put pressure on the M42 motorway junctions, although this has been alleviated recently by the Managed Motorway system. Despite its excellent connectivity to the strategic transport network, the area suffers from poor bus access and infrequent services to adjacent areas. Much of the Gateway is situated in the Green Belt and its attractive rural setting is a key draw for investors and employees”.

The vision underpinning the Local Plan notes the importance of the M42 Economic Gateway and confirms that “investment in infrastructure crucial to the delivery of the plan will have to be provided to underpin sustainable development within the corridor”.

The M42 Economic Gateway Masterplan Report (June 2013) sets a vision, which supports a series of land use scenarios for key development/regeneration zones, supported by strategies for transport, landscape and key growth sectors which are intended to help define investment decisions, underpinned by a delivery framework.

The Master Plan identifies that localised improvements to J4 M42 may be required to meet demand. These are likely to take the form of further signalisation and/or free flow slip road capacity.

An overview of this area indicates that there is a relatively high level of economic activity, with a high to mid value occupational profile and very low levels of deprivation. Unemployment is also below the local authority average.

During the construction phase, the proposed MSA at J4 M42 would have negligible direct and indirect employment impacts. It is estimated that the construction phase would support approximately 66 direct jobs and a further 132 in direct jobs in the supply chain.

Once operational, the proposal would result in an overall increase of 406 jobs (336 direct and 70 indirect), of which 179 would be net additional jobs in the area. In terms of the Gross Value Added to the economy of the area is estimated annual £26,000 per full time employee and in the order of £4.6 million added to the economy annually. This level of employment and investment represents a major development opportunity that brings direct and indirect benefits for the Borough. Thus in accordance with the NPPF and Local Plan policies **substantial weight** should be attributed to the economic benefits that the proposed MSA would deliver.

Retail Impact

The NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses and that impact assessments only applies to retail, leisure and office development.

The definition of a main town centre use is contained at Annexe 2 of the Framework

Neither, the NPPF or the Local Plan provide any guidance in respect of the requirement for a sequential test to be undertaken for a motorway service area proposal. Circular 02/2013 at paragraph B29 confirms that the scope and scale of retail activities is a matter for consideration by the relevant local planning authority (LPA) in line with the NPPF and local planning policies. However, local authorities should have regard to the primary function of road side facilities which is to support the safety and welfare of the road user.

Accordingly, the individual components of the MSA are separate entities and by their very nature need to be located adjacent to the Strategic Road Network. Furthermore, they provide for traveller's safety and welfare and not destinations in their own right. Thus, whilst some retail units and food outlets are provided within the amenity building, they are clearly ancillary to the function of the MSA and the role that they are intended to serve. In this instance the Amenity Building that would be given over to "potential town centre uses" would be materially less than the 2,500sq.m. retail impact assessment threshold identified.

Thus it is not necessary for the MSA proposal to carry out a retail impact assessment or sequential test for this proposal.

Impact on highway safety.

Paragraph 108 of the NPPF advises that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- 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.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy P8 of the Solihull Local Plan requires all development proposals have regard to transport efficiency and highway safety.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan (KDBH) contains a Transport and Traffic Policy Goal for transport infrastructure being well designed and

responding to the needs of those living and working in KDBH. KDBH should be well connected to Solihull and the greater West Midlands, London and beyond.

The policy goal continues advising that safe transport infrastructure will exist for all forms of transport and travel, both motorised and non-motorised. Congestion and environmental harm caused by road traffic should be minimised. Sustainable forms of transport and travel will be supported and encouraged.

Policy T5 Road Infrastructure of the KDBH confirms that the impact of development on highway safety and capacity must include consideration of, and, where relevant, appropriate mitigation measures in relation to the following locally identified pressure points. This includes Gate Lane.

Policy T3 Walking Infrastructure of the KDBH confirms that proposals that involve the creation of.....non-residential development that is to be open to visiting members of the public shall be required to demonstrate that the needs of pedestrians and cyclists have been considered.

Further guidance is set out in Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development, which deals with the provision of MSA's. From the 1st April 2015 Highways England has taken over the role of the Highway Agency to operate and improve Motorways and major roads in England. The emphasis of the Circular is on positively supporting development where it can be demonstrated that the development proposals do not lead to severe adverse impacts or safety concerns in the year of opening. Paragraph 9 states: -

“Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

Paragraph 27 adds that “where the overall forecast demand at the time of opening of the development can be accommodated by the existing infrastructure, further capacity mitigation will not be sought”.

In terms of MSA proposals, the Circular identifies that the network of MSA's has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. On this basis, it recommends that a maximum distance between MSA's should be no more than 28 miles. It is clarified within the Circular that the distances set out are considered to be appropriate for all parts of the Strategic Road Network (SRN) and to be in the interests and benefit of all road users regardless of traffic flows or route choice.

Evidence indicates that 20% of road accidents in the UK are due to driver fatigue as there is no safe place to stop, rest and refresh.

It can be seen that there is a clear policy presumption towards promoting sustainable development and encouraging development and infrastructure where it can provide benefits in terms of highway safety, pedestrian and cycle access improvements.

Many of the objections to the proposed MSA are concerned about the existing congestion, traffic flows, accidents, and road safety implications at Junction 4 M42 and Gate Lane.

As stated in the proposals section of the report, the scheme comprises a new MSA, but also includes a number of improvements at M42 Junction 4, including physical lane increases on the circulatory carriageway, and the southbound off-slip. This would include the replacement of the north-side overbridge which reports indicate that the overbridge has structural issues and its lifespan is significantly reduced and would need to be replaced in future years.

Impact on Strategic Road network

Highways England (HE) are appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and are the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such they work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. The SRN in the vicinity of the proposed development is the M42 motorway.

In respect of the application HE are the strategic highway company are responsible for the SRN (M42) and the slip roads that lead to Junction 4. Solihull as Local Highway Authority are responsible for the junction above the M42 and local roads that feed into the Junction (Stratford Road and Gate Lane). The access into Blythe Valley Park is in private ownership.

Applications for Motorway Service Areas are considered under the requirements of DfT Circular 02/2013: *The Strategic Road Network and The Delivery of Sustainable Development* ("the Circular"). Annex B of the Circular sets out specific criteria that Highways England must apply to proposals for such roadside facilities in addition to the general planning requirements set out in the Circular.

Motorway Service Areas perform an important road safety function by providing opportunities for the travelling public to stop and take a break during their journey. This reduces to likelihood of road traffic collisions caused through driver fatigue.

As per The Circular, opportunities to stop at such a facility should ideally be provided at intervals of approximately every half an hour, or every 28 miles. A need for an MSA to be located somewhere between Junctions 3a and 7 of the M42 was tested and accepted at previous public inquiries. Nonetheless, as with any other form of planning application, the Applicant must demonstrate that there would be no severe impacts upon the safety and operation of the SRN, in this case, the M42 motorway.

- Planning History.

HE first received notification in November 2016 of the planning application (ref PL/2016/02754/MAJFOT) for the construction of a Motorway Service Area (MSA) at M42 Junction 4. Their initial review had found that the application was lacking in sufficient detail to enable them to provide a definitive response, therefore resulting in their recommendation that the application should not be determined for a period of six months to allow the Applicant time to improve the evidence base underpinning the application.

Following a number of amendments to the nature of the application proposals made during 2019, the highway elements of the proposals were revised to take account of the need for a replacement motorway bridge to be constructed on the northern side of M42 Junction 4. This replacement structure was deemed necessary to accommodate the additional loading from traffic associated with carriageway widening from three to four lanes over the bridge structure. This widening in turn forms part of the overall package of traffic mitigation necessary to accommodate the development traffic associated with the proposals as considered within the Transport Assessment.

Several other detailed changes to the highways proposals were also necessary to ensure the engineering measures associated with the development are deliverable. This included changes to the detail of the widening proposals for the M42 southbound exit slip road, which leads towards the site access, and other matters of engineering detail including those related to the adjacent highway network of Solihull Council which includes the Junction 4 circulatory.

Over the course of 2019, the highways proposals, as they relate to the Strategic Road Network, were developed to the necessary technical standards required of a planning application. This included both a Stage 1 Road Safety Audit; a Walking, Cycling & Horse Riding Assessment (WCHAR), and a GG104 Safety Risk Assessment, completed to HE satisfaction. The Applicant also identified three Departures from Standard. These were independently appraised by ourselves and given Agreement in Principle (AiP) to proceed.

On 11th December 2019, HE subsequently wrote to Council removing their previous holding recommendation which was replaced with a response of no objection subject to a number of planning conditions.

In August 2020 HE advised that the Applicant's was undertaking a review of their strategic transport modelling assessment. This was necessary due to the amount of time that had passed since the previous assessment and the need to consider any new committed developments, and update traffic flows. Due to this refresh and review, HE revised its response back to a 'holding response' whilst this work was undertaken.

HE updated their response in October 2020 advising that this modelling work was still ongoing, and they were happy to report that this modelling work had been completed and reviewed by their Transport Consultants to their satisfaction. The traffic modelling work indicated that the highways scheme previously proposed to support the development remained sufficient to mitigate the traffic impact associated with the development. With the exception of one additional Departure from Standard

submission, no further engineering or safety approvals have been required and those previously obtained remain appropriate and valid.

-What is a Departure from Standard?

The Design Manual for Roads and Bridges (DMRB) contains information setting out the current standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom. Standards for motorways and trunk roads relate to various aspects of the road or bridge structure such as geometry, geotechnics, drainage and lighting. Chapters within DMRB set out the standards for specific road features which will vary depending on the type of road, proposed scheme design, existing features, and traffic flows.

A Departure from Standard is where the designer is not following the requirements as set out in the design manual. Departures may be justified where a requirement of a Standard is inappropriate in a particular situation, or where the application of a Standard would have unintended adverse consequences. Departures can also be a value-adding mechanism to realise benefits from innovation and value engineering, supported by robust safety and economic cases. They can also be necessary where the constraints of the project do not permit a design to standards. In such cases, a Departure may be considered, providing that it is consistent with current legislation and with Highways England policy. This includes ensuring safety, maintainability and value for money on a whole life basis.

The responsibility for identifying where a Departure exists rests with the designer (i.e. the applicant). A clear justification for not adopting the full standard must be submitted to HE when seeking approval for each proposed Departure. This information is appraised by a Technical Specialist working within their Safety, Engineering and Standards (SES) Directorate. This will be a person with specialist knowledge in the field most relevant to the Departure. Each Departure application is considered on its own merits appropriate to the individual circumstances, and is appraised based on the safety implications of the Departure and whether the proposed mitigation measures are sufficient.

The proposal in this case, identified four Departures from Standard arising from their Highway scheme. These are summarised below.

Departure 1: Emergency Refuge Area (ERA) proximity to southbound diverge.

IAN 111/09 requires that an Emergency Refuge Area (ERA) not be located less than 1/2 mile upstream of the exit datum point at a junction and always upstream of the 1/2 mile or 1/3 mile sign. This requirement is to prevent the ERA from being confused with an exit-slip. The current spacing between two existing ERAs and the southbound diverge (exit) does not comply with IAN 111/09, as they are approximately 200m and 800m from the exit datum point for the existing diverge. The Applicant proposes to move the exit datum point for the proposed diverge approximately 100m further south, thereby reducing the distances from the ERAs to 100m and 700m. The ERA closest to the diverge would then be removed, leaving just the ERA, 700m from the diverge.

Removal of the ERA closest to the diverge would mitigate the risk of that ERA being mistaken for the diverge. The remaining ERA, while within the 1/2 mile limit, is upstream of the 1/3 mile sign for the diverge and therefore is unlikely to be mistaken for the junction diverge.

This Departure was appraised by Highways England's Technical Specialist as being critical to the delivery of the scheme. The mitigation proposed is deemed likely to be sufficient to eliminate the risk associated with the Departure.

Departure 2: Northbound On-Slip Pedestrian Crossing.

A Departure is required for the uncontrolled pedestrian crossing over the M42 Junction 4 northbound on-slip. TD 22/06 does not permit uncontrolled non-motorised user (NMU) crossings where slip roads meet the local network under free-flow conditions.

The non-compliant uncontrolled crossing is an existing situation not created by the Applicant's scheme. A Departure is required to retain the uncontrolled pedestrian crossing over the M42 Junction 4 northbound on-slip, instead of upgrading it to a signal-controlled crossing. The Applicant has justified this approach because its existing use is low and its use is not expected to increase significantly.

The Applicant has also justified this Departure (retaining the uncontrolled NMU crossing) with reference to safety data which does not highlight an existing safety concern. As the proposed MSA and associated highway works is not likely to significantly increase NMU crossings at this location, this proposal has been deemed to be acceptable. It is worth noting that there is a separate crossing for cyclists on Blythe Gate, to the south of Junction 4.

Departure 3: Southbound Diverge Hard-Shoulder.

The Applicant has identified an existing Departure at the southbound diverge relating to the Hard Shoulder discontinuity. The termination of the hard shoulder to become a diverge (exit) lane, is a Departure under TD 27/05, although it is a standard layout under IAN 111/09, which relates to Dynamic Hard-shoulder (DHS) Smart Motorways. The Applicant's alterations to the diverge layout will not eliminate the hard shoulder discontinuity.

The Applicant has justified the decision not to provide a short length of Hard Shoulder adjacent to the auxiliary lane, as immediately after the termination of Hard Shoulder Running, as it may cause driver confusion and lead to vehicles erroneously driving in this hard shoulder.

In addition, the provision of a hard-shoulder along the auxiliary lane would require additional widening and land-take into a local wildlife site and Flood Zone 3. As such there would be additional environmental implications from the additional widening.

This Departure was appraised by Highways England's Technical Specialist as being critical to the delivery of the scheme. The proposed 'hard strip' instead of a 'hard shoulder' is deemed to be a sufficient design, which is unlikely to generate a safety hazard.

