Report

inquiry opened on 30 November, 1999

by Michael Hill BSc MSc CEng MICE FGS

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 01179878927

CD 212

Date 27 OCT 2000

TOWN AND COUNTRY PLANNING ACT 1990

SOLIHULL METROPOLITAN BOROUGH COUNCIL

APPEALS

by

A) BLUE BOAR MOTORWAYS LTD AND EXEC. OF SIR JOHN GOOCH BART.

B) SWAYFIELDS LTD.

C) SHIRLEY ESTATES (DEVELOPMENTS) LTD.

Inspector: M P Hill BSc MSc CEng MICE FGS

Assistant Inspector: C Ball Dip Arch, Dip Arch Cons RIBA FRSA

Dates of Inquiry: 30 November 1999, 1-3,7-10,14-17,21-22 December 1999, 11-14, 18-21, 25-28 January 2000, 1-4, 8-11 February 2000, 8-9 May 2000, and 15-16 June 2000.

File Refs: APP/Q4625/A/98/10 13084

APP/Q4625/A/99/1020980

APP/Q4625/A/99/1028302

CONTENTS

ACRONYMS AND ABBREVIATIONS

Statutory Bodies, Designated Areas

SMBC	Solihull Metropolitan Borough Council
DoT	The Department of Transport
DoE	The Department of Environment
DETR	The Department of the Environment, Transport and the Regions
EA	Environment Agency
EN	English Nature
GB	Green Belt
HAg	The Highways Agency
SOS	Secretary of State

Highways and Technical Matters

AADT	Annual Average Daily Traffic Flow
AAWT	Annual Average Weekday Traffic Flow
BNRR	Birmingham Northern Relief Road
BVBP	Blythe Valley Business Park
COBA	Cost Benefit Analysis
COBA10	Current version of DETR computer programme for cost benefit analysis of road schemes
CRF	Congestion Reference Flow
DMRB	Design Manual for Roads and Bridges
ES	Environmental Statement
HGV	Heavy Goods Vehicle
J4	Junction 4 (similar J5/ J6 etc)
MSA	Motorway Service Area
NEC	National Exhibition Centre
NRTF	National Road Traffic Forecasts

pcu/hr	Passenger car units per hour
PPG	Planning Policy Guidance
RPG	Regional Planning Guidance
TIR	Turn-in Rate
TRANSYT	Signal Co-ordination Computer Programme
UDP	Unitary Development Plan
vpd	Vehicles per day
vphpl	Vehicles per hour per lane
WOR	Western Orbital Route
50HH	50th highest hour traffic flow

Appeal A: APP/Q4625/A/98/1013084

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to determine within the prescribed period an application for planning permission within the appropriate period.
- The appeal is brought by Blue Boar Motorways Ltd /Exec of Sir John Gooch Bart against Solihull Metropolitan Borough Council.
- The site is adjacent to the M42 motorway at Catherine-de-Barnes.
- The application (ref.: 97/1930) is dated 19 December 1997.
- The development proposed is a comprehensive motorway service area.

Recommendation: I recommend that a letter be issued indicating that the SoS is minded to grant planning permission for the proposed development subject to the satisfactory completion of negotiations between the HAg and the appellant to enter into a Section 278 agreement under the Highways Act 1980 relating to the provision of auxiliary lanes between the MSA and J6 of the M42.

Appeal B: APP/Q4625/A/99/1020980

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Swayfields Ltd against Solihull Metropolitan Borough Council.
- The site is adjacent to the northern quadrant of Junction 5 of the M42 motorway at Ravenshaw, Solihull.
- The application (ref.: 98/0259), dated 12 February 1998, was refused on 31 March 1999.
- The development proposed is a motorway service area.

Recommendation: I recommend that the appeal be dismissed.

Appeal C: APP/Q4625/A/99/1028302

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Shirley Estates (Developments) Ltd against Solihull Metropolitan Borough Council.
- The site is located adjacent to Junction 4 of the M42 motorway at Boxtree Farm, Stratford Road, Monkspath, Solihull.
- The application (ref.: 1999/250), dated 9 February 1999, was refused on 24 August 1999.
- The development proposed is a motorway service area.

Recommendation: I recommend that the appeal be dismissed.

SECTION 1 - INTRODUCTION AND PREAMBLE

1.1 Four applications for costs were made during the inquiry. These applications are the subject of a separate report.

1.2 All three appeals relate to outline applications for planning permission. The application that is the subject of Appeal 'A' was submitted to the Council in December 1997; all matters, except means of access, were reserved for subsequent approval. An Environmental Statement (ES) was submitted with the application (*Documents CD/M/7 to 12*). The appeal, which is dated 12 November 1998, is against the Council's failure to give notice of its decision within the appropriate period. The appeal was recovered for determination by the Secretary of State (SoS) by direction in a letter dated 19 February 1999. The reason given for the direction is that the appeal relates to proposals for significant development in the Green Belt.

1.3 A resolution of the Council's Planning Committee, dated 17 March 1999, determined that it would have refused planning permission for the scheme as set out in Planning Application No 97/1930. At the same meeting permission for an identical outline application was refused for the following reasons (See *Documents 1.5.9 and 4.5.16)*:

i. The application site lies within the approved West Midlands Green Belt and within the important Meriden Gap the protection of which 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 restraint. In the Local Planning Authority's view no case has been put forward by the applicants to override the normal presumption against development.

ii. The National Policy Statement on Motorway Service Areas (MSAs) (July 1998) considers the need to take into account the distance of &joining MSAs, evidence of over-demand on existing MSAs, higher than normal incidences of accidents attributable to driver fatigue and genuine need-for services provided. Additionally, the need should be justified by the type and nature of traffic use on the road Insufficient information has been put forward by the applicants to fulfil those tests and accordingly there is no case of need has been (sic) demonstrated for a MSA in this location.

iii. The proposed MSA will adversely affect the safety and operation of the M42. Latest policy requires that any such development should be accompanied by infrastructure improvements which provide a 15 year design life. The applicants have not demonstrated that this policy requirement is satisfied.

iv. 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 environment around.

v. The proposals are likely to have an adverse impact on free-flow of traffic on the local highway network and to cause rat-running through the rear service access.

vi. The application is in an area of open landscape and would have an unacceptable urbanising impact on that landscape. 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, including the adjacent Listed Building, Walford Hall Farm.

vii. The proposals 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.

viii. There is a lack of information as to the ecological impact of the proposal and the proposals could have an adverse impact on the ecology in the area, woodland, and water quality, especially having regard to the proximity of the site to the River Blythe SSSI.

1.4 A revised illustrative layout of the scheme was submitted on 24 September 1999 *(Document CD/M/24)*, and an updated ES on 25 October 1999 *(Documents CD/M/29)*. The updated ES deals with a number of changes to the proposed scheme. The two main changes being, firstly, a reduction in the number of proposed parking spaces, which would result in a smaller amount of hard-surfacing and lower finished levels and, secondly, the provision of auxiliary lanes on the motorway to overcome objections to the original proposal by the Highways Agency.

1.5 **Appeal 'B'** relates to an outline application, with all matters reserved for subsequent approval. The application was registered by Solihull MBC in March 1998. An ES was submitted in October 1998, although a Traffic Impact Assessment (TIA) did not accompany the ES. In February 1999, the Highways Agency, on behalf of the SoS issued a TR1 10 direction that planning permission be refused because of the adverse effect of the scheme on the safety and operation the M42 motorway. Planning permission was refused by SMBC in March 1999 for the following reasons:

i. The application site lies within the approved West Midlands Green Belt and within the important Meriden Gap the protection of which is a fundamental principle of the Solihull UDP. In addition, it also falls within the important countryside gap between Solihull and Knowle.

Very special or exceptional circumstances must be advanced by the applicant to justify departing from the normal presumption against development in the Green Belt. No case has been put forward by the applicants to override the planning constraints applicable in this area. Development of the site will lead to coalescence between settlements, which Green Belt policy seeks to prevent.

ii. The National Policy Statement on MSAs (July 1998) considers the need to take into account the distance of adjoining MSAs, evidence of over-demand on existing MSAs, higher than normal incidences of accidents attributable to driver fatigue and genuine need for services provided. Additionally, the need should be justified by the type and nature of traffic use 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.

iii. Despite requesting a Traffic Impact Assessment of the proposals no such statement has been prepared or submitted to the Local Planning Authority for consideration. As such it is not possible to form a view as to the likely impact of the proposal on the motorway or local highway network.

iv. The proposed MSA will adversely affect the safety and operation of the M42. Latest policy requires that any such development should be accompanied by infrastructure improvements which provide a 15 year design life. The applicants have not demonstroted that this policy requirement is satisfied.

v. The proposals contain a hotel lodge, which, with the lack of any certainty as to the control of car parking and the proximity of the proposal to the NEC and Birmingham International Airport, mean that the Local Planning Authority consider that these proposals will amount to destinations in their own right and accordingly will cause excessive congestion in the area and not serve the purpose of meeting the needs of motorway users.

vi. The proposal is located in open countryside and would severely impact on the visual amenities of the area in general and in particular on the "Gateway" to Solihull and the setting of Ravenshaw Hall. It will be intrusive and with the lighting and other engineering infrastructure and buildings will have a severe impact on the amenity of this important countryside area.

vii. Information as to the impact of the proposals on ecology, water courses and habitat have not been thoroughly assessed by the applicants and the proposals could adversely impact on the ecology and environment of this area.

viii. Having regard to the advice contained in PPG7 and to Policy ENV3 of the Solihull UDP and within the principles of sustainable development, the Council consider that the proposed MSA would make use of agricultural land in best and most versatile categories which should be protected against development unless there are very exceptional circumstances.

