

Planning application 2015/51409/PPOL 10/12/2019 MSA and associated works at Jct.5a Solihull Road /M42

Detailed below is the Hampton in Arden Parish Council response to this application which has been prepared in conjunction with Catherine de Barnes Residents Association

Background

As we know this application has come about as a result of Highways England's DCO proposal to build a new junction and link road as part of the M42 Junction 6 Improvement Scheme. Extra's initial application concerned building an on-line MSA with the necessary slips at a similar point of the M42 at Solihull Road bridge. There was no requirement in the DCO scheme for any northern slips. It was therefore necessary for Extra to make an application which enabled the MSA to be built whether the DCO scheme was approved and went ahead or not. In the event it went ahead various changes needed to be made to ensure appropriate connection to the DCO Scheme. In the event that the DCO scheme was approved the MSA by virtue of its relationship to the various link road connections became an off-line MSA as local roads have access to it. Irrespective of the fact that the DCO Scheme was approved by the Secretary of State on 21st May 2020, it is our understanding that for the application to be approved it is necessary for SMBC to approve both options in the application although Option A is now not relevant.

Appraisal

It is important to note at this point, that the Solihull Local Plan 2013 contains **no** specific policy or provision relating to MSA's. We believe this to be a very significant point as there have been a number of applications for MSA's prior to the developing of the new plan, but SMBC, despite the history, did not feel it necessary to provide any guidance, make any provision or policy to support the possible future development of an MSA.

The siting of both options in this application is within the Green Belt. Notwithstanding this, the site also sits within the unique Arden Landscape. As such the application falls within Green Belt Policy P17 of the Local Plan and the relevant national policy is contained within section 13 of the NPPF.

With regard to the consideration of proposals affecting the Green Belt, NPPF paragraph 143 states: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 144 then goes on and sets out the principal NPPF policy test: "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".

It is commonly understood that both options clearly represent "inappropriate development and hence harmful to the Green Belt" and consideration must therefore be given to factors that clearly outweigh that harm. An essential element to potential Green Belt development is its effect on the 'openness'. Paragraph: 001 Reference ID: 64-001-20190722 below outlines the factors that should be taken into account when considering the potential impact of development on the openness of the Green Belt.

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the **visual impact** of the proposal may be relevant, as could **its volume**;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as **traffic generation**.*

We believe the text highlighted in bold is particularly relevant as we believe the development site is considerably larger than it needs to be and includes a hotel and car parking – incidentally 50 more spaces than the minimum

requirement, its floorspace has increased considerably since the first application was made in 2015 and there is no doubt that siting an MSA here will generate substantial extra traffic

MSA and safety

National policy specifically supports the provision of MSAs and confirms that they play an important role for the safety and welfare of motorway users. Provisions for MSA are set out in Circular 02/2013 and extracts of these are quoted below in italics as are our related comments: -

B6. The Highways Agency 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 Bridges¹⁴ including its provisions in respect of junction separation.

Comment: HE only recommends the maximum distance levels it has not felt necessary to extend this to a “mandatory” requirement and suggest that an MSA within, say 4/5 miles from the limit recommend could still be deemed as being acceptable in terms of driver safety.

HE, in their evaluation and final acceptance of this site, have had to agree to 4 “Departures from Standard” the majority of them to do with accepting significantly reduced weaving distances between the MSA site and Jct. 6 to those specified in the Design Manual for Roads and Bridges. However, Circular 02/2013 includes a minimum spacing requirement which is the requirement to meet DMRB standards including its provisions in respect of junction separation. The Extra MSA fails to meet this minimum spacing requirement in respect of adjacent existing junctions. We recognise that various” calculations “have been undertaken to ascertain whether the design can be achieved but question whether the fact that this part of the Strategic Road Network is amongst the busiest in the UK with some of the highest traffic flows in the country and that “Departures from Standards” concerning weaving distances represent significant safety risks. Average speed control systems regularly operate on this section of the motorway and efforts to weave across 2/3 lanes of heavy traffic travelling at the almost identical speeds represent a significant safety hazard. The location of the MSA at the same location as the entry to the link road increases the risk substantially.

B13. On-line (between junctions) service areas are considered to be more accessible to road users and as 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.

Comment: We feel the second part of the statement to be highly relevant in the siting of this MSA. There can be no dispute that the siting of the MSA at the new junction will create considerable additional traffic. The design of the junction, a dumbbell, came about as a result of HE having to come up with a design which did not preclude the siting of an MSA. Had an application for an MSA not being the public domain the most efficient method of moving traffic from the M42 to the Clock Interchange would have been by way of a free flow junction directly egressing and ingressing the M42. Any junction, other than a free-flow junction, interrupts the flow of traffic. It can be envisaged that when the M42 is heavily congested or stopped, it will be impossible for traffic exiting the MSA to join the motorway via the northern slip. This will result in a tailback on the slip which will block the west roundabout. Any M42 traffic wishing to use the link road will not be able to progress through the roundabout and access the link road ultimately causing congestion on the southern exit slip. The dumbbell design, so as to cater for an MSA, has compromised the main function of the new link road and as traffic levels increase it has already been accepted that it will be necessary for the junction to be signalled to maintain adequate traffic management and maintain traffic flows. This junction allows the MSA to be accessed via local roads using the link road – a situation which Extra originally assured local communities would not be the case. The local settlements of Catherine de Barnes and Hampton in Arden are regularly used as ‘rat runs’ during times of heavy congestion and an MSA at this site does nothing to improve the situation. As developments such as Arden Cross, and additional residential developments materialise, local traffic conditions within these villages are only set to worsen.