Departure 4: Northbound Diverge.

The proposed development is forecast to increase diverge (exit) flows above the threshold of a Type C diverge layout, requiring instead, a Type D diverge layout at the northbound exit.

Predicted opening year forecast traffic flows are estimated to be a maximum of nine vehicles per hour (VPH) above the threshold requiring a Type D diverge layout. However, CD 122 does not allow any flexibility and a Departure is therefore required to retain the existing Type C diverge layout, instead of upgrading to a Type D ghost island lane drop or auxiliary-lane lane-drop.

The Applicant has justified the Departure application with evidence suggesting that the methods used to calculate opening year traffic flows were particularly robust, possibly over-estimating the likely number of vehicles using the diverge. The Applicant's traffic modelling has also not identified a queuing problem on the northbound exit slip road that would impact the diverge.

The Applicant has also suggested that due to the lane choices at the top of the slip road, and the proximity of the left turn into Blythe Valley Business Park, a Type D ghost island arrangement could increase weaving and the risk of side-swipe type collisions near the top of the slip road, particularly as HGVs would likely enter the slip road in the nearside lane. In addition, carriageway widening to accommodate the preferred layout would require an extensive retaining structure as the existing carriageway is in cutting, and would impact upon the Blythe Valley Park access bridge.

The above departure has been accepted by a HE Technical Specialist as critical to the scheme delivery and likely to be approved by HE if supported by sufficient justification as part of a full departure application.

-Summary.

HE have advised that all four Departures from Standard identified by the Applicant have been independently assessed by a Technical Specialist within Highways England. The above Departures have been appraised as being critical to the scheme delivery and the safety mitigation deemed sufficient. As a result, all four Departures have been given Agreement in Principle (AiP). This means that the principle of the Departure is acceptable and likely to be approvable if supported by sufficient justification as part of a full departure application.

-Additional commentary from Applicant re Departures.

The Applicants have provided some additional commentary on the matter and advised that HE consultation response fails to mention that the highway improvements associated with the MSA application remove an existing Departure on the southbound off slip where existing and committed development traffic, without the MSA, would exceed the standard for a single lane diverge by 49%. The new Departure on the northbound off slip related to the application is for the flows exceeding the standard by just 0.7%.

In summary, the proposals remove one existing Departure and introduce one new Departure, the scale of the Departure removed being significantly greater than the one being introduced.

- Impact on Local Highway Network.

The Council (SMBC) requirements for assessing the proposals will differ from Highways England with a greater onus on understanding the impact on the local road network.

It is also recognised that the development affects the interface between SMBC and HE, meaning that the two are materially intertwined, so a collaborative approach to understand and reach agreement on the potential highways impacts of the proposal has been undertaken between the Council as Local Highway Authority and Highways England.

The Transport Assessment has assessed the impact of the MSA on various junctions, namely: -

- M42 Junction 4;
- Access to the Fore Business Park;
- Access to Tesco;
- A3400/Gate lane; and
- A3400/Blythe Gate.

Full turning counts and queue counts were conducted and to supplement the traffic counts, queue length surveys at each junction were included.

In terms of accident data up to 31st March 2016 were analysed. In total there were 26 collisions recorded, two of which were classified as serious and the remaining 24 a slight. One serious collision occurred at M42 Junction 4 when two cars collided in wet weather. This occurred when the traffic signals were not operational and one of the vehicles was reported as speeding. The second serious collision occurred at the A3400 Stratford Road/Gate Lane junction when a car cut across the path of another without looking while performing a U-turn.

The number and spread of collisions that have been recorded during that period indicates that there is not a specific safety problem on the highway network surrounding the site. Significantly there has been only one collision reported at Junction 4 and no collisions on three of the four slip roads. On the northbound on-slip there has been one rear end shunt that incurred a slight injury.

Initially a TRANSYT based model was submitted with the application to consider the traffic impact. However, whilst the TRANSYT model may theoretically be capable of considering the traffic implications of the development for the roundabout circulatory and adjoining local highway links, it was not capable of considering the complex interaction of traffic flows with the M42 mainline. To understand and assess the transport impact of the proposed MSA development resulted in the development of an alternative model. The VISSIM model is a microsimulation based traffic model

capable of resolving the issues, which was submitted by the applicant. Initially the Council's Consultants Highway Engineers raised a number of concerns following an audit of the VISSIM model which identified a number of items of varying significance.

The comparison of modelled journey times compared to observed journey times was requested to help ensure the model suitably replicates on-site conditions.

A major item identified related to unreleased vehicles. This issue means that the number of vehicles that actually use the motorway junction in the model were significantly lower than the assessment flows predicted, so the true operation of the model in the future year both with and without the development were not clearly understood.

A subsequent report was submitted by the Applicant entitled M42 Junction 4 Motorway Service Area 2019 VISSIM Assessment. The report provided the additional information required to address the items raised above. Also supplied were the raw data used to prepare the report, including raw journey time data, VISSIM model files, and the results spreadsheets.

The issue raised above covered three main areas, namely: -

- i. How well the Base VISSIM model validates against observed journey times;
- ii. The VISSIM model not fully assessing the full levels of predicted traffic growth due to unreleased vehicles; and
- iii. Understanding the variance between the individual runs in the reported results which are an average of 10 runs.

Additionally, a review of the operation of the traffic signals proposed for the development was also undertaken.

-Journey Time Comparison Review.

The updated report presented the observed journey time data from Tom-Tom that corresponded to the 2016 Base scenario survey period. Whilst, the Council's Consultant Highway Engineers considered that there were some differences between modelled journey times and observed journey times, the Base model was shown to achieve validation criteria required to assess the impact. Thus, it is agreed by all parties that the Base model now provided to assess the application is a suitable representation in terms of turning movements, queues, and journey times. The Council's Consultant Highway Engineers have therefore confirmed that updated model was suitable for assessing the impacts of the proposals on the local highway network.

-Unreleased Vehicles.

The issue of unreleased vehicles was raised with the Applicant, and it was agreed that the use a 2019 scenario with the assumption that Blythe Valley Park (BVP) and Fore Business Park are fully built out and would be built into the model.

It is recognised that the previous future year model scenarios with high levels of unreleased vehicles was as a result of unrealistic growth assumptions, and an

element of double counting of trips associated with the consented development at Blythe Valley.

The agreed assessment scenario now represents a scenario which accounts for the known increases in traffic associated with consented nearby development, but also reflected the capacity constraints on the existing road network. As such it is considered appropriate for determining the potential impacts of the proposals in the future.

The Council's Consultant Highway Engineers have therefore confirmed that the updated modelling submitted demonstrates that there are no unreleased vehicles in the VISSIM models used for the future year assessments, and so the modelling replicates the full level of traffic predicted to arrive at the junction with and without the MSA proposal.

-Variation between Individual Model Runs.

The report results show how the values for the 10 individual runs corresponded to the average values that were reported in the original modelling work.

Whilst these values were not provided in the 2019 VISSIM Assessment report, the additional raw data provided enabled interrogation of the individual model run results that were aggregated to produce the average results reported. The comparison of the variation around the average enabled a review of the with and without MSA development scenarios to provide an understanding of significance.

Although the with MSA scenario is predicted to create some increases in journey times and queues and delays, similar levels can be found in some of the 10 model runs without the MSA. Your Consultant Highway Engineers have concluded that the impact of the MSA traffic is not predicted to create significant increases, or increases that they can be considered as severe (para. 109 NPPF).

-Traffic Signals Review.

Additionally a technical review has been produced to consider the operation of the traffic signals proposed for the development.

The report entitled 'M42 Junction 4 Traffic Signal Review' was used to understand the proposed changes to the signal layout and operation at the junction as part of the proposed development. The Urban Traffic Control team at the Council provided specific comments on the proposed arrangement and operation of the revised signals. These included comments about high heads being required on some approaches, and vegetation clearance. These comments can all be summarised as items specific to detailed design points, which would be addressed at the detailed design stage in the technical approval process (i.e. s278/s38 highway consents).

-Summary of findings to Transport Assessment

Clearly, the proposed MSA would generate additional vehicle trips turning off the motorway, through the M42 Junction 4 and into the proposed MSA. These trips

would then leave the MSA and use the junction to return to the motorway (via Gate Lane). The proposals however, do include a number of improvements at M42 Junction 4, including physical lane increases on the circulatory carriageway, and the southbound off-slip. Widening of Gate Lane and amended junction including a varied signalised junction with Stratford Road. The Council's Consultant Highway Engineer considers that these improvements provide the necessary mitigation to the increase in traffic resulting from the MSA.

The modelling provided demonstrates that the impact of the MSA with the associated highway improvement measures proposed as part of the application is not predicted to be significant; the junction performance indicators with the MSA can be found within the range of junction performances without the MSA.

The Council's Consultant Highway Engineers in terms of the evidence provided in the original Transport Assessment consider that the development does not result in a significant increase in delay to vehicles on the Local Highway Network and accords with Solihull Local Plan Policy P8, and that the residual cumulative impacts on the road network would be severe (NPPF).

-2nd Addendum to Transport Assessment.

Due to the lapse in time in determination of the planning application, the applicant has undertaken further transport related work to update their opening year assessment from 2020 to 2023. The results are summarised in the Second Addendum Transport Assessment, and additional Technical Notes submitted.

It is important to note that the proposed development quantum has not changed between the original assessment, and this latest assessment. Nor have the proposed highways improvements associated with the introduction of the MSA.

The purpose of the update was to assess the same proposals but in a 2023 opening year in line with HE guidance. The updated modelling has therefore been considered as an additional test of the same proposals, but using a slightly different version of the model, and for a different set of traffic flows.

The updated modelling therefore supplements the original modelling, so does not invalidate the conclusions drawn from it. As such, a high-level review has been undertaken by the Council's Consultant Highway Engineers to identify if there are any significant differences in this additional testing when compared to the original modelling, which could potentially affect previous recommendations.

It is also important to differentiate between the proposals, and the modelling used to assess the proposals. Whilst the modelling is a vital tool in understanding the potential highway impacts of the development, it is the development itself that is ultimately being reviewed.

The report entitled Second Addendum Transport Assessment September 2020 (SATA) has been referenced to consider the changes since the original assessment reviews.

-Revalidation.

The SATA outlines that whilst updating the modelling, scoping and rechecking of the VISSIM model was undertaken by Highways England (HE). During these discussions, various concerns were raised by HE about the Base mode journey time validation. However, these were subsequently resolved following clarifications from Applicant. As such, there was no additional information or significant changes to the observed or modelled base data which would prejudice the conclusions drawn by your Consultant Highway Engineers about the original modelling as set out above.

-Modelling Scenarios.

The results from the updated modelling are presented for a 2023 opening year and a 2028 future year. The Do Minimum scenarios, without the MSA, take account of forecast traffic growth and specific committed development traffic. The impact of the COVID pandemic on traffic forecasts is yet to be fully understood, so the predicted growth may not be realised, but these scenarios do still provide evidence of junction performance for a range of different flow volumes, which does give a better understanding of the impact of the development for a range of different conditions.

- Modelling Results.

The results in the SATA provide comparisons of overall network performance, specific queues at junctions within the model, and changes to journey times across the model. These all show similar trends to the original modelling. The results from the updated modelling illustrate that the impact of the proposed development on the road network is still unlikely to cause a significant increase in delay to vehicles, and that the residual cumulative impact on the road network is not likely to be severe.

Summary – Impact on local highway network.

Clearly, the proposed MSA would generate additional vehicle trips turning off the motorway, through the M42 Junction 4 and into the proposed MSA. The impact of the proposals on the highway network have now been assessed in Transyt models and two VISSIM models. They have been assessed across a number of different scenarios in various forecast years with various traffic growth assumptions. The proposals do include a number of improvements at M42 Junction 4, including physical lane increases on the circulatory carriageway, and the southbound off-slip. Widening of Gate Lane and amended junction including a varied signalised junction with Stratford Road. The Council's Consultant Highway Engineer considers that these improvements provide the necessary mitigation to the increase in traffic resulting from the MSA

The results from this range of different scenarios have illustrated that the impact of the proposals are unlikely to be severe, or to cause significant increases in delay to vehicles on the road network. Therefore, the modelling provided demonstrates that the impact of the MSA with the associated highway improvement measures proposed as part of the application are not predicted to be significant. The junction performance indicators with the MSA can be found within the range of junction performances without the MSA.

The proposals involve construction of the new MSA, but importantly also include a number of improvements at M42 Junction 4, including physical lane increases on the circulatory carriageway and the southbound off-slip and amendments to Gate Lane. These improvements provide mitigation to the increase in traffic resulting from the proposed MSA. Although it has not been explicitly presented by the applicant, your Consultant Highway Engineers have considered how the development transport impacts have been identified and mitigated broadly follow the steps below:

- i. Understand existing situation and future situation without the MSA.
- ii. Introduction of the development (i.e. just the MSA)
- iii. The MSA creates additional trips which have an adverse impact on the junction in its current form.
- iv. Introduction of offsite highway capacity improvements to mitigate the impact from the additional trips.
- v. Test the proposals (the MSA and offsite works) and report on the impacts.

The applicants have presented information for steps 1 and 5, but the inclusion of the proposed junction improvements and the associated results demonstrated that the significant impacts from the development on the transport network (i.e. in terms of capacity and congestion) have been mitigated to an acceptable degree. On the basis of this your Consultant Highway Engineers have raised no objection to the proposal subject to appropriate conditions that secure the highway improvements outlined as part of the proposals.