1.6 The appeal was recovered for determination by the Secretary of State (SOS) by direction in a letter dated 15 July 1999. The reason given was that the appeal relates to proposals for significant development in the Green Belt. A supplementary ES *(Document CD/N/9)* was submitted by the appellant in December 1999. This addressed changes to the scheme put forward following dialogue with the Highways Agency and the Local Highway Authority.

1.7 The planning application relating to **Appeal 'C'** was submitted in February 1999. It was supported by a number of documents, including a TIA *(Document CD/O/7)* and a technical report entitled 'The Case For Need (and Review of Site Suitability)' *(Document CD/O/4)*. However, the application form mistakenly indicated that full planning permission was being sought. The form was amended in March 1999, to confirm that an outline application was sought with all matters reserved for subsequent approval *(Document 3.3. 10)*. . Planning permission was refused by SMBC in August 1999 for the following reasons:

i. The application site lies within the approved West Midlands Green Belt and in a particularly 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.

ii. The National Policy Statement of (sic) MSAs (July 1998) considers the need to take into account the distance of adjoining MSAs, evidence of over-demand on existing MSAs, higher than normal incidences of accidents attributable 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 demonstratedfor a MSA in this location.

iii. The proposals involve departure from standards and the Highways Agency direct that the application be refused because there has been insufficient time to consider the proposals against the standards.

iv. 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 around.

v. The application is in an area of broadly open landscape and would have an unacceptable urbanising impact on that landscape. It will be visually intrusive and have a detrimental by way of buildings, structures and lighting on the character of that area in general and on the immediate environment itself.

vi. The proposals 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.

vii. The proposal will increase traffic demand at a busy complex junction which will have inadequate spare capacity.

viii. The proposed junction alterations would add complexity to the junction making signing difficult and resulting in potential confusion for drivers.

ix. 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 suitable alternative routes.

x. The proposal is close to the River Blythe SSSI. Further development in the catchment of the River Blythe may directly or indirectly have an adverse impact on the special interest of that river.

xi. 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 measures may be suitable.

1.8 An appeal was submitted on behalf of Shirley Estates (Developments) Ltd on 24 August 1999. The appeal was subsequently recovered for determination by the SoS by direction in a letter dated 12 November 1999. Again, the reason given was that the appeal relates to proposals for significant development within the Green Belt.

1.9 On 24 May 1999, a pre-inquiry meeting (PIM) had been held by my colleague Mr Ian McPherson to discuss arrangements for an inquiry into the appeals by Blue Boar and Swayfields. The intended date for the inquiry was subsequently postponed to allow all three appeals to be considered together. I held a second PIM, with my colleague Mr Colin Ball, on 23 September 1999 to make arrangements for the re-scheduled inquiry.

1.10 The Environmental Statements in respect of each scheme were produced in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1998, as amended. All three applications had been submitted prior to the 14 March 1999 when the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 came into force. However, a number of amendments had been made to each of the proposals, and/or their associated illustrative drawings, since the planning applications and Environmental Statements had been submitted. The most notable of these was the proposal by Blue Boar Ltd that auxiliary lanes should be provided on both carriageways of the M42 between the proposed MSA at Catherine de Barnes and J6. As indicated above, this amendment to the scheme had been proposed in order to overcome the objections of the HAg to the original proposal. Although the Council and other parties were prepared to consider the 3 appeals on the basis of the various proposed amendments, it was necessary to ensure that the aims of the Environmental Impact Assessment procedures had been met. Therefore, during the inquiry additional environmental information was submitted and measures were taken to ensure that reasonable publicity was provided and consultation procedures were followed in respect of the additional environmental information provided by the three appellants.

1.11 The three appellants arranged for notices to be published in local newspapers, giving information as to the content of the additional environmental information, where it could be inspected and to whom representations were to be made *(Documents 1.5.23 and* 3.4.6). In addition, at my request, the Planning Inspectorate sent copies of the additional environmental information to each of the statutory consultees identified on a list provided by SMBC. The Council also provided a list of non-statutory consultees and the Planning Inspectorate wrote to each of these parties giving them an outline of the contents of the additional environmental information and where and when the information could be inspected and purchased if so required. Copies of the letters to the statutory and non-statutory consultees can be found at *Document CD/R/1*. Responses from the consultees received by the Planning Inspectorate and incorporated into the set of core documents used at the inquiry can be found at *Document CD/R/3*.

1.12 I have taken account of the Environmental Statements, the additional environmental information and the consultees' responses in arriving at my recommendations.

1.13 At the start of the inquiry the Highways Agency (HAg) confirmed that it had withdrawn its objections to the proposed MSAs at Catherine de Barnes (Appeal A) and Junction 5 (Appeal B) and therefore it would not be presenting a case in relation to these two schemes. It was stressed, however, that the HAg had confined its considerations to the safe and efficient operation of the motorway and not to other matters such as the need for facilities or their impact on the Green Belt. The HAg therefore intended to present evidence only in relation to its continued objection to the proposal for an MSA at J4 (Appeal C). However, in order to assist the inquiry the HAg agreed to respond to written questions relating to Appeals A and B put forward by myself and any other parties who wished to do so *(Document CD/R/2)*. The HAg's response to these questions was in written form *(Document 5.3.2)* although supplementary oral questions from any party were permitted, subject to the questions being put through me. The appropriate HAg witness answered these during a session of the inquiry.

1.14 The representatives of the CPRE were concerned that the HAg response to the written questions and supplementary oral questions was not subject to cross-examination *(Document* 7.2.13). However, the supplementary questions had been permitted to allow clarification of the HAg's response to the written questions. In order to ensure that I had all the information necessary for this report and that all parties had had the opportunity to seek clarification to the answers given by the HAg, a further round of supplementary oral questions was permitted. Nevertheless, despite the opportunity to put any outstanding questions the CPRE remained concerned about its ability to cross-examine the HAg's witness. CPRE was also concerned that the answers given by the HAg's witness were at variance with the 'official' position of the HAg in its written submissions, Subsequent correspondence between Caroline Spelman MP and the HAg can be found at *Document* 7.2.14. This reaffirms the HAg's stance that it does not express a view on the planning merits of the proposals but concerns itself solely with the traffic impact arising from the proposals.

1.15 The inquiry sat for 38 days between 30 November 1999 and 16 June 2000. An accompanied inspection of Walford Hall Farm was undertaken on 6 December 1999 and accompanied site inspections of the three appeal sites and their surroundings were carried out on 24, 25 and 29 February 2000. My colleague, Mr Colin Ball, and I also carried out unaccompanied inspections of the areas surrounding the sites before, during and after the inquiry. Unaccompanied site visits were made to existing MSAs on the M40 at Warwick, on the M42 at Hopwood and Tamworth, on the M5 at Frankley, and on the M6 at Hilton Park and Corley. Brief comments on these sites are included at Appendix A of this report.

1.16 At the opening of the inquiry, the appellants were advised that any planning obligations under S 106 of the Town and Country Planning Act 1990 should be completed before the inquiry closed. Although draft Agreements were prepared in some cases, these were not completed by the end of the inquiry. However, each of the appellants put forward a unilateral undertaking before the end of the inquiry, the contents of which had been agreed in discussions with officers of SMBC. Executed unilateral undertakings were submitted before the end of the inquiry on behalf of Blue Boar *(Document 1.6.5)*, and Shirley Estates *(Document 3.4.14)*. A copy of an agreed undertaking was submitted on behalf of Swayfields Ltd at the end of the inquiry *(Document 2.5. 10b)*. It was further agreed that a copy of the executed document would be submitted by 30 June 2000. This was received by the Programme Officer within the timescale and a copy can be found at *Document* 2.5. 1 oc.

1.17 This report includes a brief description of the appeal sites and their surroundings and contains the gist of the representations made at the inquiry, my conclusions and recommendations. Lists of appearances and documents are attached.

SECTION 2 - DESCRIPTION OF THE SITES AND THEIR SURROUNDINGS

2.1 The length of the M42 motorway between junction 3a (J3a) and junction 6 (J6) forms the eastern section of the motorway ring around the West Midlands conurbation. The three appeal sites are located adjacent to this section of the motorway ring.

2.2 The motorway journey between the existing MSAs at Warwick on the M40 and Hilton Park on the M6 is approximately 3 miles longer when travelling via the southern section of the M42 and the M5 as opposed to the journey via the eastern section of the M42 and the M6 *(Document 5.3. 1)*. However, although there are signs for westbound traffic on the M40 indicating that services are available on the M42(south)/ M5 route when travelling to the northwest, there are no signs for southbound traffic on the M6 suggesting that the M40 could be accessed via the M5 and the M42 (south).