To summarise-a junction designed not to preclude the possibility of an MSA has totally compromised the performance of the DCO project and will have significant traffic impacts. **This is not the correct site for an MSA and to maintain the integrity of the DCO scheme the planning application should be refused. should not be approved.**

Green Belt -Impact /Harm

As mentioned earlier both options are situated in Green Belt. It should be recognised however that the site falls within the important ‘Meriden Gap’ (‘a mostly rural area of [Warwickshire](#) between [Solihull](#) and [Coventry](#). It serves as a [green belt](#) which separates the latter from the large West Midlands conurbation, which includes [Birmingham](#) and [Wolverhampton](#)) and within the Arden Landscape. The proposed development is contrary to Solihull Local Plan policy P10 an extract of which is reproduced here: - Policy P10 *The Council will seek to protect, enhance and restore the diverse landscape features of the Borough and to create new woodlands and other characteristic habitats, so as to halt and where possible reverse the degrading of the Arden landscape and promote local distinctiveness. Any weighting allocated to Green Belt needs to take into account that this is a unique piece of Green Belt and as such should be treated and valued accordingly.*

With regard to the size/volume effect of this proposed development which is a major element when considering Green Belt harm. It is appropriate, at this time, to compare certain aspects of this application (both options A and B) with the application at Jct 4 (Planning PL/2016/02754) which is also in the Green Belt.

Element	2015/51409	2016/02754
MSA ‘on-site’ hardstanding areas	69,117 m ²	52,538 M ² over 1.3 times bigger
Total planning boundary area	61.75 hectares	13 hectares over 4.5 times bigger
Area of off- site highway access works	Option A 59,307 m ² Option B 8,456m ²	1,785m ² over 33 times larger 1,785m ² over 4.6 times bigger
Hotel floor area	3,967m ³	Zero
Other floor areas (retail etc)	447m ²	295m ² over 1.5 times bigger
Total area of development (all inappropriate development) Option	Option A appx 13.5 hect Option B appx 8.7 hec.	appx 6 hect. over 2 times larger appx 6 hect. over 1.4 times larger

Summary of data comparison: This application represents a larger loss of the Green Belt and significant intrusion into the Arden Landscape and reduction of the Meriden Gap

It should be noted that since the original application made in 2015 the applicant has increased the floor space of the buildings significantly (46%)

Furthermore, because of the reason set out earlier in this document, the land take resulting from the dumbbell design of junction 5a is significantly larger than it would have been had the MSA not had to be catered for. Already representing significant portion of inappropriate development.

With regard to the hotel planned for the site. Paragraph B30 in Circular 02/2013 states “*Such development will be a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies.*” This ‘new’ building in the Green Belt represents inappropriate development and as far as we can see no “very special circumstances” have been put forward to justify its inclusion in the development.

Other Harm

In addition to harm of the Green Belt there are ‘other harm’ as identified in NPPF para.144 although the nature of the harm was not qualified.

In this section we will outline details of ‘other harm’ that this application (both options) causes: -

Safety.

Here we refer back to a previous section MSA and Safety. Although HE finally accepted the final proposals from Extra for the siting of the MSA it was after significant deliberation resulting in the decision having to be made by HE's Chief Highways Engineer because of the safety factors involved. This application (both options) represents a significant safety hazard to the operating of the motorway and as such is deemed to be harmful.

Both Options result in changes to the M42 Smart Motorways system necessary to deliver the proposal, including the introduction of 'mixed operating regimes' along the M42; this includes the unprecedented retrospective application of All Lane Running to an existing Dynamic Hard Shoulder Running section of motorway. creates a greater safety risk than if the scheme was not there. Much has been said about the safety of SMART motorways and the siting of an MSA within the system increases any safety risks substantially.

Junction 5a

As HE has stated on many occasions when developing the design of said junction, they sought not to prejudice the possibility of a siting of an MSA. This resulted in a dumb-bell configuration which has inherent disadvantages of a free flow junction arrangement considered earlier in the process. It can be claimed that the MSA has already caused harm resulting in a compromise design of the junction.

Public Purse

The Jct.5a DCO scheme is estimated to cost £282 million which aims to: provide additional capacity on the motorway network, increase the traffic capacity of jct.6, improve local connections, thereby supporting economic growth and encouraging new commercial and residential development opportunities. The MSA totally compromises this investment with the public purse not achieving the full value for the project. By virtue of the design bought about by the siting of an MSA at jct. 5a it has been established that additional infrastructure and other improvements will need to be invested in the future to ensure the junction performs in an adequate manner.

Hotel on the site

By virtue of the fact that a hotel is planned for the site together with more than the mandatory number of car parking spaces being provided, the land take must be higher than it would have been if the application did not include the hotel. There is no mandatory requirement for a hotel on an MSA site and hence the siting of the hotel represents additional harm emanating from the additional land take. The only justification for the hotel is financial gain for the operator and with over 135 hotels being located within a 10- mile radius of the site the need for another we suggest is limited compared to the harm generated.

Ecology and Natural Conservation

The NPPF (Para 175) gives the highest protection given to Ancient Woodland and Veteran Trees and 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..."

Option A of the scheme results in the loss of a minimum 500m² of Ancient Woodland (maybe up to 1900m² as the applicant has sought to some of Asbury Copse be re-classified) and 2 Veteran Trees.

We suggest the reasons are **not** exceptional as other sites are available which do not compromise any Ancient Woodland or destroy any Veteran Trees

Option B results in the loss of 4.75 hectares of the best most versatile agricultural land impacting on the Arden Landscape and compromising the Meriden Gap

Heritage

Both Options would have an adverse impact on the local heritage site at Walford Hall Farm and would have adverse effects on the Hampton in Arden Conservation Area. Option B would adversely affect Hampton Lane Farmhouse.

Conclusion

Hampton-in-Arden Parish Council in conjunction with Catherine de Barnes Residents Association seek full refusal of this planning application.