Having regard to the evidence and consultation response provided by the Council's Consultant Highway Engineers on the matter, it is considered that the development does not result in a significant increase in delay to vehicles on the Local Highway Network and accords with Solihull Local Plan Policy P8, Policies T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and that the residual cumulative impacts on the road network would not be severe (NPPF para 109). Therefore neutral weight should be attributed to the matter in terms of the impact on the Local Highway Network.

- Conclusion

Highways England have advised that the proposed MSA scheme has four Departures from Standard some of these are existing. All four Departures from Standard identified by the Applicant have been independently assessed by their Technical Specialist within Highways England. The above Departures have been appraised as being critical to the scheme delivery and the safety mitigation proposed deemed sufficient. As a result, all four Departures have been given 'Agreement in Principle' (AiP). This means that the principle of the Departure are acceptable and likely to be approvable if supported by sufficient justification as part of a full departure application.

The departures from standard do clearly cause some very limited harm to highway safety on the Strategic Road Network due to the deviations from standard. That is not to say that a scheme cannot deviate from a standard. Many highways schemes across the country deviate from these standards and it is clear that they remain appropriate dependent on the individual circumstances.

The departures from standard granted 'Approval in Principle' (AiP) also need to be viewed against the inherent benefits to drivers that a MSA facility provides in terms of the welfare benefits that they deliver. Evidence indicates that 20% of road accidents in the UK are due to driver fatigue as there is no safe place to stop, rest and refresh. Highways England are confident that the Applicant has demonstrated that a safe access should be achievable in principle. Therefore without contrary evidence, it must be concluded having regard to the Highway England consultation response that the access arrangement is appropriate in this location, having regard to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF para 109).

From the perspective of the impact on the Local Highway Network, the proposed junction improvements associated with the proposed MSA and the associated results demonstrate that the significant impacts from the development on the transport network (i.e. in terms of capacity and congestion) have been mitigated for. Having regard to the evidence provided and consultation response provided by the Council's Consultant Highway Engineers on the matter, it is considered that the development does not result in a significant increase in delay to vehicles or safety on the Local Highway Network and therefore accords with Policy P8 and guidance in the NPPF.

Therefore in conclusion, both in terms of the impact of the proposal on the Strategic Road Network and Local Highway Network safe access to the site can be provided and the proposal causes no significant impacts on the transport network. The proposal therefore accords with Solihull Local Plan Policy P8, Policies T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and that the residual cumulative impacts on the road network would not be severe (NPPF para 109).

Neutral weight should be therefore, be attributed to the matter in the planning balance.

Impact on the character and appearance of the area

In terms of the impact of the proposed MSA on the character of the area, the site lies within the M42 motorway corridor which include its associated gantries, signage, lighting columns, raised junction (J4 m42), local roads and other urban land uses also influence the character of the Green Belt. The site exhibits a high noise levels and physical separation. The area from which the site can be seen is very well contained. It falls within the area already dominated by the urbanising influences of the motorway, and is less well-associated with the more rural landscapes to the east, due both to landform and several layers of vegetation / woodland within the local landscape. Although some screening would be slightly reduced during winter months, the depth of vegetation within woodlands ensures that the site remains visually well contained. The proposed introduction of a significant motorway related facility including its buildings, extensive car parking/infrastructure into this area would clearly add to and have a significant urbanising impact on the character and appearance of the Green Belt in this location despite the significant influence of the M42 motorway and associated urban uses within the built up area of Shirley to the west of the M42 motorway. Owing to the quantum of development proposed and urbanisation of the site, there would be an adverse effect on the open and rural character and appearance of the area causing significant harm.

The NPPF at paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

The NPPF at paragraph 127 advises that planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Policy P15 of the Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment. Further, developments will be expected to contribute to or create a sense of place.

Policy D1: Character And Appearance in respect of the Neighbourhood Plan advises that planning applications for a new development, including extensions, shall

demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area.

The site consists of one parcel of land immediately to the east of the M42. This parcel of land lies within open countryside and is currently farmland, used for livestock grazing and foraging. The site is irregular in shape, following the boundary of the motorway to the west and is largely defined by existing tree lines and hedgerows. The southern site boundary is separated from Gate Lane by a strip of land and a Box Tree Farm. To the north, the site is bounded by farmland and woodland with the River Blythe and M42 beyond. To the east of the site is the equestrian centre, hotel and restaurant at Hogarth's and woodland (Little Monkspath Wood). A public right of way crosses the central part of the site in an east-west direction (Footpath SL56). Another footpath runs to the south of the site (Footpath SL55 which runs from Four Ashes Road to Gate Lane.

The design objectives for the proposed MSA are set out within a robust and comprehensive the Design and Access Statement (DAS). The evaluation of the site context and the sites physical parameters have led to development aspirations that seek to create an innovative MSA of unique character that utilises the topography to fully integrate the built form into the surrounding landscape, minimising the visual impact of the overall scheme within its rural context.

The master plan encompasses the following elements: -

- Amenity building – consists of shop, units for food and beverage provision, various seating areas, 24hr drivers lounge, first floor seating, toilet facilities, external terrace, children's play area, customer toilets, staff welfare facilities, kitchen and storage facilities;
- Fuel Filling Station (FFS) for cars – located adjacent to the amenity building;
- Drive through coffee shop;
- Parking provision – for cars, caravans, motorcycles, coaches and HGV's incorporating disabled parking provision;
- External landscaped amenity space;
- Sustainable Drainage System as part of the landscape design;
- Outdoor children's play area;
- Drive stretch and exercise area; and
- Civil works including landscaping access roads and modifications to Gate Lane and J4 roundabout.

As with the other proposed MSA scheme being considered, a large amount of re-modelling of the site is proposed to limit the impact of the development. The details at this time are indicative and figures have been rounded off to the nearest metre. They indicate that the existing topography of the site falls from south to north. The ordnance datum for the M42 indicates 122.06m, A3400 adjacent to the site entrance at 130m, and Gate Lane rising to about 134m. The parameter plan indicates that the levels would be lowered with the HGV parking at 125-126m, Amenity building at 125m, car park between 125-130m, coach parking between 125–128m and drive through coffee shop at 128m.

The approach of the masterplan is to embed the buildings within the natural setting. This is achieved through the buildings living roof form which is intrinsically linked and connected to the landform proposed. The proposed green bund that wraps around the western side of the site serves a dual purpose of screening the development and creation of a haven from the motorway to maintain the visual amenity of the site. This has been emphasised by the roof design of the amenity building dipping down to almost touch the public amenity spaces. Further, the integration of the fuel filling station within the amenity building creates a compact development that reduces the built form required and the need for a separate facility. The drive through coffee shop and HGV fuel filling station continue this form to create a cohesive scheme with architectural identity.

Access to the proposed MSA is from the motorway/A3400 junction, which would meanders through a proposed wooded parkland that pays due regard to the landscape context. As the entrance road bends towards tree lined boulevards the car parks, amenity building then reveal themselves. The car parks areas adjacent are connected by a series of tree lined pathways and landscape bands, which make their way towards the amenity building.

In terms of building zones, the main amenity building and fuel fillings station are contained in the same area along the western flank of the site, with a drive through coffee shop sited further north adjacent to the boundary with the A3400 slip road. The HGV filling station is sited in the lower part of the site in the north-eastern corner of the site. The parking areas are split into manageable zones with defined areas for HGV's, coach, car, motorbike and caravan parking. The HGV parking is sited at the lowest point of the site to reduce local views. The structural planting proposed around and within the site that reduces the visual impact of the car park. However, such an area of car parking would still have an urbanising effect to a degree from around the site.

The scheme is in outline with matters of layout, scale and appearance reserved for subsequent approval. A parameter plan has therefore been provided with the application, which sets out an upper and lower parameter for the footprint/areas of the proposed buildings and their maximum heights. These are as follows: -

Develop ment Zone	Footprint (m2)		Building Area – GEA m2		Maximum Height (m)		Maximum Height (AOD)	
	Upper para meter	Lower para meter	Upper para meter	Lower para meter	Upper Para meter	Lower para meter	Upper para meter	Lower Para meter
Amenity Building	3100	2500	4800	2500	12.5	8	138	131
FFS Forecourt Canopy	-	-	-	-	8	6	133	131
HGV FFS Canopy	-	-	-	-	8	6	134	132
Drive through coffee-shop	200	175	200	175	6.5	5.8	135	134

The appearance of the built forms is been driven by the objective of limiting the visual impact and integration with the landscape context. The aesthetic appearance

of the built form is derived from the buildings emerging and growing out of the ground, with a green roof engulfing the built forms unify the built forms and provide a cohesive scheme. The structural design of the amenity building also plays an important role in the concept of the building enabling the roof to oversail to deliver an innovative high quality built form to the proposed MSA that integrates into the landscape context.

As part of the submission the Applicant has provided a report that details how electrical vehicle charging provision is proposed to be installed at the site.

The Government's mission is to put the UK at the forefront of the design and manufacturing of electric vehicles (EV) and the Paper stated an intention to ban the sale of new petrol and diesel cars and vans by 2040. In addition to ensuring that EVs are available and affordable, the transition to zero emission transport also requires a charging infrastructure network that is easy to use and is affordable, efficient and reliable. The Government envisages that the majority of vehicle charging will take place at home but recognises that a widespread public charging point network is important for drivers who do high mileage, travel long distances or who do not have access to charging points at home or at work.

The paper notes the importance of 'range anxiety' for drivers considering the purchase and use of an EV and sets a number of objectives for increasing the provision of charging points on the strategic and major road network. Research commissioned by the Committee on Climate Change in January 2018 showed that the number of rapid chargers located next to the major road network needs to increase by around 710 between 2016 and 2030 and that the number of public chargers for top-up charging needs to increase from 2,700 to 27,000 over the same period. Highways England had a target of ensuring that there is a charging point every 20 miles on the Strategic Road Network (SRN) by 2020.

The Ten Point Plan for a Green Industrial Revolution, published by the Prime Minister on 18 November 2020, increases the sense of urgency for the development of an efficient and reliable EV charging network by bringing forward the ban on the sales of petrol, diesel and most hybrid cars to 2030. The press release speaks of accelerating the transition to EVs and of transforming our national infrastructure to better support their use. In light of the current, very low level of EV ownership in the UK compared to many other European countries, transforming the existing charging network will be critical to achieving the Government's objective of an accelerated transition to EV use. The Government's ambition is that the UK should have one of the best and most comprehensive charging networks in the world.

Against that background, the provision of public charging points in the Borough is currently at an extremely low level. However, there can be little doubt that a significant need exists, especially on the SRN.

The proposed scheme detail includes the installation of Superpower Battery Packs at the proposed MSA site. This will ensure that the electrical vehicle charging offer is completely sustainable and supports the National Grid. The Applicant's for the MSA propose a 3 stage process to provide a sustainable solution. It is proposed immediately to provide 20 charging points in a range of sizes from 50kv to 150kv with full multi vehicle capacity from local distribution network operator from a new

dedicated 2MVA substation on the site. In addition, this direct supply is proposed to be supported by a local supercharged powerpack.

In Phase 2 (Year 2 -10) the Applicant proposes to provide a further 100 rapid charge points of up to 350kv with full multi vehicle capacity via a private wire and 50 MW battery connection to the National Grids Berkswell substation.

For Phase 3 (Year 10 onwards), the Applicant's propose to provide full charge point cover for all vehicles needing to charge using the proposed MSA.

The details indicate that the proposed MSA is fit for purpose to meet the changing demands of customers and will enable vehicles to be charged as current petrol, hybrid and diesel vehicle are phased out by 2030. Such provisions can be secured through the imposition of a condition to meet the future take up of low emission vehicles. Such provision on the site would help to deliver part of the charging network required to drive the transition to zero emissions transport and is both consistent with and supported by the Road to Zero Paper and the 10 Point Plan.

In summary, clearly given the scale and land take of the MSA development as a whole it would have an urbanising impact on the character and appearance of the countryside. The design proposals encompass a bespoke design approach and solution to the landscape and site context and changes to the contours of the site to reduce the impact on the character and appearance of the countryside reduce the visual impact. The DAS establishes the principles that form the design of the development that will be taken forward into any subsequent Reserved Matters application. These design principles can be secured through the imposition of a condition to ensure compliance. The visual appearance and the architecture of individual buildings would secure an innovative, high quality, sustainable and inclusive design for the proposed MSA at this site that respond to the landscape context.

The proposal therefore, accords with Policy P15 of the Local Plan and Policy D1 of the Knowle, Dorridge and Bentley Heath NP and would be of a standard of design, which preserves and enhances the character and local distinctiveness of the site. The proposal would therefore accord with guidance set out in paragraph 124 and 127 of the NPPF and **moderate weight** should be attributed to the matter in the planning balance.

Sustainability

Paragraph 153 of the NPPF advises that in determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

As part of the DAS the applicants have included a Sustainability Statement. Policy P9 of the Solihull Local Plan sets out the Council's preferred approach to enabling greenhouse gas emission reduction and for increasing the generation of energy low to zero carbon sources when considering the location and design of new development.

Although the scheme is in outline, the concepts and materials for the development are already embedded in the design objectives set out above. In order to meet the targets set out in Policy P9 a number of strategies are proposed for the scheme aimed at reducing the buildings energy dependence.

The form and orientation of the building, roof form in addition to shielding the building from wider views, enable the development to maximise natural day lighting and reduce the developments reliance on natural resources. The utilisation of high level glazing for the envelope to the Amenity Building will enable the internal space to be lit naturally, whilst the oversailing green roof will reduce solar heat gain, particularly on the south elevation, reducing the demand for mechanical cooling.

The green roof proposed has a high thermal performance, providing for a high level of insulation for the spaces below. This reduces the need for artificial heating demand in the winter. Whilst, in the summer, green roof systems are recognised as aiding cooler temperatures as the amount of solar energy absorbed by the roof membrane is reduced.

The proposal will also examine/explore systems for on-site energy production and water recycling.