2.3 Solihull lies on the eastern edge of the Birmingham conurbation.

The Site of the Proposed MSA at Catherine de Barnes

2.4 The appeal site is located approximately mid way between Junctions 5 and 6 of the M42. A description of the site can be found at *Documents 1.2.2 and* 1.5.1 and its location is shown on the drawing at *Document* 1.5.4. The site is located in an area of open countryside between the settlements of Catherine de Barnes and Hampton in Arden which lie on opposite sides of the motorway. The centre of Hampton in Arden is at least 1km from the site, although the Conservation Area of that village extends westwards as shown on the plan at *Document 1.2.14*. The relatively undeveloped Meriden Gap, which separates Coventry from the Birmingham conurbation, is approximately 10km wide at this point.

2.5 Most of the site is currently part of Walford Hall Farm and has a rural setting. The site is in two parts, separated by the M42, with the larger part to the west of the motorway and the smaller part to the east. Roughly triangular in shape, the site has an overall area of 26.6 hectares and consists primarily of arable farmland. The land falls approximately 17 metres from the ridge of high ground on the site's north-western boundary to the motorway, and a further 3 metres to the eastern boundary.

2.6 The northern boundary of the site is defined by the B4 102 Solihull Road/Hampton Lane, a two-lane highway that bridges the motorway and links Solihull and Catherine de Barnes village with Hampton in Arden. The road is lined by a fairly thin deciduous hedge and shelterbelt which leads into Aspbury's Copse. This is an ancient woodland site which was divided by the motorway, which is in cutting at this point, but which nonetheless remains a prominent woodland feature. The copse has been replanted and species currently include ash, oak, birch and poplar with some Scots pine and a fairly unkempt understorey. A track leads through the copse to a cattle walkway. Aspbury's Copse is a designated Ecosite *(Document 1.2. 1 1)*.

2.7 The north-western boundary of the site is the private lane leading to Walford Hall Farm. This more or less follows the line of a prominent ridge and gives access to the farm buildings,

some of which are within the site. The boundary is drawn to include the farmhouse, a grade II* listed building, and the adjacent long barn. The farmyard and its surrounding buildings, which are in various states of repair, are excluded from the appeal site, as are three modern barns. These modern buildings would be removed as part of the appeal proposal *(Document 1. 2.16)*. The farmhouse stands in a commanding position, overlooking a large pond and the surrounding farmland. It is prominent on the skyline in middle distance views from the south and east.

2.8 The south-western boundary of the site is not marked by any existing physical feature. Skirting the pond, the boundary crosses two open fields that are bounded to the east by the two-lane highway known as Friday Lane. The boundary crosses a fairly sparse hedge, just to the west of a group of hedgerow trees and a nearby pond and meets the motorway near the Friday Lane overbridge. The fields to the west beyond the boundary, enclosed by Friday Lane, are in the appellant's ownership. The eastern boundary of this part of the site is formed by the motorway, which lies approximately 1 metre below the middle of the site increasing to 4 metres or so at the cutting at either end.

2.9 High voltage overhead electricity power lines cross the north-west corner of the site, with pairs of pylons beside the farm access track and straddling the Solihull Road. In addition, a high pressure underground gas main runs roughly east to west across the site, crossing below the motorway.

2.10 The eastern portion of the appeal site largely consists of two small fields alongside the motorway. These generally lie below the level of the motorway and fall away to the eastern boundary of the site. This partly follows existing hedges H21, H23 and H24, as shown in *Document 1.2.11*. The site includes part of the eastern portion of Aspbury's Copse which contains part of an access track from the Solihull Road and the termination of the cattle track from the overbridge. The southern tip of the site, beyond H25, adjoins the motorway cutting and lies adjacent to the Barston Water Treatment Works.

2.11 Within the site, an access track leads from the Walford Hall farm lane across open field G and alongside hedges H13 and H14 into Aspbury's Copse, where it joins a concrete cattle track. This leads to the fenced cattle overbridge, as an extension to the road bridge, giving access to the farm land east of the motorway.

2.12 With regard to the area surrounding the site, immediately to the north lies Barber's Coppice, a prominent woodland, and Hampton Lane farm. From here, footpath MI23 crosses agricultural land allowing occasional filtered views of the site to the south, and meets footpath MI22 which joins Shadow Brook lane adjacent to the motorway embankment and the overbridge. To the east of the motorway, the mature parkland of Hampton Manor and the roadside hedgerows screen the site from view.

2.13 Beyond the eastern part of the site, to the east of the motorway, the field pattern is marked by hedgerows and scattered hedgerow trees as far as Eastcote Lane. Small woodlands and copses screen the Barston sewage treatment works, and a belt of trees and shrubs mark the course of Eastcote Brook, a tributary of the River Blythe, which receives the outfall from the water treatment works. There are distant views of parts of the site from Eastcote Lane, and from footpath MI25 beyond, with Walford Hall Farm prominent on the ridge line.

2.14 The River Blythe meanders across the primarily agricultural landscape to the south of the site, crossing under the motorway. Rising land to the south-east gives distant glimpses of the site and the farm buildings, although it is well screened by intervening landscape. The area contains

several historic houses and farmsteads. Views of the site from the towpath of the Grand Union canal, to the south-west of the site are restricted by the land form and small areas of woodland.

2.15 The farmhouse buildings can be seen from the roundabout junction on the outskirts of Catherine de Barnes, although the remainder of the land falls away beyond the ridge. The views are to some extent screened by the hedgerows to Friday Lane and Solihull Road.

2.16 Views of the site from the motorway itself are only possible between the two overbridges which mark the northern and southern limits of the site. While the land to the east is relatively open, falling away from the motorway, the land to the west is screened by hedgerows, trees and the woodland of Aspbury's Copse. The farm buildings are visible on the skyline.

2.17 In terms of its wider setting, the appeal site is situated some 2 km east of Solihull, on the eastern edge of the Birmingham conurbation. The valley of the River Blythe defines the suburban edge of Solihull, reinforced by the route of the M42. Beyond the river and the motorway lies the wooded countryside of the Arden forest, although recent expansion around the villages of Copt Heath, Knowle, Tilehouse Green, Bentley Heath and Dorridge has created an outlying suburban area.

2.18 The visual effects of the M42 between junctions 5 and 6 are mostly confined to a limited corridor. The motorway is largely at ground level or in slight cutting alongside the site and to the north, although traffic, signs and overbridges remain visible. Further north towards junction 6, the motorway is on embankment with limited screening so that, at this point, the road and its traffic have a substantial visual impact on the area.

2.19 As well as being a major road junction, junction 6 serves the National Exhibition Centre, Birmingham International Station and Birmingham International Airport. It is a very busy junction, with severe congestion at peak periods. The site lies very close to the flight path of aircraft using the airport.

The Site of the proposed MSA at Junction 5

2.20 A description of the appeal site and its surroundings can be found at *Document 2.2.1*. The site is irregular in shape and covers an area of 22.95 ha including highway land. It lies approximately 1km from the south-eastern edge of Solihull and is bounded by the M42 to the south, the A41 to the west and Ravenshaw Lane to the east. Much of the proposed northern boundary is undefined at present. The site, as defined by the red line on the site location plan *(Document CD/N/3)* lies adjacent to junction 5 (J5) of the M42 motorway and includes the junction overbridges, the upper part of the slip roads and a section of the A41 leading from the junction.

2.21 The site consists of an irregular group of gently rolling fields, mostly in permanent pasture, and includes the shallow valley of Ravenshaw Brook which flows north-east towards the River Blythe. The highest parts of the site, at about 121-122 m AOD are to the south-east, adjacent to the motorway, and to the west, beside the A41. The land falls towards the brook in the centre of the site, at about 113-114m AOD. A further 3 hectares of agricultural land to the north of the site is within the appellant's control. Most of the features referred to in this description are identified on the plans at *Documents 2.2.4, 2.2.5 and 2.2.6* and its surroundings are also described in *Documents 2.2.1 and 4.1.19*.

2.22 A large electricity substation lies at the southern edge of the site, immediately adjacent to the motorway junction. Tree screening is well established around the electricity substation and along the A41 road embankment. Power lines cross the site running more or less parallel to the Ravenshaw Brook. The brook emerges from beneath the substation to cross the site in a north-easterly direction, going on into Terrets wood. The motorway cutting to the east also has well established planting on its banks. The site is also crossed by Ravenshaw Way, a public highway which provides vehicular access to the industrial buildings beyond the site and Ravenshaw Hall. Constructed within the last ten years, the roadside verge and hedge planting is becoming established.

2.23 Adjacent to the eastern boundary of the site lie the industrial buildings of Whale Tankers Ltd. On high ground, these are very prominent in views from the site and its surroundings. The Whale motif on one of the roofs is particularly noticeable. To the north of the factory, the boundary follows the line of Ravenshaw Way. A block of woodland, known as the Terrets, lines the road at this point. The Terrets is a mixed woodland in two parts, separated by Ravenshaw Lane, to the north of the site. It is an important feature on the site boundary.

2.24 The northern boundary of the site is not marked by any physical feature. From the Terrets, it crosses an open field rising to meet a thin and fairly gappy hedgerow, where it turns to run along a fence before turning again, crossing open land to meet the overbridge which carries the B4025 road leaving Solihull town centre to join the A41. From the bridge, there are clear views of the site and the industrial buildings beyond. Further to the west are the residential flats of Riverside Drive.

2.25 The A41 defines the western boundary of the site. An illuminated dual carriageway, it is in about 4 metres of cutting for most of the site frontage. The junction of the A41 with Ravenshaw Way and the access to the substation lie close to J5 of the motorway. From here, footpath SL10A at the top of the motorway cutting skirts the southern boundary of the site and joins Ravenshaw Lane/Barston Lane to the south of the Whale Tanker works.

2.26 With regard to the area surrounding the site, to the north and east lies the shallow valley of the River Blythe. The river meanders through the countryside to the south-east of Solihull and is crossed by the A41 overbridge and forded by Ravenshaw Lane. There are a number of flood relief ponds along the length of the river and a recently created lake to the north of the Whale Tanker factory. The Blythe valley is well endowed with large blocks of trees along its watercourse, including some fine poplars and willows north of the site. Further east, the Grand Union canal runs on embankment, bridging the river near Henwood Mill. Beside the river, off Ravenshaw Lane, lies the grade II* listed Ravenshaw Hall and its grade II listed barn. These form an interesting and attractive group in a secluded location. North of the river lie the extensive woodlands of Berry Hall.

2.27 On the opposite side of the motorway approximately 0.5km to the south lies the settlement of Copt Heath. It is separated from the motorway by the Old Sillhillians sports ground. The Old Warwick Road was severed by the motorway and was replaced by the A41 as the link to Solihull. The two parts are now joined by a path, SL10B, via a footbridge over the motorway. South of J5, the well planted grounds of Longdon Hall in Copt Heath have been developed as a golf course. To the west of the site, separated from the A41 by agricultural land, ribbon development along the Old Warwick Road virtually joins Copt Heath to Solihull. The site is visible from upper floor flats recently built in this location.

2.28 The impact of the motorway on the site is fairly limited, it being in cutting at this point, although the junction overbridges and the traffic using them are prominent. The surrounding agricultural land consists of fairly small fields within an extensive network of woodlands, hedgerows and other vegetation. The established field boundary trees are almost all common oak, with the occasional ash, sycamore or black poplar, while willow dominates the river valleys and wetland areas, with a greater variety of supporting species such as crack willow, alder and hazel.

2.29 Further afield, Copt Heath merges with the settlements of Knowle, Tilehouse Green, Bentley Heath and Dorridge to form a large built-up area separated from Solihull and the Greater Birmingham conurbation by a fairly narrow strip of mainly agricultural land.

2.30 Junction 5 of the M42 is a conventional, lit, 2-bridge grade separated roundabout providing a connection between the motorway and the A4 1 and A4 141 roads. The A41 is a primary route linking Birmingham to the motorway whilst providing a bypass around Solihull town centre. In the vicinity of the appeal site the A41 is a de-restricted dual carriageway lit with 8m double outreach lighting columns. It has a priority junction with Ravenshaw Way only 60m to the west of the motorway junction. Further to the west the B4025 from Solihull town centre merges with the A41. The nose of the merge is 400m from the motorway junction, with the end of the taper being 220m away. The A4141 is a principal road linking Solihull and the conurbation to the Warwick area..

The Site of the Proposed MSA at J4

2.31 The appeal site, as defined by the red line on the site location plan *(Document 3.3. 1 1)*, lies adjacent to J4 of the M42 motorway. Of irregular shape, including a long thin strip of land adjacent to the southbound exit road to the junction, the site has an overall area of about 17 hectares. Adjoining farmland to the north, east and south of the site is within the appellant's ownership. The site and its surroundings are also described in *Documents* 3.2. 1, *3.3.5-7, 3.3.9, 4.1.25 and 4.1.31.*

2.32 The site consists of two large open fields on a gently rounded spur between two shallow valleys. Part of the site falls broadly north-west towards the motorway and the River Blythe, and part falls broadly eastwards towards a tributary that flows northwards through Moat Coppice, a woodland to the east. The present field pattern has resulted from the past removal of boundaries between the six fields that formerly existed. One hedgerow crosses the site north to south and includes several mature oak trees, protected by a TPO. The remains of a scrubby hawthorn hedge lie beside footpath SL56 which crosses the site from east to west.

2.33 The site is bounded to the west by the motorway access road to junction 4 and the A3400 Stratford Road. The southern boundary is defined by Gates Lane, at its junction with the A3400, the fenced garden of Monkspath Manor Farmhouse, also known as the Red House (in the appellant's ownership) and the northern edge of Little Monkspath Wood. The eastern boundary follows the line of a mostly hawthorn hedge and ditch. The northern boundary crosses open land to skirt a small copse, following a sparse hedge to join the undefined boundary of the strip of land adjacent to the motorway.

2.34 Junction 4 is set into the Blythe valley, creating embankments on the west side, next to the realigned river, and a cutting to the south where the A3400 passes the site. To the north of the junction, the M42 emerges from the cutting created by the slip roads to cross the river on a shallow embankment that continues to the low hill where the motorway cuts through a prominent

block of woodland known as Shelly Coppice. There is little planting on this embankment so that the site is open to view from the motorway.

2.35 The highest part of the site is adjacent to the boundary along Gate Lane at about 134 m AOD. The boundary along the A3400 is at about 133 m before falling steeply beside the junction to around 122 m which is the general level of the north-west boundary and below the level of the motorway. The eastern boundary rises gradually from 122 to 124 m while the northern boundary rises to meet the more level land around Gate Lane.

2.36 Junction 4 is complex and links the motorway with the A34 Birmingham Road and the A3400 Stratford Road. The junction is being altered to serve the Blythe Valley Business Park, currently under construction to the south of the A34 and west of the motorway. A link between the Business Park and the A3400 has been constructed, involving a new bridge over the motorway. To the north-west of the Business Park lies an area of open space and a golf course. North of the Business Park, across the A34, approximately 0.5 km from the site lies the residential area of Monkspath with recent housing development stretching to the north built to incorporate an approximately 200 m wide landscape buffer zone between the houses and the motorway. A large retail park occupies a site alongside the A34 and adjacent to the buffer zone.

2.37 Planning permission has been granted for an office development, known as Provident Park, at the rear of the buffer zone and adjacent to the retail park, with car parking and associated landscaping. Access would be from the A34. Beyond that site, the landscape buffer zone is occupied by a golf course. There are glimpses of the site from the A34 on the approach to the junction and from various viewpoints within the residential area.

2.38 East of the motorway, to the north of the site, the River Blythe meanders through open fields. The fields are enclosed by hedgerows flanked by blocks of woodland and smaller groups of trees. The banks of the river are also lined with trees. To the east of the site, in woodland, lies a hotel and conference centre which takes its name from an historic moat within its grounds. To the north of this lies an equestrian centre including a large building housing an indoor riding school.

2.39 To the south of the hotel and conference centre, a golf driving range occupies an open field bounded by hedgerows with some mature trees. Glare from night-time illumination of the driving range is noticeable over a wide area. To the south of the site, Monkspath Wood lies beyond Gate Lane, while Little Monkspath Wood is located on the site boundary. Between and beyond these woodland features are open fields. Footpath SL55 crosses the fields, giving views of the site between the blocks of woodland, and continues on to skirt the golf driving range.

2.40 Further afield, the southern edge of Solihull and the Birmingham conurbation is just over 0.5 km to the north of the site, across the motorway, while the western edge of Dorridge and Bentley Heath lies just over 1 km to the east. The rural pattern of small lanes and tracks connecting the various settlements has been largely subsumed into the suburban pattern at Monkspath and Dorridge but can still be found in the area around the site and to the south. Footpath SL56, which crosses the site, is part of the designated Trans-Solihull Way.

2.41 The local road network is described in *Document II.1*. The A34 and A3400 are busy routes.

SECTION 3 - THE PROPOSED DEVELOPMENTS

3.1 All three proposals are intended to provide a range of motorway service facilities at a single site that would serve traffic travelling on both directions on the M42.

Appeal "A" – The Proposed MSA at Catherine de Barnes

3.2 This proposal is for an 'on-line' facility with the service area being built on the western side of the motorway. Access would be gained directly from the M42 via new slip roads and a new bridge over the motorway providing access to the southbound carriageway. There would be no access for vehicular traffic from local roads. The revised illustrative layout is shown on *Drawing No 301/05 Rev C at Document CD/M/24*. Proposed cross sections are shown on *Drawing No DH6b at Document CD/M/25*.

3.3 The service area would provide a canopied fuel station forecourt for cars and heavy vehicles, a single storey amenity building with shopping, restaurant and toilet facilities and a linked 2-storey overnight lodge. There would be a picnic area and landscaping, including mound formation and planting. Parking spaces for 608 cars, 75 HGVs, and 21 coaches would be provided.

3.4 To the north lies junction 6 (J6) of the motorway. It has a free flow left turn lane from the M42 (south) onto the A45 (west) and is partially signalised. It is proposed that an auxiliary lane be added to both carriageways of the motorway between the proposed MSA and J6, together with associated signing, all as shown on the 1: 1250 scale plans at *Document 1.1.28*.

Appeal "B" - The Proposed MSA at J5

3.5 This proposal is for an 'off-line' MSA facility comprising an amenity building, a lodge, refuelling facilities, a picnic area and parking space for 611 cars, 62 HGVs and 18 coaches. Provision has been made for additional parking facilities if these prove necessary in the future, as indicated in paragraph 7.11. Access to the site would be gained from a new signalised junction off the A4 1 Solihull bypass, a short distance from the roundabout at J5.

3.6 The scheme includes alterations to the layout at J5, including signalisation of the junction. A short length of the A41 would be widened.