In addition to energy conservation and production, the scheme would positively enhance the ecology of the area through the landscaping strategy proposed and sustainable drainage system.

Impact on Landscape Character of the Area

Paragraph 170 of the NPPF confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing value landscapes.

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right and requires new developments to safeguard important trees, hedgerows and woodlands.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan (NP) at Policy VC1: Green Belt and Landscape advises that any development must be in harmony with the rural character of the villages' surroundings and sit well in the landscape. All development proposals should demonstrate how they have taken account of the setting of the built up areas within the wider landscape. Proposals shall have regard to the principles set out in: the Warwickshire Landscape Guidelines: Arden; the Solihull Borough Landscape Character Assessment 2016; and the Solihull Borough Local Character Guide 2016.

Further, Policy NE1: Trees, Hedgerows and Woodland of the NP states that on sites with mature or important trees or hedgerows, groups of trees or woodland, the protection of such features shall be promoted in any development scheme. Where such features make a significant contribution to the street scene or landscape but are not protected within the proposed development, such proposals will be resisted.

Other guidance documents which are relevant to the site include Natural England's National Character Area (NCA), 97 'Arden', the Warwickshire Landscape Guidelines, 'Arden', Solihull's Countryside Strategy, Solihull's Green Infrastructure Strategy and Warwickshire Historic Landscape Characterisation.

The site falls within the 'Arden Landscape Character Area' as defined by Natural England's National Character Area (NCA), 97 'Arden' (November 2014) and the Warwickshire Landscape Guidelines, 'Arden'. The latter (adopted by Solihull MBC as an SPG in November 1993) contains a more detailed evaluation of the Arden landscape. The Guidelines identify seven distinct types of landscape, each of which is characterised by a particular aspect of the wider regional character.

The site lies within the 'Arden Parklands' landscape type. The overall character and qualities of the Arden Parklands landscape type are defined as; *"An enclosed, gently rolling landscape defined by woodland edges, parkland and belts of trees."*

Characteristic features relevant to the site and its context are summarised as: -

- i. Middle distance views enclosed by woodland edge;
- ii. Belts of mature trees associated with estate lands;
- iii. Many ancient woodlands, often with irregular outlines;
- iv. Large country houses set in mature parkland;
- v. Remnant deerparks with ancient pollard oaks; and
- vi. Thick roadside hedgerows, often with bracken.

Solihull's Countryside Strategy (2010) aims to consider the key issues facing the countryside in order to inform relevant policy. In relation to landscape and visual issues, the strategy covers the safeguarding of the countryside as a landscape resource and the enhancement of local distinctiveness; and the conservation and enhancement of the character of the countryside.

The strategy identifies broad zones that share the same characteristics. The site is located within Zone 3: The Motorway Corridor. The strategy is made up of ten key strands, including local objectives related to each of the zones.

The local objectives set out for Zone 3: The Motorway Corridor seek to:

- Encourage further planting along the corridor to screen views from surrounding;
- settlements and facilities;
- Resist outward expansion of urban area into the countryside;
- Protect and enhance important ecological features and habitat, including the River Blythe corridor and local wildlife sites; and
- Enhance the recreational activities appropriate to the area.

Solihull Green Infrastructure Study (2012) identifies the current green infrastructure baseline and provides recommendations for future work. The study identifies opportunities and constraints in relation to green infrastructure and in relation to the M42 states:

“The M42 constitutes a major physical barrier for both people and wildlife wishing to travel from east to west or west to east. The motorway itself could become a north-south link if planted appropriately, however projects to overcome this east-west barrier should be seen as the priority.”

The Warwickshire Historic Landscape Characterisation (2010) sets out a detailed analysis of the historic nature of the landscape across the county. In relation to the site and its immediate context, the landscape is broadly characterised as one of scattered farmsteads and small villages. A band of piecemeal enclosure and irregular fields runs from the south-east to the north-west, and includes much of the site north of Solihull Road.

Within the proposed site on the eastern side of the M42, the field pattern is characterised by ‘*small paddocks and closes*’. The majority of the site to the south of Solihull Road is identified as very large post-war fields. To the east there is an area identified as designed landscape associated with Hampton Manor.

The site lies within the motorway corridor and exhibits the high noise levels and physical separation typical of this zone, as defined in the Solihull Countryside Strategy 2010. The remnants of the ‘Arden Pastures’ character described in the Warwickshire Landscape Guidelines SPG 1993 are more than partially-degraded. Due to its location, the site is separated from the more ‘intact’ rural landscapes to the east by the woodland blocks which act as a buffer between these areas. To the west of the motorway, few features of the historic rural landscape survive in the vicinity of the Site, and a new landscape character of business parks and recreational landscapes is developing.

The area from which the site can be seen is very well contained. It falls within the area already dominated by the urbanising influences of the motorway, and is less well-associated with the more rural landscapes to the east, due both to landform and several layers of vegetation / woodland within the local landscape. Although some screening would be slightly reduced during winter months, the depth of vegetation within woodlands ensures that the site remains visually well contained. Key visual receptors were found to be cyclists, motorists and walkers on Gate Lane; drivers on the motorway and junction 4; workers at the Fore Business Park and walkers on the local Public Right of Way (PRoW) network.

There is no opportunity for views towards the site from residents on the edge of the neighbouring settlement of Dorridge due to intervening vegetation and landform, towards Monkspath only a few upper storey windows can be glimpsed, indicating that views would be unlikely due to vegetation. At night, the site is set in the context of a well-lit motorway corridor and elevated and illuminated junction. The landscapes further east provide more rural, darker skies.

The mitigation for the proposed development includes the selection of the site adjacent to the motorway and junction, and the location of the building and taller design elements on the lower parts of the Site. This basic proposal, together with the grading of topography to provide lowered ground levels and mounding, the retention of the key eastern boundary hedgerow and trees, and the tree belt along the junction provides a visually well contained site. In addition, proposed planting along boundaries and within the site is appropriate and would further screen and/or help to

integrate the proposed development into its more sensitive surrounding landscape character context.

The proposals includes off-site enhancement works (the subject of an updated Off-Site Enhancement Works report - version 05). In order to support the objectives for the use of land within the Green Belt – it's perceived openness and its permanence, by providing a buffer to the motorway corridor, restoring and enhancing local landscape character, and also providing increased opportunities for recreational pursuits such as walking.

Woodland buffer planting and linkages between key areas of Ancient Woodland and the River Blythe corridor would provide screening and would complement the local landscape character. The off-site works would tie into the on-site mitigation measures, connecting the proposed landscape design with the wider landscape setting.

The updated 'Off-Site Enhancement Works' include:

- i. The creation of a new footpath which would link into the local public footpath network.
- ii. New native woodland planting which would strengthen the existing the local green infrastructure.
- iii. New woodland planting to connect the existing woodland blocks and thus further protect the rural landscape character and link to the Ancient Woodland.
- iv. New woodland belt planting which would link existing segregated blocks of woodland and screen views from the north towards the Site.
- v. Proposed off-site woodland planting that would connect the Site planting proposals with the wider Green Infrastructure network and screen views from the rural areas to the south east.
- vi. Proposed new fencing to Little Monkspath Wood which would restrict grazing, enabling the understorey of the ancient woodland to regenerate, and subsequently provide increased levels of screening of the motorway corridor.
- vii. A Biodiversity Enhancement Area which would retain and improve the biodiversity value of the wet grassland.
- viii. Biodiversity management proposals that would protect and enhance the rough grassland character.
- ix. Biodiversity enhancement works are proposed along the fringe of the fields which would add interest and strengthen the local green infrastructure network.

The off-site enhancement works would provide significant long-term benefits for visual receptors in the rural landscapes to the east of the site and in terms of Green Infrastructure, and would support the aims of the Solihull Green Infrastructure Study 2012. In addition, these works would enhance the landscape character of the 'Arden Pastures' landscape character type identified in the Warwickshire Landscape Guidelines 1993, and would restore various 'Planned Enclosure' hedgerow boundaries in line with the Warwickshire Historic Landscape Characterisation Project 2010. The aims of the Solihull Countryside Strategy 2010 are also supported by these proposals by protecting and enhancing local Ancient Woodland, increasing

buffer planting, improving recreational access to the countryside, and enhancing biodiversity.

The LVIA concluded that the proposed development would comply with the requirements of the relevant landscape-related national and local planning policies and guidance, which is confirmed by the Council's Landscape Architect.

-Construction Impacts

During the construction phase, it is acknowledged that there would be some significant (major / moderate) adverse effects on topography, and a moderate adverse effect on vegetation and a short section of public footpath SL56. However, the levels of these effects are limited by the visually well-contained site itself and what is considered to be a relatively short construction period, which is currently proposed to be approximately 9 months in duration. The exception to this is the section of footpath (SL56) which would be temporarily and then permanently re-routed through the section which crosses the site, and would rely on vegetation maturing to reduce effects. During construction, there would also be a temporary significant adverse effect on the character of the site, and due to construction activities, there may be some minor adverse effects on the immediate landscape character context as a result. However, there would be no significant adverse effects on landscape character outside the site boundary, as the site is visually very well-contained. In addition, effects would be temporary and limited to the relatively short construction period.

-Visual Effects

During the construction stage, it is acknowledged that there are likely to be significant adverse effects on visual receptors from twelve of the assessment viewpoints; all of which are located within 250m of the site boundary and within the 'Motorway Corridor' landscape character area. Views from public viewpoints on Gate Lane adjacent to the site and on the re-located section of footpath SL56 would be the most open in nature. However, the construction phase is considered relatively short in duration, and by completion of the works, all but the Gate Lane / re-located footpath public views on the edge of the site would have reduced to levels which are below the significance threshold. However, as planting matures, levels of visual adverse effects would reduce so as to be considered unlikely to result in any significant effects from all of these viewpoints.

Other effects on visual receptors during this stage would be anticipated to be minor adverse or below.

Effects on night time views would be limited during the construction period, however, it is anticipated that working hours would be 7am - 7pm, which during winter months would require some artificial light. However, subject to "Prior Consent" under Section 61 of the Control of Pollution Act 1974, normal working hours during the week would be considered to be between 8am – 6pm. Nevertheless, a Construction Environmental Management Plan, would need to be the subject of a condition.

The compound areas would be lit for security and safety and lighting from plant and machinery may be present at certain points within the working hours. In addition,

delivery and workers' vehicles and some localised ground lighting would result in some additional artificial light. However, it is not anticipated that these levels of lighting would exceed the eventual lighting proposals.

Once the construction phase is complete, further mitigation measures would start to take effect and in particular, planting works on-site and the off-site enhancement works. This is taken at 15 years post completion, however, screening and assimilation from planting would start to take effect from the day of opening and would continue to increase after year 15. It should also be noted that during this timescale, existing planting around motorway and in particular, in the Blythe and Fore Business Park developments would also mature and provide increased screening.

-Operational Impact

In the long term, at 15 years after completion, no significant overall residual adverse effects on landscape elements or character are anticipated, as by this stage, tree planting would have matured enough to meet the mitigation requirements and design aspirations. There would, however, be significant beneficial effects on the local footpath network and Green Infrastructure network as a result of planting within the site and the off-site enhancement works. This would support the aims of the landscape character and policy background. In addition, the woodland planting between the ancient woodlands would not only aid screening of the Proposed Development but also provide separation between the landscapes influenced by the motorway corridor and those more intact rural landscapes to the east.

-Visual Effects

No long term significant effects on visual receptors are anticipated. As the long term mitigation strategy planting develops to achieve its design outcomes, it is anticipated that the residual adverse landscape and visual effects would reduce so as to be considered unlikely to result in a significant effect. There would be several significant beneficial effects, however; on the PRoW network, on the green infrastructure (hedgerow/woodland) network and for the vegetation on the Site, which would have dramatically increased.

The proposed development would result in an increase in lighting levels on the site – albeit subject to conditions. However, the required lighting would be well contained within the site, which itself sits within the illuminated motorway corridor. Levels of effects on receptors with views of lighting would be minimised by planting proposals and landform, and in the longer-term, screened by both the existing and proposed woodland blocks. This would limit any material effect from the proposed lighting to within the 'Motorway Corridor' landscape character zone and protect the more intact rural landscapes to the east.

-Cumulative Effects

In EIA / LVIA, requires consideration to be given to the cumulative effects which can arise from a single development between the different environmental factors and topics (usually called intra-project cumulative effects).

The LVIA therefore considered the interrelationships between the topics which were relevant to landscape and visual matters. The studies were cross-referenced so as to ensure that there were no conflicts between the various recommendations, especially the mitigation and enhancement measures.

It is anticipated that there would be no significant cumulative effects as a result of the Proposed Development when considered together with the consented land at Fore Business Park.

-Historic trees / hedgerows

There are historic hedgerows and some mature trees on the site that are thought to be the remnants of 18th or 19th century planned enclosure. This historic asset is considered in the LVIA.

Visually, the key historic trees and hedgerows are along the historic eastern boundary. These are an important feature in the more intact historic rural landscapes to the east, and would be retained and protected within the proposed development. Where feasible and safe, highly-characteristic stag-headed oak trees would also be retained (in addition, these are of high ecological value). However, there would be the loss of five mature oak trees (T34, T37, T38, T46, T47), and a 315 linear metre length of hedgerow. Some of this hedgerow appears to be more recently-planted, as it is located around the farm house dwelling and may be associated with the development of the motorway in the 1970s. Other historic vegetation would be protected during construction works in accordance with the arboricultural assessment's recommendations.

Monkspath Wood and Little Monkspath Wood (both ancient woodlands which lie close to the site) would not be directly adversely affected at any stage and it is considered that there would be beneficial effects on the character of ancient woodland due to the Off-Site Enhancement Works.