3.7 A number of changes have been made to the scheme originally submitted for planning permission. These include the provision of additional lanes on the arms of the roundabout at J5 and alterations to the slip roads at the junction.

Appeal 'C' - The Proposed MSA at J4

3.8 This proposal is also for an 'off-line' facility. It would include an amenity building, a lodge containing 66 bedrooms, a picnic area, a refuelling area and parking for 602 cars and caravans, 69 HGVs and 20 coaches. Access to the MSA would be via a new entrance roundabout to which there would be a direct link from the M42 southbound off-slip at Junction 4. Access to the MSA for northbound traffic on the motorway would be via the roundabout at J4. The TIA submitted with the planning application indicated that southbound traffic on the motorway seeking to reach the A3400 would be required to use the new MSA roundabout. However, the proposal has been amended so that the A3400 traffic would be directed through the main J4 roundabout.

3.9 Various minor amendments and corrections have been made to the originally submitted illustrative drawings. The final version of the illustrative 'Master Plan', revision C, can be found at *Document 3.2.15* and the associated cross sections are at *Documents 3.2.14, 17 and 18*. A list of revised drawings is set out in *Document 3.4.8*.

SECTION 4 - LOCAL AND REGIONAL PLANNING POLICIES

4.1 Regional Planning Guidance is set out in RPG11. The guidance does not contain any specific policies or guidance regarding the provision of MSA facilities but one of its transport objectives is "to provide for safe and efficient movement of people and goods in line with existing and future pattern of development in the Region".

4.2 The Development Plan for the area is the Solihull Unitary Development Plan (UDP), which was adopted by SMBC on 22 April 1997 *(Document CD/B/3)*. The Proposals Map shows all three appeal sites as being within the Green Belt and located adjacent to the strategic highway network.

4.3 There are no specific UDP policies relating to the provision of MSA facilities within the Plan Area.

4.4 Policy T6/2 refers to the proposal to construct an access road into the BVBP by way of a bridge over the M42 to the south of J4.

4.5 Policies GB1 and GB2 define the Green Belt within the Borough and confirm the general presumption against inappropriate development in the Green Belt. Paragraph 5.6 of the UDP refers to the 'Meriden Gap' and points out that the Council attaches particular importance to the strategic significance of the gap as party of Solihull's Green Belt. The background to the Meriden Gap is explained in Planning Fact Sheet *No4 (Document 1.5.21)*. This indicates that although the precise boundaries have never been defined, the Meriden Gap is generally acknowledged to be the rural area between the eastern edge of the conurbation and the City of Coventry.

4.6 Policy GB4 refers to small inset villages in the Green Belt. These include Catherine-de-Barnes and Hampton in Arden. The Policy indicates that the importance of their rural setting will be taken into account when considering proposals for development within the villages, and that beyond their inset boundary strict Green Belt policies will apply. The UDP recognises that special character of Hampton in Arden is derived amongst other things from its setting in the Meriden Gap.

4.7 Policies ENV1 and ENV2 reflect the Council's wish to protect areas of greatest importance for nature conservation and the countryside in general from developments which would adversely affect them. Policy ENV1 indicates that development that would have an adverse effect on an SSSI will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself. Policy ENV2 seeks to protect, amongst other things, the most important and vulnerable areas of the countryside. Proposal ENV2/2 seeks to protect and enhance the character of the landscape of the Borough. Paragraph 7.11 of the UDP indicates that the Council has adopted the Warwickshire Landscape Guidelines as a basis for ensuring that the implications of new development are fully taken into account.

4.8 Policy ENV3 aims to protect higher quality agricultural land and Policy ENV4 reflects the Council's concern to ensure the preservation or replacement of existing trees and woodlands which contribute to the amenity of area. Proposal ENV4/1 refers to the safeguarding of trees covered by TPO's.

4.9 Policy ENV7 deals with the need to protect the character, appearance and setting of listed buildings.

4.10 Policy ENV8 seeks to safeguard ancient monuments and where appropriate allow full investigation of sites of archaeological importance.

4.11 Policy R4 seeks to protect and enhance the area's footpath and bridleway network.

4.12 Policy E4 seeks, amongst other things, to prevent new hotel development within the Green Belt. It also aims to ensure that the form and scale of such development is appropriate to the site and its location.

4.13 The Provisional West Midlands Local Transport Plan *1999 (Document CD/B/4)* represents a combined bid for local transport funding by 7 West Midlands local authorities and the West Midlands Passenger Transport Authority. It sets out a statement of policies and a 5-year programme of activities and projects. These include proposals for encouraging the transfer of local traffic to public transport modes. As with the earlier TPP, the Local Transport Plan considers a number of distinct corridors. In Corridor F (Birmingham-King's Heath –Acocks Green-Hall Green-Sheldon-Shirley-Solihull-Stratford) the Plan aims to encourage long-distance movements onto the motorway network.

4.14 The plan recognises that it is vital to ensure relatively free-flowing conditions for essential traffic on a well-maintained, strategic highway network. In relation to surface access to Birmingham International Airport, the plan refers to the Airport Public Transport Plan published in 1997, which sets out a target shift in the use of public transport from 13% to 20% by 2005.

SECTION 5 - THE NEED FOR AN MSA IN THE LOCALITY (JOINT CASE PUT FORWARD ON BEHALF OF ALL THREE APPELLANTS)

The need for MSA facilities on this section of the M42 was put forward as a joint case by the three appellants. The material points are:

Policy Guidance

5.1 Government Policy on the provision of MSAs is reviewed in *Documents I. 1.32 and 3.1.1.* Extracts of current guidance are set out at *Documents* I. 1.38. Circular 1/94 states that for safety and traffic management reasons, drivers should not have to travel long distances without finding services on the motorway. The July 1998 Policy Statement indicates that the Government wishes to concentrate on the completion of a network of MSAs at 30 mile intervals. The Statement demonstrated a shift in Government Policy from one of encouraging MSAs at intervals of less than 30 miles (infill sites) to one of discouraging such proposals unless an exceptional need could be demonstrated. Moreover, it made clear that the safety benefits of MSA provision are more important than the need to provide competition and choice of such facilities. The 30 mile spacing of MSAs is a desirable basic provision which gives motorists the opportunity to stop and rest approximately every half an hour assuming normal motorway speeds. If the existing spacing of

MSAs does not satisfy this criterion, greater weight should be given to the needs of motorists in such cases.

5.2 The provision of infill sites between 'thirty mile' sites has been put under closer scrutiny by the 1998 Policy Statement. The Statement identifies some of the factors that contribute to the need for infill sites, namely:

- the distance to adjoining MSAs
- evidence that nearby MSAs are unable to cope with demand (for example, queuing on approach roads or lack of parking facilities)
- a higher than normal incidence of accidents attributable to driver fatigue
- evidence of a genuine safety related need
- the type and nature of traffic.

It is important to note that these criteria are defined for the purpose of considering infill sites rather than those sites that would complete the thirty-mile network of MSAs.

5.3 However, this list is not exhaustive and other factors have been identified, such as those referred to in the letter from the Highways Agency dated 16 October 1998 *(at Document I. 1.38)*. The letter referred to the need to provide competition and choice and the adequacy of existing MSAs in terms of the provision of facilities, the layout and design and the safety of access and circulation arrangements.

5.4 Policies relating to the spacing of MSAs refer to the motorway network rather than a particular motorway. This approach has been confirmed by the SoS in a number of decisions, including the proposal for an MSA at Hopwood on the M42, where 6 different motorway to motorway routes were considered, and the proposal for an MSA at Great Wood, Maidenhead on the M4 *(Documents 2.1.9 and* 2.1.10). It is also reflected in motorway signing, where the distance to MSAs along each downstream motorway route is often provided before motorway interchanges. Examples of such signs are included on the drawing at *Document 2.1. 11.*

The Motorway and MSA Network

5.5 The relevant motorway network and location of existing MSAs are described in *Documents* I. 1.33, 2.1. I, 2. I.2 and 2.1.19 and shown on the plans at *Documents 1. 1.39 and 2.1.27.* In addition to the existing network, planning permission has been given for the Birmingham Northern Relief Road (BNRR), completion of which is anticipated by 2003. It is intended that a new MSA should be built at Norton Canes at the western end of the BNRR. Planning permission has also been given for an MSA at junction 4 of the M54 motorway.

5.6 Widening of the section of the M42 passing the appeal sites was deleted from the road construction programme in 1998. However, an integrated transport study is to be carried out through the aegis of the Regional Planning Conference to consider solutions to transport problems in the M42 corridor. Motorway widening is included as one of the options to be considered. In recognition of the continuing possibility of the motorway being widened, the bridge being built over the motorway as part of the Blythe Valley Business Park development has been designed to allow for possible future widening.

5.7 The section of the M42 at which the appeal sites are located is an important "funnel" or "crossover" for a number of major long distance routes. There are 6 significant existing or proposed long distance traffic routes on the motorway network that utilise the length of the M42 between J3a and J7. These are:

1 M40 to M6 north (via M6 junctions 4 to 8)
2 M40 to M6 north (via BNRR)
3 M40 to M54 (via M6 junctions 4 to 8)
4 M40 to M42 north
5 M5 to M42 north
6 M5 to M6 east

In addition, some traffic uses this section of the M42 when travelling between the M40 and the M6 east, although the route is unlikely to be heavily trafficked because of the presence of the dual carriageway forming the A46 between Warwick and Coventry, which provides a shorter link. The primary route for long distance traffic is between the M40 (to/from the south east) and the M6 (to/from the northwest).