Vegetation clearance would include the removal of 315 linear metres of hedgerow, 11 trees and 2939m² of tree belt / groups associated with motorway planting. However, the planting proposals for the proposed development on the site are substantial (95 semi-mature trees, 558 advanced nursery stock trees, 9652m² woodland and 574 linear m of hedgerow). The assessment has assumed that the specification of plant species at the detailed design stage would be fully informed by the Warwickshire landscape Guidelines, and with reference to the ecological and other studies' recommendations, as set out in the ES Addendum. This matter can this can be reinforced through the imposition of conditions.

As the new planting establishes and matures, levels of adverse effects would continue to reduce throughout the operational phase and beneficial effects on tree and woodland cover would result, as supported by the documented landscape character background studies.

In summary, the site has a well contained nature and the loss of landscape resource would not be significant in the context of the countryside and landscape character of the area as a whole. The landscape mitigation proposed including woodland plant, specimen tree planting and hedge planting, both on and off-site would reduce the

impact of the development from more distant views. The effect of which would enhance the wooded enclosure, strengthen hedgerows and restore the former character of the Arden Landscape.

The proposal therefore, accords with Policy P10 of the Solihull Local Plan and Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. **Moderate positive weight** should therefore be attributed to the matter in the planning balance.

Impact on Ecology

Paragraph 175 of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons* and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

Policy P10 of the Local Plan also seeks to conserve, enhance and restore biodiversity across the Borough.

Current habitats within the site comprise poor semi-improved grassland, semi-improved neutral grassland, bare ground, dense scrub, scattered scrub, broadleaved plantation woodland, mature trees, intact species poor hedgerow and defunct species poor hedgerow. However, the field to the north sandwiched between the River Blythe SSSI and the application site is a complex mosaic of three habitat types. The field is part of two designated local wildlife sites containing a mosaic of swamp vegetation and marshy grassland. Drier areas, particularly towards the north of the field contain semi improved neutral grassland, which is quite diverse.

The study identifies four statutory designated sites within 2 kilometres of the site namely River Blythe SSSI, Monkspath Meadow SSSI, Hillfield Park Local Nature Reserve (LNR) and Malvern and Brueton Park LNR.

There are 19 sites of nature conservation interest (Ecosites) within 1 kilometre of the proposed development. Of these whole or parts also form Local Wildlife Sites (LWS) or potential LWS. Thirteen are Local Wildlife Sites; four are Potential Wildlife Sites (pLWS); one is a Part Local Wildlife Sites (part LWS); and one is an upgraded Site.

The desk top data indicates that there were 300 records of bats returned, along with one record of an otter within 1 kilometre of the site. Records of the common frog, common toad and small newt were identified within 700m to 1 kilometre of the site. Seven records of barn owls were returned, with 5 records within Blythe Valley Business Park (700m south-west of the site). A number of birds were reported along with rare plants dating back from the year 2000.

The data also includes records of the following invasive non-native species, namely the American mink, Chinese muntjac and Japanese knotweed, but no records were from within the site.

Clearly, habitat would be lost at the site that can support breeding birds in the form of hedgerow, scattered scrub and individual trees. Given that these features are present in limited areas of the site, a minor short term adverse effect would initially be found. However, the soft landscaping proposed would have a minor beneficial effect in the long term. In the short term provision of a number of bird boxes in Little Monkspath Wood would mitigate for the loss of habitat until new planting matures.

No ponds are within the application site, but 12 ponds are in close proximity (within 200m) which have been assessed for their potential to support amphibian species. The surveys indicate no great crested newts were recorded in any of the 12 ponds, but smooth newt, common frog and common toad were recorded in small numbers in some ponds. No mitigation is therefore necessary or proposed as part of the application in respect of great crested newts.

Trees have been inspected and re-assessed for bat roosts. The up to date survey indicates that eight trees have higher potential for bat roosts than in 2016 and one lower in potential

The bat activity surveys indicate that a small number of bats are foraging along the boundaries of the application site. Overall activity is low with the exception of the northern boundary where bats were foraging throughout the area between the northern boundary of the site and the river, and the eastern boundary. A moderate level of pipistrelle activity was recorded along Gate Lane. The up to date surveys have confirmed that the levels of activity recorded in 2016 are generally the same and the conclusions remain unchanged. As part of a wider off-site enhancement works package additional woodland planting to connect a number of areas is proposed. This includes woodland planting to connect a number of areas to the north-east to join the riparian corridor to the large block of woodland north of Hogarth's Hotel. In addition, connection between Little Monkspath Wood to the woodland along Hogarth's Hotel to the east would provide improved connectivity for

foraging bats. These off-site works can be secured through the imposition of appropriate conditions.

Otter spraints were recorded under the motorway bridge (5 old and 1 new). Details of protection for otter during the construction phase will need to be included in the CEMP.

In addition, boundary planting is proposed providing a buffer to lighting within the proposed development. Through careful design and selection of lighting it would ensure incidental light spill on neighbouring habitats would be reduced to a minimum. This detail can again be secured through the imposition of an appropriately worded condition to ensure a negligible effect on foraging and commuting bats.

In relation to any construction impacts and operational, the ES has considered such matters in detail. The River Blythe SSSI located to the north is considered to not be directly affected. However, the proposals do require a ditch to carry treated surface water from the site to discharge into the river. Whilst, this has the potential to affect the habitat along the bankside, such work is limited in extent and duration and would not affect the features for which the SSSI is designated. During this construction phase there would be no significant increase in flow into the River Blythe, and thus the effect would be negligible on current flow characteristics. No operational effects have been identified on this site. Natural England has raised no objections to the proposal subject to conditions.

One of the non-statutory sites would be affected directly by construction namely Box Tree Farm Rush Pasture LWS. An outfall ditch to take treated surface water from the proposed development is proposed to be taken through the LWS. This would result in the temporary and permanent loss of land. The ditch would be approximately 90 metres in length and a maximum of 3 metres in width at the top of the bank. A 6 metre corridor would be required to enable construction, and gives rise to 0.1 hectares of land within the LWS affected. In addition a foul water sewer is required to connect to the north side of the river (approximately 300m long). The foul water sewer will be hydraulically directionally drilled under the River Blythe SSSI to reduce the potential for negatives impacts.

Monkspath Wood LWS and Ancient Woodland lies 15m to the south of the application site. The MSA proposal involves the widening of Gate Lane to construct an exit from the development site. This involves carriageway work and widening of Gate Lane northwards. The widening of Gate Lane to its north side means that there is no loss of woodland at this location. The Wood is already subject to noise, lighting and vehicular impact from passing traffic. The implementation of best practice and a construction environmental management plan (CEMP) would ensure that any risk to the Wood is minimised ensuring a negligible effect. This can be secured through the imposition of a planning condition ensuring that the temporary construction works to deliver the access would not significantly increase the impact beyond that already experienced. Once the MSA is operational minor adverse effects are predicted on the northern end of the woodland from the increase in nitrogen deposition, noise and headlights. Hedgerow planting along the verge is proposed to reduce the impact.

Little Monkspath Wood pLWS and Ancient Woodland is located approximately 20 metres to the east of the access road and roundabout proposed at Gate Lane. The installation of appropriate fencing during construction to safeguard this area ensures that minimal risk would occur to the woodland. Any potential indirect effects from noise, lighting and emissions from construction traffic, dust and surface water run-off would again be minimised through a CEMP would ensure any impact is negligible on the woodland. Again once the MSA is operational minor adverse effects are predicted from the increase in noise and headlight spill from vehicles. The landscape scheme proposed includes planting between the Wood, which includes hedgerow, additional woodland planting and management of the woodland under a new regime. This would have a beneficial impact on this pLWS site.

The woodland near the River Blythe LWS is located 150 metres north-east forms part of the site, but is not directly affected by the proposed development. Any potential for indirect impacts during construction can again be minimised by an CEMP. No predicted effects have been identified during the operational phase.

The Warwickshire, Coventry and Solihull – Biodiversity Impact Assessment Calculator has been utilised to determine whether the scheme as a whole will deliver no net loss of biodiversity. The table below sets out the loss and gains caused by the development.

	Loss	Gain	Impact
Woodland habitat	13.83	20.41	6.58
Grassland habitat	51.08	38.65	-12.43
Wetland habitat	0.48	6.63	6.15
Other habitat	0.92	2.30	1.68
Total	66.31	67.99	1.68

The calculation indicates a Habitat Impact Score (i.e. loss of habitat) of 66.31. The proposed mitigation including woodland habitat, grassland habitat, wetland habitat and other habitat would deliver a Habitat Mitigation Score of 67.99 a net gain of +1.68. In relation to Hedge Biodiversity Impact Score the proposal would deliver a net gain of 13.48. Thus, the proposal would deliver the necessary mitigation ensuring no net loss of biodiversity.

The details contained within the ES and the Biodiversity Impact Assessment have been assessed and considered in detail by the Council's Ecologist who has concluded that the assessment undertaken would not result in any significant residual effects as defined in EIA terms to the ecology of the site. Subject to the delivery of off-site enhancement works and extensive soft landscaping to be secured and implemented through the imposition of conditions, the Council's Ecologist raises no objection to the proposal.

In summary, the proposed MSA subject to the delivery of off-site enhancement works and extensive soft landscaping within the development which can be secured through condition would conserve, enhance and restore biodiversity across the site

in accordance with Policy P10 of the Local Plan and guidance in the NPPF. **Limited weight** should therefore, be attributed to the matter in the planning balance.

Drainage

Paragraph 163 of the NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165 advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the lead local flood authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

Policy P11 of the Local Plan advises that all new developments shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so. Developers shall ensure that adequate space is made for water within the design layout of all new developments to support the full use of sustainable drainage systems, and shall demonstrate that improvements to water environment will be maximised through consideration of a range of techniques.

The site lies mainly in Flood Zone 1, with a small portion of the site at the northern boundary falls within Flood Zone 2, and therefore the site is considered to be at risk of flooding between the 1% (1 in 100 years) and 0.1% (1 in 1000 year) annual probabilities. The source of this flooding is the River Blythe which flows south-west to north-west approximately 180, north of the site. The Flood Risk Assessment indicates that the Flood Zone 2 extends to a contour line 121.5m AOD adjacent to the site. This compares to site levels which are a minimum of 124.5m AOD. The proposed finished floor levels of the buildings are 125.5m AOD and 130.5m AOD. It is therefore apparent that flooding from The River Blythe is unlikely to affect the site up to the 1 in 1000 year event due to the significant difference between the flood and site levels.

The site is currently a greenfield site with no impermeable or drainage systems. The proposal will see the introduction of impermeable surfaces totalling approximately 5.99 hectares to facilitate vehicle movements and parking. A surface water drainage system is proposed to be constructed to serve the MSA based on the principles of sustainable drainage systems (SUDs). The scheme proposes to drain into the River Blythe via a new outfall ditch with the discharge restricted to the equivalent greenfield runoff rates. SUDs features will be used as far as practicable to provide interception, collection, conveyance, storage and treatment of runoff. This includes the green roof for the main building, permeable paving for car parking areas, swales and storage ponds. Below ground tanks will also provide additional storage if required. Petrol interceptors, oil separators and vortex will ensure no oily deposits are discharged into the river.

The assessment has also considered the relative risk from highway runoff to the River Blythe from the existing road catchment plus an increase in runoff that would be generated from widening of the southbound off slip road on the River Blythe catchment. The widening of the southbound slip would require a land take of 0.13 hectares of land resulting in a 3.1% increase in impermeable area and would have a negligible impact on surface runoff.

The Lead Flood Authority have reviewed the details and confirm that the surface water can be attenuated on site for all storm events up to and including the 1 in 100 year plus 40% climate change rainfall event. Further, the Environment Agency have no objection to the proposal. Therefore, subject to the imposition of a condition the proposed development would not increase the risk of flooding and complies with condition P11 of the Local Plan and guidance in the NPPF. **Neutral weight** should therefore, be attributed to the matter in the planning balance.

Impact on neighbour amenity

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses.

The application site surrounds the residential property Box Tree Farm, who are also the owners of the land to which the MSA is proposed to lie within. Clearly the proposal would have an impact on the amenities of this existing residential property. However, the layout and mitigation measures proposed in terms of contouring the land, comprehensive planting scheme etc. ensure that the proposal would not have such a significant material impact on this property to cause material harm.

To the east of the application site, across the fields are located Hogarth's Hotel and Solihull Riding Club facilities. Having regard to the distances involved, topology of the land and landscape features which screen the proposed development, the siting of the MSA would not cause any material harm to the amenities of these commercial properties.

On the opposite side of the motorway (western side) are located the Fore Business Park and Blythe Valley Park. The siting and relationship of the MSA facility would not cause any material impact on the amenities of occupiers of these Business Parks.

Therefore, subject to the imposition of conditions, the siting and relationship of the proposed MSA would not cause any unreasonable or material harm to the amenities of these neighbours. The proposal therefore, partially accords with Policy P14 in respect of protecting neighbour amenity, but would not enhance in accordance with the Local Plan policy. Thus **neutral weight** should be attributed to the matter in the planning balance.

Agricultural Land Classification & soils

DEFRA classifies agricultural land by grades according to the extent to which its physical and chemical characteristics impose long term limitations on agricultural use for food

Policy P17 of the Solihull Local Plan confirms that the Council will safeguard the “best and most versatile” agricultural land in the Borough and encourage the use of the remaining land for farming. Development affecting the “best and most versatile” land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations, or the use of lower grade land would be inconsistent with other sustainability considerations.

Paragraph 112 of the Framework confirms that local authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of a higher quality.

National Planning Practice Guidance (NPPG) at Paragraph: 026 Reference ID: 8-026-20140306 states that the NPPF expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. It continues to state how important this allocation is and local authorities are encouraged to seek to use areas of lower quality land in preference to that of high quality. The Solihull Countryside Strategy 2010-2020 indicates that the best and most versatile land should be protected, citing it as an irreplaceable resource.