5.8 The spacing of MSAs on the various routes is shown in *Document 1.1.42*. Five of the routes involve gaps in excess of the 30-mile desirable minimum. Of these, three gaps are at least 50% greater than the desirable minimum, namely:

- Warwick to Hilton Park 49 miles
- Warwick to Norton Canes 45 miles
- Warwick to M54 (J4) 68 miles

Moreover, the Warwick to Tamworth gap of 38 miles is 27% greater than the Government's desirable aim.

5.9 The length of these gaps demonstrates a high level of primary need for additional MSA facilities. Although some of the gaps between existing MSAs are less than 30 miles, it would be wrong to class any of the appeal proposals as infill MSAs, where planning permission may only be granted "exceptionally" when a clear and compelling need and safety case has been established. Otherwise, travellers between the M40 and M6(North), for example, could be 'disenfranchised' from the expectation of motorway facilities because of other unrelated movements on the motorway network.

5.10 Nevertheless, the appeal proposals would provide road safety and other benefits where an additional MSA acted as an infill site. There are no other gaps in the vicinity of the Warwick, Hilton Park, and Tamworth MSAs, or the proposed Norton Canes MSA on the BNRR route, within which an additional MSA could be introduced other than those which require "infill" justification.

5.11 The sign on the M40 *(Document* 1. I. 60) indicating to westbound traffic the presence of MSAs on the southern section of the M42 and the M5 is of limited value. It is situated 9 miles from the M40/M42 junction and there is no equivalent southbound sign on the M6. Drivers travelling between the M40 and the M6 would have to deviate off the signposted route to visit one of these MSAs. They would need to be fully aware of the motorway network and would have to pre-plan their journey by making the decision to follow the alternative route well in advance of the MSA. Moreover, traffic making journeys via the Solihull section of the M42 should be entitled to the opportunity to stop and rest at an appropriate interval. If M40/M6 traffic was diverted via the M5 (western route) it would merely result in the congestion levels on the M42(E) being transferred to the western route.

5.12 Contrary to the Council's claim, the results of the interview surveys at existing MSAs, undertaken in June 1999 on behalf of SMBC, did not indicate that drivers pre-plan their use of MSAs. The questions on the interview form did not address this point *(Document 4.3.18)*. Pre-planning could be dangerous if fatigue crept in before a planned stop. The important requirement is that the expectation of drivers that MSAs are provided at a regular frequency is met. The results of the survey are misleading because they only list the main reason for stopping. Many drivers may have more than one reason for stopping. Despite this, the number of drivers stopping to rest was high. Almost one third of the respondents gave the need for a rest as the main reason for stopping.

5.13 The motorway box around Birmingham cannot be compared to the M25. The 1998 MSA Policy Statement refers to the M25 orbital motorway as unique and indicates that it may not be appropriate to apply general MSA policy to that section of motorway.

The Parking Capacity of Existing MSAs

5.14 When considering the need for 'infill MSAs', the 1998 Policy Statement refers, amongst other things, to evidence of a lack of parking spaces at times of peak demand. The adequacy of parking facilities at existing MSAs has been examined in two ways. The first method involves parking surveys carried out on a weekday in May 1999 and also on three consecutive Fridays in August 1999 *(Document CD/O/14)*. Although summer Fridays are usually the peak periods for car and coach parking, the surveys showed that this is not necessarily the case for heavy goods vehicles (HGVs).

5.15 The results of the parking surveys are set out in *Table 4. 1 of Document 1. 1.40* (a discrepancy between some of the figures found in Table 4.1 and one of the surveys is explained in *Document 1.1.67)*. When demand exceeds 90% of capacity, the search for spaces becomes slow and congestion can begin. At 100% capacity congestion can be severe. At the Tamworth MSA, the surveys show that demand reaches 96% of capacity for cars in August and HGV parking is at capacity in May. At Hilton Park MSA, the August surveys show parking at or above the available space in each category of vehicle for the northbound direction. In the southbound direction car parking reaches 88% of capacity and HGV parking reaches capacity. At Warwick HGV parking was found to be at capacity on virtually all survey days, and in the southbound direction in May the number of HGVs exceeded capacity by 28%.

5.16 At Corley and Warwick there is considerable scope for traffic growth on the motorway in future years. Car parking facilities at these sites are likely to be under severe pressure within 5 to 10 years. The Council argues that the surveys do not show that existing services experience unacceptable car parking capacity difficulties. However, no account is taken by the Council of traffic growth in future years.

5.17 The adequacy of car parking provision was also tested by comparing the present number of parking spaces with the minimum number which would be required by Roads Circular 1/94 for new MSAs. The test set out in the Circular normally relates to a design year 15 years after the opening of an MSA. An opening year of 2001 was assumed for a new MSA at each of the existing sites and the tests have been carried out for a design year of 2016. Traffic flows were factored using the National Road Traffic Forecast (NRTF) 1997, and a reduction of 15% applied to the section of M6 motorway adjacent to the Hilton Park MSA to take account of the opening of the BNRR. The results, which are set out in the tables at *Document 1.1.40* show that Warwick and Hilton Park MSAs each have a deficiency of 18 car parking spaces and Tamworth MSA has a

deficiency of 192 car parking spaces. Hilton Park MSA also has a deficiency in HGV and coach parking spaces and Corley MSA has a deficiency in coach parking spaces.

5.18 The Circular 1/94 test is based on a situation where MSAs may be no more than 15 miles apart (this is confirmed in the paper by Mr Ainsworth of DETR to the 7th Annual TRICS Conference *(Document* 2.1.41)). However, the spacing of the existing MSAs under consideration is much greater than 15 miles. Factors have therefore been applied to the Circular 1/94 parking requirements on the assumption that demand for services is in direct proportion to spacing. The results, as set out in *Tables 9 to 15 of Document 1.1.40*, indicate a total parking deficiency of 2033 car spaces, 262 HGV spaces and 101 coach spaces at the 5 existing MSAs.

5.19 Similar calculations were undertaken at the 1994 inquiry into proposals for expansion of the Hilton Park MSA. At that time, the Circular 1/94 test suggested a total deficiency of 53 parking spaces at Hilton Park by the year 2011 *(Document 1.1.40)*. This compares with the average deficiency of 60 parking spaces in 2016 for the five MSAs adjacent to the existing appeal sites. A more realistic assessment, factored to allow for the spacing of MSAs, gave a total deficiency of 433 spaces at Hilton Park at the 1994 inquiry. The equivalent factored calculations for the existing five MSAs adjacent to the present appeal sites gives an average deficiency of 480 spaces. The present deficiency is therefore more severe than that identified at the Hilton Park inquiry, notwithstanding that a new MSA has been provided at Hopwood.

5.20 The methodology used for calculating parking deficiencies is borne out by the approach used in the Hilton Park MSA decision. The SoS recognised the deficiency of parking facilities at Hilton Park and granted planning permission for an expansion of that site (an extract of the decision can be found at *Document 1.1.40)*. However, the permission has not been implemented. Even if the proposed expansion of parking facilities at Hilton Park MSA were undertaken, there would still be a deficiency of 72 car parking spaces at that site when compared to a calculation of the requirement in the year 2016. The additional spaces that may be provided at Hilton Park would make some difference to the overall deficiency of MSA parking space within the group of Midlands MSAs considered. However, there would still be a total shortfall in the year 2016 of 1758 car spaces, 160 lorry spaces and 7 1 coach spaces.

The Design Standards of Existing MSAs

5.21 Deficiencies in the design of existing MSAs are discussed in *Document 1.1.35*. This draws attention to the views of the Inspector at the 1994 inquiry into proposals for expansion of the Hilton Park MSA. She found, amongst other things, that circulation areas within the car park are tight and access to parking spaces is not always easy. She also noted that there is little open space on the northbound site for relaxation, and very little internal planting to relieve the extent of hard surfacing.

5.22 The document also points out that the merge and diverge lanes at the Hilton Park MSA are shorter than the current Highways Agency standard. Moreover, the weaving length between the MSA sliproads and the sliproads at Junction 11 of the M6 is about 500m. This is well below the absolute minimum in the current standards.

5.23 At Corley MSA on the M6, the short distance between leaving the motorway and the first access to a parking area gives too little time for speed reduction and decision making. Moreover, lorries have been noted parking on the service roads or verges when the HGV parking areas are full.

5.24 At the Warwick MSA on the M40, the design of the internal road layout results in vehicles being unable to achieve desirable speeds for rejoining the motorway.

5.25 The Tamworth MSA has the disadvantage of being accessed via a busy motorway junction and there being some distance between the motorway and the site access. Congestion has been noted during the evening peak hour on the northbound sliproad from the motorway to the junction. Sometimes, traffic queues back onto the motorway. Such conditions discourage use of the MSA. The HGV parking area at this site is often full and overspill parking by lorries occurs in the coach parking area.