The Agricultural Land Classification (ACL) grades the land. The best and most versatile soils and agricultural land are Grades 1, 2 and 3a. Moderate quality soils and agricultural land are Grade 3b and lower quality soils and agricultural land Grade 4. The details provided in the ACL indicate that the site is a Grade 3 and does not differentiate between the classes.

A bespoke assessment has therefore been undertaken for the site, which confirms the agricultural land classification of the site is Grade 3b. Thus the site is not classified as best and most versatile agricultural land. Whilst, the development would cause the loss of some agricultural land, it would not compromise the on-going viability of existing farming operations in the area. This causes limited harm.

Moderate weight against the proposal should be attributed to the matter in the planning balance.

Further having identified that there is an un-met need for a MSA on the M42 between Junction 3A and 7, the overriding need for the development outweighs the agricultural considerations required by Policy P17 of the Local Plan and guidance in the NPPF and neutral weight can be attributed to the matter.

Impact on Heritage Assets

The Heritage Assets that need to be had regard to in this application are as follows: -

- Designated Heritage Assets - Four Ashes, Grade 2 listed;
- Other affected heritage assets (Non designated Heritage Assets) include Monkspath Wood, Little Monkspath Wood, and Sanderfield Wood.

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S66(1) requires the decision maker to ask whether there would be some harm to setting of listed buildings. If there would be, the Council shall refuse planning permission unless that harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation (Barnwell Manor Wind Energy Ltd).

Paragraph 189 of the NPPF states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.’

Paragraph 190 advises that ‘local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.’

Paragraph 193 confirms that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Paragraphs 194 the NPPF clarifies that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- Grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

Paragraph 195 advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Recent Historic England guidance on setting (2011) focuses on its importance and the determination of what it is in each case. It stresses that setting is not in itself a heritage asset, but that it has importance because of the contribution that it makes to a heritage asset.

Regard is also required in respect of Paragraphs 124 and 127 of the Framework which attach great importance to design of the built environment and creating high quality and inclusive development.

Solihull Local Plan Policy P16 is most relevant. In this the Council emphasises the importance of the historic environment to local character and distinctiveness, and includes the Arden landscape, historic villages, hamlets, farmsteads, country and lesser houses, and historic landscape as key characteristics. It seeks fully informed applications that conserve heritage assets and their settings to a degree proportionate to their significance, carefully managing change to local character and the sense of place.

Policy VC3: Heritage Assets of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan confirms that designated heritage assets including listed buildings, conservation areas and archaeological features must be protected, conserved and enhanced in accordance with national and local planning guidance and policies.

The impacts of the scheme upon cultural heritage will include those upon Designated Heritage Assets and Heritage Assets including historic landscape character. Impacts can range from negligible to major adverse, be temporary or permanent, and can occur during site preparation or construction, and at and after completion. Impacts can also alter after completion, for example some may reduce as planting develops or increase if it fails, potentially over decades. Some heritage assets will be affected by impacts upon their setting which adversely affect the experience of them. This experience of the heritage asset in its context including landscape and visual linkage with other heritage assets is a key consideration. The upper parts of the development associated with these access proposals may be visible from varied points including from heritage assets dependent upon actual heights and the extent and type of vegetation retained. The height of lighting columns, lantern types and output colour and power will cause variations in impacts. New earth bunds around access and egress works would also change the setting of heritage assets.

Highway works include creating the new access from Stratford Road and the island with access and egress to the widened Gate Lane. That would become three lanes wide with central reservation in part, creating a clear adverse impact upon the setting and significance of Monkspath Wood, and in the setting of Little Monkspath Wood and surviving ridge and furrow around that. Their setting has been eroded previously by the construction of the M42 and A34 gyratory, but the proposal would impact further upon the appreciation of these heritage assets, altering the perception of them by giving them a much more urbanised and engineered immediate setting in part than that currently created by the narrow and unlit Gate Lane. It would be exacerbated by new fencing at the woodland edge as this would shut off views and conflict with its historic boundary ditch and bank in function and appearance. The impact upon Monkspath Wood is considered a significant impact but in heritage asset terms the harm would be less than substantial and would produce a low degree of permanent harm.

-Impacts upon all Heritage Assets

The Design and Access statement predicts only overall minimal impacts upon Heritage Assets. Off-site areas are proposed for ecology enhancements such as woodland planting that could enhance the setting of numerous Heritage Assets provided that species and densities do not conflict with appreciation of them or directly damage them. The contribution of setting does not require public views to be available, but clear examples include the network of paths on riding club land which permit views of heritage assets and their setting for club members and guests. Spectators at club events also experience heritage assets from certain points such as east of Sanderfield Wood.

The new lighting on-site and on Gate Lane would produce new visual impacts within the context of existing carriageway and gantry lights on the M42 and A3400. This

would affect the setting of several heritage assets including historic landscape elements and the designated heritage asset at Four Ashes. The Moat and Parlour Coppices lie to its north west and north east and it is clearly visible from Gate Lane. These impacts would rate as slight, and could reduce as mitigation planting develops. Proposals will need to prevent or minimise further overspill impacts from road and building lighting. Again, suitable planting could combine with proposed contours and levels to prevent substantial harm, leaving less than substantial harm to be balanced against any public benefits of the scheme.

Impacts upon other Designated Heritage Assets would rate as only neutral or slight, and require carefully designed lighting to minimise or prevent overspill and avoid adverse impacts upon their setting as far as possible.

The impacts of the scheme could be temporary or permanent, as well as adverse or positive. Initial impacts from site clearance would be short term and could be lessened in visual terms by careful advance structural planting. Impacts should then reduce as planting develops in line with a mitigation strategy. Extensive cut and fill for access formation would give permanent impacts and could reveal buried archaeology. Construction activities will generate varied impacts dependent upon weather in terms of noise, dust and temporary lighting. Precise impacts cannot be determined without details of scale, siting and appearance of the buildings. The scheme could benefit settings where new and appropriate planting reflecting Arden landscape traditions is provided within the area of enhancement. This could restore aspects such as some sections of hedgerow and single or grouped trees lost during mechanisation of farming in the 20th century and provide some visual screening.

In 'Managing Significance in Decision Taking in the Historic Environment' (2015) Historic England notes that:

'Archaeological potential should not be overlooked simply because it is not readily apparent.'

'Where a heritage asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may occasionally be harmed by even minor disturbance, thus damaging the significance of the asset. This can make some assets, or parts of them, very sensitive to change. Expert advice will be needed to identify these sensitivities and assess whether and how they can be worked around (see paragraphs 20 - 23), however, a proportionate approach should be maintained.'

Buried remains are best left in-situ for future examination as context is critical to understanding. Earth stockpiles should be sited to avoid storage above, and vehicle movements over, buried archaeology known now or discovered during compliance with conditions and/ or development. The application assessment acknowledges the potential for unrecorded prehistoric and medieval deposits to survive on site and in the millpool where drainage works are proposed, but suggests that archaeological remains of national importance are not anticipated. It suggests that a range of less significant archaeological remains could survive across the site and that ridge and furrow may mask prehistoric activity. It recommends archaeological evaluation to establish the extent of any surviving archaeological remains that might be damaged during construction, secured through a planning condition. In addition, it suggests

provision to evaluate geo-archaeological potential including archaeological analysis and monitoring of geo-technical site investigations surveys. It also recommends archaeological monitoring of ground works near and in the mill pond. The NPPG notes that only a small percentage of application sites eventually require further detailed assessment. The mitigation outlined above would ensure preservation by record of known heritage assets and enable identification and preservation by record of currently unrecorded archaeological remains. Following the implementation of the outlined mitigation residual effects upon the ridge and furrow, field boundaries and millpond would be likely to be of a negligible level and not significant. Further investigations could contribute to the local archaeological / historical narrative and could also complement any proposed enhancement works.

The site has many features characteristic of Arden pastures and retaining oaks, other trees, hedgerows and field patterns is desirable. Some hedgerow and bank would be removed to allow access from Stratford Road and egress at Gate Lane, with several trees felled on site. The Blythe, its tributaries and the habitat that they create reflect the Historic Landscape Context and are important. Natural England's National Character Area 97 document for Arden encourages conservation and enhancement of the cultural resource, to increase public access, enjoyment, recreation and retain a sense of place and history. It encourages widening understanding of its geodiversity, including connections with landscape character and cultural heritage; conserving and enhancing archaeological features such as moated sites; promoting access and awareness; protecting and managing historic wood pasture to conserve significant historic landscapes and important features and habitats; conserving historic farmsteads, farm buildings and surrounding landscapes particularly where new uses are proposed.

The adverse impact upon the heritage asset of Monkspath Wood would arise from the increase in width of Gate Lane to three lanes with central reservation and a new gyratory east of the current lane requiring the removal of several sections of hedgerow exacerbated by the lighting of the western section of the lane and erection of a close boarded fence against the woodland. The fence would reduce the opportunity to appreciate the character and significance of the woodland and its semi-ancient features and the lighting would conflict with its rural character. The hedgerow to be removed is also an element of historic landscape. This would rate as a slight to moderate impact. The management of marshy ground at the mill pool is proposed to increase biodiversity value and if this prevents intensive agriculture and disturbance this may be positive for buried remains. However, tree planting must avoid damaging remains. A sewer connection and surface water ditch will almost certainly damage some remains here and further investigation and suitable mitigation should be agreed. Damage here would rate as a slight impact. The loss of ridge and furrow and hedgerows of local value on the site would rate as a slight to medium impact. Neutral to slight impacts would arise in relation to the setting of two moats, several ancient woodland blocks and other ridge and furrow remains.

In summary, the proposed development will create a minor adverse permanent impact upon only one Designated Heritage Assets (Four Ashes, Grade 2 listed) setting from some viewpoints. Careful planting and lighting would reduce this impact. Impacts would be greater outside the hours of lighting at the driving range when new lighting would be more obvious at this rural edge. Nevertheless, government policy (NPPF para 193) states that 'when considering the impact of a proposed

development on the significance of a designated heritage asset, greater weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Other Designated Heritage Assets would suffer only a negligible impact upon setting (e.g. Box Trees Farm with views of any new lighting overspill). Few known heritage assets would be directly adversely impacted: examples include three areas of ridge and furrow removed on site and material excavated to allow drainage works in part of Swansditch mill pool, rated as currently of low significance by the applicant's report methodology. The application links the significance of the Blythe to the setting of this pool but despite the M42 construction the heritage asset is still of significance, evident as a sunken area of interest into which the river emerges through its culvert. Further investigation would elevate its significance if remains are of sufficient importance. These impacts would cause 'less than substantial harm' unless remains were of schedulable quality in which case destruction could be considered 'substantial harm'. Conditions can be imposed that require suitable relevant precautions after advice from Warwickshire County Planning Archaeologist.

Overall the extent of any 'less than substantial harm' would never exceed 'moderate'. An example would be where the setting of Four Ashes would experience new lighting (including the traffic island and Gate Lane widening), but with a backdrop of the existing limited glow from M42 and A3400 lighting. This harm would need to be weighed against public benefits of the scheme. The hedgerow removal and works to Gate Lane would have a significant adverse impact upon Monkspath Wood and would reduce the opportunity to appreciate its significance. Many impacts would produce 'less than substantial harm' of modest weight as the asset can with mitigation be conserved, and with impacts noticeable for at least some months from some points without significantly compromising appreciation of the heritage asset relative to its value. The NPPF advises that '...the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

This necessitates judging impacts and their permanence against asset significance and whilst local distinctiveness is acknowledged the methodology accords little weight to assets of only local significance. 'Less than substantial' harm must be weighed against any public benefit derived from proposals and carefully assessed including the setting of heritage assets as part of the wider consideration of proposals.

The imposition of conditions would ensure that the 'less than substantial harm' to heritage assets is minimised and mitigated for. They should include conditions to secure: further archaeological investigation, recording and archiving required by WCC, including non-destructive investigation in advance of any reserved matters application and scheme redesign or other provisions to address any remains discovered; agreement of trees to be retained and new tree and hedge planting; ecological mitigation that benefits heritage too (e.g. hedgerow restoration); appropriate hard landscaping near heritage assets; sensitive lighting; suitable materials and finishes for the footbridge; interpretation material for local heritage

interest.

In overall summary of impact on heritage assets, the proposed MSA would cause 'less than substantial harm' to Four Ashes, a Grade 2 listed building setting and substance of Monkspath Wood, Little Monkspath Wood, and Sanderfield Wood, in particular. In accordance with government policy, **great weight** is to be given to the conservation of heritage assets including if the harm caused is 'less than substantial harm' (NPPF paras 193-196). The impacts on these Heritage Assets would cause less than substantial harm, are minor and would be mitigated by the additional planting identified within the landscape strategy for the wider site. These mitigation measures would reduce the scheme's impacts upon heritage assets to the lower end of 'less than significant' harm. The public benefits include the significant need for an MSA on this section of the M42, to which **substantial weight** should be given, and would clearly outweigh the less than significant harm caused by the proposal to heritage assets.

Noise and Vibration Impact

Paragraph 180 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 183 of the NPPF, additionally, states 'the focus of planning policies and decisions should be on whether proposed development is acceptable use of land rather than control of processes or emissions (where these are subject to separate pollution control regimes)'.

The NPPF also makes reference to the DEFRA Noise Policy Statement for England (NPSfE) 2010.

The NPSfE is intended to apply to all forms of noise other than that which occurs in the workplace and includes environmental noise and neighbourhood noise in all forms.