5.26 The design deficiencies at existing MSAs make them less attractive to motorway users. Although these deficiencies on their own may not be sufficient to justify new MSA facilities, they no doubt reduce the willingness of drivers to use existing sites. Paragraph 7 of Circular 1/94 states that the safety benefits of providing drivers with opportunities to stop and rest will be lost unless measures are taken to ensure that all sites have sufficient parking capacity to cater for the demands placed on them by motorists needing only to stop and rest, as well as those making use of other MSA facilities.

The Volume and Nature of Traffic Flows

5.27 The annual average daily traffic (AADT) flows for 1997 on the motorway network in the vicinity of the appeal sites is given in *Document* 1.1.43. The heaviest flows were on the M42 between junctions 3a and 7a (up to 122,300 vpd), and on the M6 between junction 7 and 11 (up to 153,000 vpd). The M42 is unlikely to be widened for many years, if at all, and therefore its capacity is limited. The flows of around 150,000 vpd on sections of the M6 are considered to be the maximum possible, given that flows throughout the working day are approximately equal to those at peak hours.

5.28 The average flow on the whole motorway network in 1996 was 63,500 vpd (Transport Statistics Great Britain 1997). As MSAs are fairly evenly distributed over the motorway network this figure was representative of the average flow passing MSAs. The section of the M42 between junctions 4 and 6 has one of the highest flows in the country, as can be seen from the table at *Document* 2.1.24. Other than on the M25, the only motorway links shown in the higher bands of flow are on the M6 within the section to be 'bypassed' by the BNRR. The table at *Document* 2.1.25 shows the 1997 AADT motorway flows passing existing and proposed MSAs in Great Britain. At that time, there was no MSA location with passing AADT flows as high as 120,000 vehicles. The 1998 AADT flow passing the appeal sites was around 127,000 vpd, increasing to about 134,000 vpd on weekdays.

5.29 The flow on the section of the M42 passing the appeal sites is about 1.8 times the national average and is likely to grow during the design life of an MSA to the maximum possible on a 3-lane motorway. Between 1992 and 1998 the flow on this section grew by around 26%, which is in excess of the National Road Traffic Forecasts (NRTF) high growth for the period.

5.30 There is no readily available up to date database that can quantify precisely the make up of trips on this length of the M42. However, an analysis of existing historic data and traffic models suggests that about 20,000 non-local trips daily pass both the Hilton Park MSA (or the adjacent M54 J4) and Warwick MSA. Within the design life of an MSA these trips would be expected to increase to between 23,000 and 31,000 per day. The 1993 Through Traffic Survey referred to by SMBC (*Document* 4.3.3) suggested a figure of 10%-15% of M42 traffic travelling between the existing MSAs on the M40 and M6/M54. As the survey relied on the reading, transposing and

matching of registration plate characters from video cameras, it is likely that the number of through trips were under-reported. The upper end of the range should therefore be taken as the more realistic figure, which on a flow of 120,000 vpd would result in 18,000 vpd travelling between the MSAs on the M40 and M6/M54. Using current flows, 15% equates to about 19,500 vpd. Furthermore, as indicated in *Figure 9.4 of Document* I. 1.45, by 2016 the M40 will be operating far more satisfactorily than the M1 and hence there is likely to be a trend towards growth in long distance traffic on the M40.

5.31 The volume of traffic travelling the length of the other excessive gap, between Tamworth and Warwick MSAs, is estimated to be in the range of 5-10,000 vpd. In addition there are around 14,000 vpd passing the appeal sites which are engaged on non-local trips on the infill routes between MSAs at Corley and Hopwood, and Tamworth and Hopwood.

5.32 The Welcome Break Group Ltd (WBG) seeks to compare the proposals for an MSA on the M42(E) with various proposals for an MSA on the M4 near Maidenhead, which were dismissed on appeal by the SoS. However, WBG's figures relate to a number of different appeals. The proposed MSA at Great Wood was intended to serve only one side of the motorway and the flows of traffic travelling more than 30 miles between services which would have been served by that site are much smaller than the flows which would be served by the proposed MSAs on the M42(E). Moreover, the proposed MSAs on the M4 would not have been centrally placed in relation to the important gaps between services. The proposals on the M4 were associated with traffic flows on the M25, which is described as 'unique' in the 1998 MSA Policy Statement.

5.33 It is accepted that in a per-i-urban location, such as the M42 in the vicinity of the appeal sites, the traffic flows on the motorway will include a large number of local trips. However, this does not remove the need to provide a full range of facilities for those undertaking non-local trips. Although there is no definition of a local trip, it has been accepted by Inspectors at many other MSA inquiries that a reasonable definition of a local trip is one having at least one end within about 50km (or 30 miles) of the proposed MSA. As there are large volumes of both local and non-local trips on this section of the M42, the percentage comparison of one with another is of little relevance. The importance of long distance trips within a large overall flow has been recognised by Inspectors when considering the need for an MSA at various inquiries. Examples include proposals for MSAs at New Barn Farm, Elk Meadows and Woodlands Park on the M25 *(Documents 2.1.12, 2.1.13 and CD/Q/1).*

5.34 The average trip length of all vehicles on a 24-hour basis passing J5 on the M42 is 143 km. If only off-peak flows are considered, the overall average length increases to 151 km. However, these figures are derived from data extracted from the West Midlands Regional Model which is relatively old. The model predicted motorway flows for 1996 based on a forecast prepared around 1989. It included very few trips passing between Tamworth and Warwick MSAs, because the existing motorway network was incomplete when the base interview surveys were undertaken. The average length of the 64% of trips greater than 100km was 198km.

5.35 An analysis of the 'forecast' 1996 movements in the Regional Model suggests that there were fewer long distance trips traversing long gaps between MSAs passing the site of the Hopwood MSA before its construction than there are passing the appeal sites. SMBC produce no evidence to suggest that longer distance traffic passing the appeal sites will be reduced in the future. On the contrary, with the opening of the BNRR, it is likely to increase. It is anticipated that the conclusions of the West Midlands Multi-Modal Study would include measures to maximise the use of available infrastructure. There is no suggestion in the Inception Report *(Document CD/K/6)* that the M42(E) should not remain an integral part of the national motorway

network or that long distance traffic would be signed away from this stretch of motorway. In relation to the corridor to the south east of Birmingham City Centre, the West Midlands Provisional Local Transport Plan 1999 Submission by the West Midlands Joint Committee indicates a desire to encourage long distance movements onto the motorway network, in particular the M42 with its access to the M6 and M40 *(Appendix D Page B-26 Document CD/N/6).*

5.36 Journeys from the M40 around Birmingham can be made via the M6 or the M5. However, the signed route between the M40 and the M6(N) in both directions is via the section of M42 passing the appeal sites. The HAg has indicated that there are no plans to change the direction sign regime. Moreover, the use of the signed route is likely to increase when the BNRR is opened because of the anticipated reduction in traffic delays that would result. Although the M42(E) is often congested, the M5 to the west of Birmingham also suffers from severe congestion. Paragraph 3.23 of RPG11 recognises that that this section of the M5 is running at or near capacity.

5.37 The M42(N)-M5 and M6(E)-M5 routes are also signed to pass the appeal sites. Details of the existing signing strategy can be found at *Document 2.1. II.* A recently installed variable message sign system (VMS) allows traffic travelling between the M40 and the M6(N) to be diverted via the M42 (S) and M5. However, this system is controlled by the motorway police and is only operated at times of particular congestion or to deal with emergencies. Moreover, on those occasions when all traffic is diverted via the M42(E), travellers do not have the opportunity of using the services at Hopwood and Frankley. Furthermore, it is equally likely that VMS will be used to divert southbound traffic on the M6 via the M42(E) to the M40, when the M1 is congested. In fact the existing VMS already allows M1 traffic to be re-routed via the M40 when necessary. Such diversions result in significant increases in the volume of long-distance through-trips on the eastern length of the M42 between J3A and J7 and add to the need for services along this length of motorway.

5.38 Although there is a sign indicating services on the M42(W) and M5 (N) for drivers travelling north along the M40, these services are not signed for drivers travelling from the north west on the M6.

5.39 The 1993 Through Traffic Survey indicated that around 70% of the trips travelling between the M6/M5 and M42/M40 interchanges used the route passing the appeal sites rather than the route via the M5 and M42(S). Until recently there was a proposal for a new road running between the M6 and the M5 to the west of Birmingham. However, this proposal, known as the Western Orbital Route (W●R) has been abandoned, and its absence will tend to increase use of the M42 passing the appeal sites at the expense of the alternative M5 – M42(S) option.

5.40 The West Midlands Regional Model indicated that heavy vehicles (namely lorries, large vans, coaches and buses) represented 23% of the traffic flows along the 49 mile gap between Hilton Park and Warwick MSAs. The traffic movements between these points being 17 % of the total off-peak flows passing J5 of the M42. There is therefore an important HGV movement traversing this excessive gap. The percentage of HGVs is well above the national average. The BNRR would not overcome this problem because the gap between the proposed MSA at Norton Canes on the BNRR and Warwick MSA would be about the same.

5.41 The volume of HGV traffic is particularly important in MSA planning because regulations require drivers to limit their driving hours and they therefore have to find opportunities to stop and rest. On the M42 between junctions 5 and 6, HGVs form 12.8% of the AADT compared with about 14% for motorways nationally. However, because HGV flows are more concentrated during weekdays the proportion of HGVs on such days is 16.4%. In the opening year, this would

be equivalent to 22,000 HGVs per day, rising to nearly 25,000 HGVs per day when the motorway is running at daily capacity.