NPSfE advises that the impact of noise should be assessed on the basis of adverse and significant adverse effect but does not provide any specific guidance on assessment methods or limit sound levels. Moreover, the document advises that it is not possible to have 'a single objective noise-based measure...that is applicable to all sources of noise in all situations'. It further advises that the sound level at which an adverse effect occurs is 'likely to be different for different noise sources, for different receptors and at different times'.

The Planning Practice Guidance (PPG), published by the DCLG, provides general guidance on noise and how noise impacts should be considered in the context of the planning system.

Policy P14(vii) of the Solihull Local Plan seeks to minimise the adverse impact of noise. Development likely to create significant noise will be permitted if it is located away from sensitive uses or it incorporates measures to ensure adequate protection against noise.

A noise assessment has been carried out for the proposed development. This has considered the potential effects of noise from both the construction and operational phases of the development, alterations to junction 4 and on existing sensitive receptors that surround the site. In addition, the noise associated with road traffic on the proposed access slip roads and within the development have also been considered.

To establish the baseline noise levels on the site an unattended continuous noise measurements were carried out. These were carried out at two locations on the site from 11th August 2016 to 12th August 2016 at the north fence of the garden to Gate Lane House and the public footpath on the east side of the proposed development.

The nearest receptors to the site that have been considered are the detached dwelling house on Gate Lane, Hogarth's Hotel, Four Ashes House/Golf Centre, Box Tree Farm, Box Tree Barn and Solihull Riding School.

The noise levels generated by construction activities and experienced by any nearby sensitive receptors depend on a number of variables, which have been considered by the noise assessment. The results indicate that the dwelling on Gate Lane may experience construction noise levels of moderate adverse effect when activity is in close proximity to this receptor. This property however is intended to be vacant during any proposed construction activity, thus meaning the impact from construction would be negligible. The remaining receptors given separation distance from the site would also experience a negligible impact. Thus, subject to the imposition of a condition in respect of a construction management plan, it would ensure that measures and safeguards are in place to control noise levels from construction activities on receptors to the site.

In relation to construction traffic noise, it is estimated that the maximum daily HGV movements for the construction phase would be 250 vehicles in and 250 vehicles out. In addition 50 construction workers would attend the site. On the basis that the Gate Lane dwelling remains unoccupied, construction traffic noise would not affect the receptors to the site.

The results of operational plant noise indicate that the operational rating noise limits for receptors would be insignificant and would not need to be mitigated for as part of the scheme.

The changes in road traffic noise have been considered, calculated and the effect defined. The proposal would have a negligible effect on receptors apart from the dwelling on Gate Lane where an increase of +1.9 db at the dwelling Gate Lane is indicated. This is considered to have a moderate adverse effect.

The noise assessment has also considered vehicle parking noise when the MSA is operational measured against ambient noise levels. The results indicate that the

differences in noise levels between the ambient noise levels emitted from the parking operation at all of the sensitive receptors for both day and night are very high with the exception of the detached house at Gate Lane which vehicle parking noise may be audible over the ambient noise level. The worst case increase would occur during the night and is predicted to be 1Db. This magnitude of impact of change would be a low impact and have a minor adverse effect.

In respect of vibration, these are typically generated during piling activities. Given the scale of the building work/operations proposed at the MSA are limited and the separation distance between the site and the receptors to the site, it is unlikely that the proposal would give rise to any significant ground-borne vibration.

In summary, with the implementation of conditions through a construction management plan that incorporates best working practice, restriction on working hours etc. the noise impacts associated with the construction phase on sensitive receptors is not considered significant and can be appropriately controlled to limit the impact. Further, the noise associated with road traffic associated with the development would not have a material impact in the long or short term on sensitive receptors. The proposed mitigation measures which can be secured through the imposition of conditions can therefore minimise the effects and the proposal and ensure that the proposal accords with Policy P14(vii) of the Local Plan and guidance in the NPPF. **Neutral weight** should be therefore attached to the matter in the balancing exercise.

Air Quality

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by: 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 or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality”

Paragraph 120 of the NPPF advises that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

Policy P14(v) Amenity of the Local Plan seeks to encourage better air quality in and around the Borough through the adoption of low emission zone initiatives such as those involving the use of electric vehicles for freight and public transport. Development that would contribute to air pollution, either directly or indirectly will be permitted only if it would not hinder or significantly harm the achievement of air quality objectives or any Air Quality Management Plan and it incorporates appropriate attenuation, mitigation or compensatory measures.

The supporting text to Policy P14 at paragraph 10.12.5 advises that developers should have regard to air quality objectives in considering location and design of new development.

The proposed development has the potential to impact on local air quality during its operational and construction phases. The main impacts during the construction phase would be related to airborne dust generated by construction activities. The main consideration during the operational phase is the increased traffic associated with the proposed use of the site.

In terms of the construction phase, clearly to alter the land levels as proposed has the potential for the risk of dust impact during this phase of activity. The potential dust emissions and their magnitude during the earthwork are large, reducing accordingly dependent on each phase of development. There are a number of measures that can be employed to lessen any nuisance and human impacts of dust and PM₁₀ generated during construction activities. In this instance a coordinated Construction Environmental Management Plan (CEMP) and a Dust Management Plan (DMP) is recommended as mitigation which would ensure that impact from such activities would be kept to a low level. These matters can be secured through the imposition of appropriate conditions to ensure compliance with recommendations set out in the ES.

During the operational phase, traffic flows are expected to increase on the M42 slip roads, Gate Lane and sections of the Stratford Road. It should be noted that there are very few receptors in this area that could be affected by the proposed development. The assessment has considered three existing properties or receptors. These are the closest receptors to the site and are a commercial building (UTC Aerospace Systems at Fore Business Park opposite the proposed MSA, 1779 Stratford Road a residential property close to the Stratford Road and Gate Lane Farm, Gate Lane. The commercial building at the Fore Business Park and 1779 Stratford Road given their locations would be impact negligibly in terms of air quality in terms of NO₂. Gate Lane Farm which is vacant and owned by the landowner of the MSA is considered to have a moderate adverse impact for NO₂. However, concentrations are within objective limits. Thus the impact on this property from an increase in NO₂ is not considered to be a significant impact.

The River Blythe SSSI would not be affected by the proposed development as it is not sensitive to air pollution or nitrogen deposits.

NO₂ concentrations are predicted to exceed critical levels at 2 of the 3 Local Wildlife Site near the application site. This due to the high background concentrations in the area due to existing emissions from the M42, Solihull and Birmingham. The levels are predicted to slightly increase within 200m of roads with increased traffic due to the proposed development of an MSA.

As set out in a previous section above, the proposal will deliver electrical vehicle charging points in 3 phases, which will assist in the future for reducing any air quality impact along the M42. Such provision can be secured through the imposition of a planning condition.

The Council's Environmental Protection has considered the air quality assessment and data provided. She confirms that with regard to air quality the changes in development have been modelled and the only receptor is a property which is currently vacant and in ownership of the MSA site landowner but the predicted NO₂ levels would be below current national objective levels.

In summary, subject to conditions the proposal would comply with Policy P14(v) of the Local Plan that seeks to encourage better air quality in and around the Borough through the adoption of low emission zone initiatives. Therefore, **neutral weight** should be attached to the matter in the planning balance.

Lighting Impact

Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy P14 (ix) protects those parts of the countryside in the Borough that retain a dark sky from the impacts of light pollution. Development involving external lighting outside established settlements will be permitted only where significant lighting already exists, or the benefits of the development clearly outweigh the impact of the lighting on the countryside. Any lighting scheme should be the minimum required for the purposes of the development and should avoid light spillage and harmful effects on biodiversity.

Solihull's Countryside SPG identifies suburbanization as a threat to the character and quality of the countryside, which included those areas outside rural settlements that retain a dark sky.....The Council will limit lighting schemes to the minimum required for the purpose of the development and outside urban areas to locations where lighting already exists to protect the character and quality of residential areas and the countryside from light pollution.

The Secretary of State in her decision letter of 22nd January identified conflicts with the development plan with regard to light pollution. However, as set out above planning policy in terms of the Development Plan and NPPF have changed and thus the proposed lighting scheme for this revised MSA proposal needs to be considered on the basis of these planning policies to assess whether the lighting scheme is compliant with the Development Plan and the guidance in the NPPF.

The existing site is in a semi-rural area with the M42 and surrounding junction with the A3400 and Gate Lane externally lit for highway safety purposes. The proposed lighting scheme for the development proposes an Institute of Lighting Engineers Category E2 zone (low district brightness), which seeks to limit upward light ratio to 2.5% for the complete external lighting installation.

The proposed lighting scheme indicates a requirement for 90 no. 8 metre columns. The lighting design consists of 2 light fittings with LED lamps with zero UV output to minimise the impact on bats. It is proposed through a central monitoring system that the lighting system will be managed allowing for the lights to be dimmed during hours of least activity (2300hrs to 0500hrs) and also during sensitive hours i.e. feeding times for nocturnal mammals, invertebrates and birds. This enables the scheme to be control unwanted light spillage, reducing the effects on local ecological habitats.

The submitted details indicate that the car park areas would have an average of 21 lux, with the HGV /Coach park area would average 20 lux. The roadway lighting within the site would be an average of 20 lux. The evidence provided indicates that the lighting design would achieve the Category E2 parameter for the site.

The details provided as part of the Environmental Statement seek a lighting design based on current lighting standards and guidance for minimising the effect of obtrusive light. Subject to the imposition of a condition requiring full details of the proposed lighting, it is considered external lighting of the operational development of the MSA would have a negligible effect in terms of potential impact from obtrusive light. The proposal therefore, accords with Policy P14 (ix) of the Local Plan and guidance in the NPPF. **Neutral weight** can be attributed to the matter.

Contaminated Land

Paragraph 179 of the NPPF confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy P14(vi) of the Local Plan requires proposals for development on land known or suspected to be contaminated to include appropriate information to enable the potential implications to be assessed and to incorporate any necessary remediation.

The site currently comprises an area of undeveloped farmland, which is classed as moderate quality (Grade 3b). No substantial contamination or ground water hazards have been identified and thus the risk of contaminated land on the site is very low to low as such it is not considered significant in EIA terms.

The River Blythe SSI and the secondary aquifer underlying the site are both considered receptors of very high sensitivity. These receptors could be affected through the disturbance of ground water flow or degradation of groundwater quality below the site through the subsequent migration and discharge into the River Blythe. This could potentially occur through the proposed changes to ground levels and substructures below the groundwater table e.g. storage of fuels and other hazardous substances. Subject to mitigation it's is considered that the impact can be controlled and the impact would be negligible or neutral.

The overall impact of the development on ground conditions is therefore considered negligible and would be reduced by good management practices being adopted during any construction phase. Therefore, the site is unlikely to have any significant presence of contaminated land on it. The proposal would therefore accords with Policy P14(vi) of the Local Plan and **neutral weight** should be given to the matter in the planning balance.

Community Infrastructure Levy (CIL)

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016. The launch date of CIL was 4th July 2016 and the MSA proposal would be liable for the charge if planning permission is granted. On the proposed floor areas set out in accommodation schedules provided, the table below sets out the charging schedule and calculation to the amount that would be required to be paid under CIL based on 2021 rates. The precise CIL liability will be confirmed at reserved matters stage when a liability notice would be issued at that stage: -

The Amenity Building proposed on the site would be subject to CIL. Based on the upper parameter limit provided CIL is to be payable on 4900m².

Description of area	Area (m ²)	Rate (£)	Cost (£)
Amenity Building	4,900	61.44	£301.056

Public Sector Equality Duty.

In making your decision, you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors. It is not considered that the recommendation to refuse permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights.

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to refuse permission in this case does not interfere with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to refuse permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

PLANNING BALANCE

Tables setting out relevant factors to weigh in the planning balance are found at the end of this section.

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

The application development is inappropriate and would cause **harm by definition** to the Green Belt, **significant harm** to the openness of the Green Belt involving significant development on a large site (9.9 ha) which is currently open countryside, and **very significant harm** is caused as it also conflicts with 3 of the 5 purposes of including land within Green Belts, located to the east of Solihull in a narrow and vulnerable part of the Green Belt between Solihull (Monkspath) and Dorridge/Knowle, on the east side of the M42 at J4. The overall harm to the Green Belt is given **very substantial weight** in the planning balance.

Additionally, in terms of **other harm**, the proposal would cause **significant harm** to the character and appearance of the area and, by reason of a significant diversion of a footpath, to one land use objective (ease of access to countryside), both contrary to Local Plan Policy, to which **substantial weight** should be given. Further, the loss of agricultural land caused by the proposal also cannot be mitigated for and would also cause **additional harm**. **Moderate weight** should be given to this.

Highways England have advised that the proposed MSA scheme has four Departures from Standard, however some of these are existing. All four Departures have been independently assessed by Technical Specialist within Highways England. The Departures have been appraised as being critical to the scheme delivery and the safety mitigation proposed deemed sufficient. As a result, all four Departures have been given 'Agreement in Principle' (AiP). This means that the principle of the Departure is acceptable and likely to be approvable if supported by sufficient justification as part of a full departure application.

The departures from standard granted 'Approval in Principle' (AiP) also need to be viewed against the inherent benefits to drivers that a MSA facility provides in terms of the welfare benefits that they deliver. Evidence indicates that 20% of road accident's in the UK are due to driver fatigue as there is no safe place to stop, rest and refresh. Therefore, a safe access is achievable in principle and without contrary evidence, it must be concluded having regard to the Highway England consultation response that the access arrangement is appropriate in this location, having regard to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF para 109).

From the perspective of the impact on the Local Highway Network, the proposed junction improvements associated with the proposed MSA and the associated results demonstrate that the significant impacts from the development on the transport network (i.e. in terms of capacity and congestion) have been mitigated for. It is considered that the development does not result in a significant increase in delay to vehicles or safety on the Local Highway Network.

The proposal would continue the safe operation of Junction 4 (including local roads), the motorway, and its active traffic management system on the M42.

Therefore, both in terms of the impact of the proposal on the Strategic Road Network and Local Highway Network safe access to the site can be provided and the proposal causes no significant impacts on the transport network. The proposal therefore accords with Solihull Local Plan Policy P8, Policies T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and that the residual cumulative impacts on the road network would not be severe (NPPF para 109). Overall, **Neutral weight** should be attributed to the highways safety and impact matters in the planning balance.

In terms of impact on heritage assets, the proposed MSA would cause 'less than substantial harm' to the setting Four Ashes, a Grade 2 listed building and to the setting and substance of Monkspath Wood, Little Monkspath Wood, and Sanderfield Wood, in particular. In accordance with government policy NPPF paras 193-196), **great weight** is to be given to the conservation of heritage assets including if the harm caused is 'less than substantial harm' and that this less than substantial harm needs to be balanced in the planning consideration against public benefits delivered by the proposal. The impacts on these Heritage Assets would cause less than substantial harm, are minor and would be mitigated by the additional planting identified within the landscape strategy for the wider site. These mitigation measures would reduce the scheme's impacts upon heritage assets to the lower end of 'less than significant' harm. The public benefits include the significant need for an MSA on this section of the M42, to which **substantial weight** should be given, and would clearly outweigh the less than significant harm caused by the proposal to heritage assets.

The evidence and previous appeal decision confirms that a significant need has been identified for a Motorway Service Station on the Solihull section of the M42. It would also deliver welfare benefits to drivers from fatigue. In relation to locational benefits of the site, the proposal is not in the locationally preferable location in terms of spacing between MSAs (the Catherine de Barnes location is to be preferred), but would still improve the current situation. Three routes would be in excess of the 28 miles sought by government policy (paragraphs B13-B15 of Circular 02/2013). Thus only **moderate weight** is attached to the locational benefits of this site.

Additionally, the economic benefits carry **substantial weight** in favour of the development.

The visual appearance and the architecture of individual buildings would secure a building layout that responds to the needs of the travelling public. The proposal would also help to deliver an efficient and affordable electrical vehicle charging network or alternative fuels at an off-line MSA on the Strategic Road Network (SRN) and support the transition to zero emissions transport in accordance with the government's climate change strategy. The bespoke design approach proposed and charging network proposed is now likely to be provided by every MSA proposed and therefore carries **moderate weight** in favour of the proposal in the planning balance.

The biodiversity impact assessment indicates the loss of habitat score of 66.31. The proposed mitigation including woodland habitat, grassland habitat, wetland habitat and other habitat would deliver a Habitat Mitigation Score of 67.99 a net gain of +1.68. In relation to Hedge Biodiversity Impact Score the proposal would deliver a net gain of 13.48. **Limited weight** is attached to the net gain in biodiversity the scheme would deliver.

The other material considerations namely drainage, noise, amenity, contaminated land, air quality, lighting and other material considerations are considered to be **neutral** in the planning balance subject to the imposition conditions.

When applying the Green Belt balance, the considerations to be taken into account in favour of the proposals are set out above, in the main report and in the Tables found at the end of this Executive Summary. These include the **substantial weight** is attached to the significant need for an MSA along this section of the M42, including welfare benefits of the scheme for drivers. **Substantial weight** is also attached to the economic benefits that the MSA would deliver and to the design solution proposed including provision of EV charging network within the scheme. **Moderate weight** is attached to the locational benefits of the site and biodiversity benefits the proposal would deliver to the wider site. All other matters are neutral.

Consequently, when applying the Green Belt balance, it is concluded that the potential harm to the Green Belt by reason of inappropriateness together with the other harm resulting from the proposal is not clearly outweighed by the considerations in favour of the proposals therefore, when considered as a whole, very special circumstances do not exist.

Consideration has been given by officers as to whether there is a preferable alternative site able to meet the existing need for an MSA on the Solihull section of the M42 motorway where the conflict with policy would either not exist or be less or that the planning harm would be less than that caused by the application proposal. The comparison table at the end of this Executive Summary sets out the principal high level differences between the two proposed sites at M42 J4 and at Catherine de Barnes. The proposed MSA at Catherine de Barnes is locationally preferential (distance between MSAs) to the proposal at M42 J4 (applying paragraphs B13-B15 of Circular 02/2013). The conclusion has also been reached that the proposed MSA east of Catherine de Barnes (Application Reference: PL/2015/51409/PPOL) would better accord overall with Development Plan and government policy, including in relation to green belt policy, than the M42 J4 proposal the subject of this report, and have recommended approval for the MSA proposal east of Catherine de Barnes (Application Reference: PL/2015/51409/PPOL).

It is to be noted that there is a need for only one MSA on this section of the M42 Motorway. If the decision of the Planning Committee is that, in accordance with the officer recommendation, it is minded to grant planning permission for the MSA proposal located east of Catherine de Barnes on the M42 (Application Reference: PL/2015/51409/PPOL), the need for an MSA at M42 J4 in such circumstances would not exist and consequently no weight can be given in the Green Belt, heritage and planning balances to the need for a second MSA on this section of the M42 motorway. In such a case very special circumstances would not exist and the recommendation would be to refuse planning permission for the planning application

the subject of this report on the ground that a preferable alternative site exists to meet the identified need

If the decision of the Planning Committee is to refuse planning permission for the MSA proposal located east of Catherine de Barnes (Application Reference: PL/2015/51409/PPOL), then the recommendation below would remain the same.

For the above reasons and taking into account all matters in the report, the very special circumstances necessary to justify the proposed development have not been demonstrated and the proposal does not accord with the Development Plan in respect of Policy P17 Solihull Local Plan and Policy VC1 of The Knowle, Dorridge and Bentley Heath Neighbourhood Plan and policy in the National Planning Policy Framework. There are no other material circumstances to be taken into account in the final planning balance which indicate that the presumption in favour of the Development Plan should not be applied and the planning application should therefore be refused.

Table 1 Green Belt Assessment/Comparison	
Land at J4 M42 Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)	
Harm to Green Belt	Weight to be attributed to matter
<u>Harm by definition.</u> The proposal causes harm by definition to the Green Belt.	Substantial weight negative.
<u>Harm to openness</u> The site area is 9.9 hectares, with circa 4900sq.m of buildings. The site includes parking for up to 662 cars (including 33 spaces for disable users), 87 HGV'S, 17 coaches, 22 caravans (including 2 spaces for disabled users) and 22 motorcycles is extensive and causes significant harm to the openness which would be exacerbated by the resultant merging of Shirley with Dorridge, Bentley Heath and Knowle.	Substantial weight negative
<u>Harm to purposes of the Green Belt.</u> The undeveloped gap between Catherine-de-Barnes and Hampton in Arden at c2 kilometres is substantially undeveloped and relatively open. The proposal would extend development beyond the J4 M42	Harm to 3 of the 5 purposes of including land in the Green Belt. Very substantial weight.

<p>junction into a predominantly rural area to the east that would contrast with the built development to the northern/western side of the M42. The fact that buildings and car parking have been situated as close as possible to existing built infrastructure associated with J4 M42 does not materially alter that perception. The proposal would still appear as a physical extension to the built up area in this location harming the first purpose of including land within the Green Belt, namely checking the unrestricted sprawl of urban areas. The gap between Shirley and Dorridge, Knowle and Bentley Heath is strategically important and already narrow and vulnerable in this location. The significant incursion of the proposed MSA into this open, narrow rural countryside within this strategically important gap would significantly reduce the land remaining within the gap which is unbuilt. This causes substantial harm to the 2nd purpose of including land in Green Belts, namely preventing neighbouring towns from merging. The proposed scale of the development would cause significant encroachment into this valuable open rural gap that would result in substantial harm to the third purpose of including land within the Green Belt, namely encroachment.</p>	
<p><u>Harm to Green Belt character</u></p> <p>Influenced by J4 roads works and structures. Narrow gap east and west of M42. Land use to east currently open with agricultural land character with sporadic farmsteads.</p>	<p>Substantial weight negative</p>
<p><u>Harm to Green Belt objectives</u></p> <p>The requirement of a substantial diversion of the public footpath that crosses the application site would cause harm to the objective of ease of access to the countryside.</p>	<p>Substantial weight negative.</p>

**Land off Solihull Road, Hampton In Arden (Catherine de- Barnes site
Application Ref: PL/2015/51409/PPOL)**

Harm to Green Belt	Weight to be attributed to matter.
<p><u>Harm by definition.</u></p> <p>The proposal causes harm by definition to the Green Belt.</p>	<p>Substantial weight negative.</p>
<p><u>Harm to openness</u></p> <p>The proposal due to its extensive land take of 13.4 hectares, circa 9300sq.m of buildings extensive car parking area 705 spaces plus 91HGV spaces and 18 caravans, 18 coaches both visually and spatially causes substantial and physical loss to the openness of the Green Belt through major incursion and land take.</p>	<p>Substantial weight negative.</p>
<p><u>Harm to the purposes of the Green Belt.</u></p> <p>The Meriden Gap in spatial terms is approximately 10 kilometres wide in this location. The undeveloped gap between Catherine-de-Barnes and Hampton in Arden at c2 kilometres is substantially undeveloped and relatively open. The development would result in a major incursion and represents significant encroachment into the countryside.</p> <p>Whilst the proposal would reduce to some extent the effectiveness of the gaps between Catherine-de-Barnes and Hampton in Arden, both villages are inset areas within the Green Belt and not towns. The perception remains that the development as a whole would be read as part of the motorway environment and would not lead to the merger of neighbouring towns but would reduce to some extent the effectiveness of the Meriden Gap</p>	<p>Harm to 1 of the 5 purposes of including land in the Green Belt.</p> <p>Substantial weight negative.</p>

<u>Harm to character of Green Belt.</u>	Substantial weight negative
Land take of 9.7 hectares with significant buildings and car parking areas on currently open agricultural land. Heavily influenced by urbanising effect of the DCO works, road and structures of the M42.	
Harm to Green Belt objectives	Neutral
There are no public rights of way across the site or access by walkers and others for recreation.	

Table 2 – Parameter Comparison Table.

Parameter	Land at Junction 4 M42, Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)	Land at Solihull Road, Catherine-de-Barnes. (PL/2015/51409/PPOL)
Land Take	9.9 hectares.	13.7 hectares.
Buildings (gross floor area)	5000sq.m.(upper parameter including drive thru coffee shop).	9241sq.m. (including Facilities Building/Hotel/Petrol Filling Station).
Vehicle parking provision.	662 cars (including 33 spaces for disable users), 87 HGV'S, 17 coaches, 22 caravans (including 2 spaces for disabled users) and 22 motorcycles	679 car parking spaces and 36 disabled spaces, Coach parking (18 spaces), 91 HGV spaces, 18 caravans/motor homes/vehicle and trailers and 2 caravans/motor home/vehicle and trailers for disabled persons.

Table 3 – Balancing Exercise (Harm/Benefits)

Issue	Land at J4 M42 Box Trees Farm, Stratford Road, Shirley. (PL/2016/02754/MAJFOT)			Land at Solihull Road, Catherine-de-Barnes (PL/2015/51409/PPOL)		
	Harm	Benefit	Weight	Harm	Benefit	Weight
Green Belt – Harm by definition.	Yes		Substantial negative	Yes		Substantial negative

Green Belt – Openness.	Significant		Substantial negative	Significant		Substantial negative
Green Belt – Purposes.	3 of 5 purposes		Very substantial negative	1 of 5 purposes		Substantial negative
Green Belt – character.	Significant		Substantial negative	Significant		Substantial negative
Green Belt – Harm to objectives	Harm to access to the countryside		Substantial negative	None		None
Loss of Agricultural Land	9.9 hectares loss (limited)		Moderate negative	13.7 hectares loss (limited)		Moderate negative
Heritage Assets	Less than significant harm		Neutral	Less than significant harm	Restoration to viable use of Walford Hall.	Substantial positive
Highway Safety	Departures 4 (HE Agreement in Principle)	Mitigated	Neutral	Departures 5 (HE Agreement in Principle)	Mitigated	Neutral
Highway Impact		Mitigated	Neutral		Mitigated	Neutral
Need for an MSA		Significant	Substantial positive		Significant	Substantial positive
Locational benefits.		3 routes in excess of 28 miles	Moderate positive		1 route in excess of 28 miles.	Substantial positive
Economic		Substantial	Substantial positive		Substantial	Substantial positive
Landscape Character of the Area.	Limited adverse	Mitigated	Moderate positive	Limited adverse	mitigated	Moderate positive.
Design Approach		Meets Development Plan policy.	Moderate positive		Meets Development Plan policy	Moderate positive
Ecology		Limited positive	Limited positive		Significant	Substantial positive
Drainage			Neutral			Neutral
Air Quality			Neutral			Neutral
Noise and Vibration			Neutral			Neutral
Amenity			Neutral			Neutral

Lighting			Neutral			Neutral
Contaminated Land			Neutral			Neutral

In coming to this recommendation, your officer's have taken into consideration all of the representations made in respect of the proposal. In view of the matters set out above, they do not alter the overall conclusions.

RECOMMENDATION

Refusal is recommended for the following reasons:

The proposed development represents inappropriate development in the Green Belt. The motorway service station proposal would cause harm by definition to the Green Belt, significant harm to openness and to the character and appearance of the Green Belt, to the 3 of the 5 purposes of including land within the Green Belt and land use objectives and other harm. The very special circumstances put forward by the applicant in support of the proposal do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal. The proposed development is therefore contrary to Policy P17 of the Solihull Local Plan, Policy VC1 of The Knowle, Dorridge and Bentley Heath Neighbourhood Plan and guidance in the National Planning Policy Framework.