5.42 A new MSA between junctions 3A and 7 on the M42 would primarily serve as a '30-mile' site. However, insofar as it would also satisfy a secondary infill function on some routes, the volume of long distance traffic is relevant.

5.43 The Highways Agency's 1994 Assessment Report on the widening of the M42 identified the principal long distance routes for traffic travelling between junctions 3a and 7. These are shown in *Document* 1.1.44, which indicates that the greatest movement of long distance traffic occurs between the M40 and the M6 north of Birmingham. In 1992, the traffic on this route totalled 3 1,400 vpd (AADT). This route also coincides with two of the longest gaps between existing MSAs, namely, Warwick to Hilton Park, and Warwick to Norton Canes.

5.44 Document 1. 1.44 also shows a flow of 25,800 vpd between the M5 and the M42 near Tamworth in 1992. Thus the two main long distance routes on this section of the M42 involve a total of 57,200 vpd, or 52% of the total of 111,000vpd. Bearing in mind that other long distance movements will occur, the percentage of long distance traffic is likely to be of the order of at least 60% of traffic on this section of the motorway.

5.45 The DETR publication "A New Deal for Trunk Roads in England" indicates that the length of the M42 between junctions 3a and 7 is already suffering from congestion regularly at peak times and on some occasions outside peak hours *(Document* 1.1.45). Motorway congestion can result in average speeds being well below normal travelling speeds and hence journeys take longer. Journey times between MSAs on the Midlands motorway network are often significantly in excess of the 30 minutes maximum recommended in Roads Circular 4/88. In a number of recent decisions on proposals for MSAs, the SOS has referred to the need for long distance travellers to have the opportunity to stop every half-hour or *so (Paragraph 14 of Document CD/Q/23 and Paragraph I 7 of Document CD/Q/24)*. Traffic congestion will increase in future and extend journey times not only during peak periods but also in off-peak hours.

Fatigue Related Accidents

5.46 The provision of MSAs is intended to improve road safety by giving drivers an opportunity to rest. It is generally accepted that fatigue can be a contributory factor in motorway accidents and that rest and refreshment help to reduce the number of accidents where fatigue is a factor. Research undertaken on behalf of the DETR recognises that driver fatigue is a major cause of accidents (see extract from paper by Dr R Tunbridge at *Document I. 1.48).* The only effective means by which driver fatigue can be combated is for the driver to stop, rest and if possible take a short nap. If this can be combined with the ingestion of caffeine, that will assist. *Document* 3. I.29 is a DETR advisory brochure which seeks to encourage drivers to recognise the onset of fatigue and take appropriate action. If this policy is to succeed, drivers must be given the facilities to stop and rest. The Council's argument that there is a peak time for fatigue accidents during the early hours of the morning does not outweigh the fact that the majority of fatigue related accidents occur outside the early morning hours.

5.47 Document CD/H/2, entitled Midlands Motorways Accident Review, contains an analysis of accident data for the regional motorway network around Birmingham. The database of 1756 personal injury accidents (PIAs) produces an accident rate of 8.3 PIA/million vehicle kilometres (mvk), which is close to the nationally observed rate identified in COBA10 *(Appendix N of CD/H/2).* Moreover, there are sections of the Midlands motorway network where accident rates

are well in excess of the national average. Whilst not all of these accidents can be prevented, the main objective of MSA provision is to reduce the number of such accidents to a minimum.

5.48 Fatigue related accidents were identified in the study on the basis of 'causation codes' and included all accidents where 'inattention' or 'lost control' featured as the sole identified cause. On this basis, about 25% of all accidents on the motorway network within the study area were considered to be fatigue related. This figure is slightly higher than the national average and similar to the figure of 23% for Midlands motorways in the study reported by Professor Home and L A Reyner of Loughborough University *(Appendix J of CD/H/2)*.

5.49 Notwithstanding the above, loss of concentration by a driver appears to be the major cause of at least 50% of accidents on Midlands motorways. However, loss of concentration is interpreted as being due to fatigue in only half of those accidents. Fatigue is likely to be a major cause of most accidents where there is no mechanical defect, driver error, unusual weather or other outside interference. Many of the accidents attributed to 'misjudged clearance' or 'following too closely' are caused by fatigue. If these accidents are considered as fatigue related, the figure for fatigue related accidents would rise to 40%. The true fatigue figure is probably somewhere between 25% and 40% of all accidents.

5.50 Analysis of data for the M40 for the periods before and after the opening of the Warwick Services indicates that the MSA has been responsible for a major reduction in accidents *(Document* 3.1.*36)*. Following the opening of the Warwick MSA there was a reduction in the number of accidents on the northbound carriageway compared to the expected total accident rate of 22%, with a commensurate reduction in fatigue related accidents of 29% downstream of the MSA. These figures indicate that if the relief of fatigue was the major cause of a reduction in the number of accidents, the level of fatigue related accidents is grossly under-estimated. The Operations Manager of the Central Motorway Police Group considers that driver fatigue is under-estimated as a cause of accidents *(Document* 3.1.13). The studies undertaken by Professor Home *(Document* 3.1.*36)* did not compare accident rates before and after the opening of the Warwick MSA. Moreover, the Council's response that the number of northbound accidents was reduced by the signalisation of J15 was not reflected in the southbound statistics. Furthermore, there is no evidence that signalisation reduces the number of accidents.

5.51 An estimate of the likely savings in accident numbers (and hence cost savings) as a result of an MSA being sited between J4 and J6 of the M42 is set out at *Appendix L of Document CD/H/2*. Based on the savings observed as a result of the Warwick MSA, it is postulated that up to 50% of the fatigue related accidents occurring within 10km of the new MSA could be avoided; beyond that distance the saving in the number of accidents would be reduced. It was also assumed that the savings would fall away after major motorway intersections in recognition of the decreasing proportion of traffic that would have passed the new MSA. The calculation suggests that 12 PIAs would be saved per year at an estimated cost saving of £1m/year. If fatigue related accidents were assumed to represent 40% of the total number of accidents, the saving would be likely to be in excess of 20 PIAs per year. This represents a significant saving, not only of costs but also in terms of the pain, grief and suffering associated with PIAs. Notwithstanding the above, the safety benefits of MSAs cannot be defined specifically by the lessening of accidents immediately downstream of an MSA. The accident saving could be at any point up to the next MSA or even beyond.

5.52 The fact that the eastern section of the M42 may be less monotonous than sections of the M40 would not reduce the incidence of fatigue related accidents. The often congested conditions of the M42 require drivers to be particularly alert. Extracts from research papers at Appendix J of

Document CD/H/2 indicate that by the time drivers become aware of drowsiness at the wheel, sleep can follow rapidly and the agreed advice la that they should stop for a break/rest/coffee without delay.

5.53 The provision of regular services with free parking and appropriate facilities increases the likelihood of drivers stopping to rest. The need for drivers to be able to stop and rest is reflected in the Thames Valley Police press release at *Document 2.1.6.* This relates to a motorway safety campaign conducted in 1993 advising drivers of the number of fatigue related accidents occurring on the M40 motorway at that time and encouraging drivers to take regular breaks. A number of organisations support the provision of a new MSA between J3a and 7 and the additional opportunity for drivers to stop and rest that it would provide *(Document 3.1.13).*

5.54 Section 8 of the Provisional Local Transport Plan *(Document CD/B/4)* refers to emerging local and national targets to improve safety for all travellers and the aim of a one-third reduction in those killed and seriously injured by 2010 from the 1995-98 average. The appeal proposals would contribute to these targets, particularly because accidents caused by drivers falling asleep have a high fatality rate.

5.55 The safety benefit of providing MSAs at 30-mile intervals is generally accepted. However, Govern-ment policy has never suggested that "infill" sites do not have a road safety benefit. On the contrary, the Head of the Highway Agency's MSA Branch has stated that all MSAs fulfil a perfectly valid road safety function *(Document 2.1.8).*.

Methods of Meeting the Identified Need

5.56 The extent and scale of need is exceptional and the provision of an MSA on the Solihull section of the M42 would be in accord with Government policy. The appeal proposals would help to complete the 30-mile network of MSAs and therefore meet a primary case of need. Existing spacing deficiencies in the MSA network can only be overcome by increasing the number of MSAs. The spacing problem will be exacerbated in future as traffic congestion increases and journey times are extended. Vehicles running out of fuel on the motorway because of a lack of MSA facilities can result in the hazard of parking on the hard shoulder. Tiredness, hunger, thirst and physical discomfort can all reduce driving competence with consequential risks to safety.

5.57 In addition to meeting a primary need on spacing grounds, an MSA on this length of the M42 would bring considerable benefits as an infill site on certain routes. It would help to reduce the number of fatigue related accidents because it would increase the opportunity for drivers to stop and rest. Moreover, the additional opportunity to stop would allow HGV drivers to maximise driving time within permissible limits.

5.58 Parking and design deficiencies at existing MSAs could be overcome to some extent by improving those sites, although this may well be at the expense of temporary disruption to the MSA network. At the Corley MSA further land acquisition would be necessary to expand parking facilities adequately to meet future needs. Land acquisition would also be necessary at the Tamworth MSA to provide adequate car parking facilities. Expansion of parking facilities at the Warwick MSA could be undertaken within the existing site, although such expansion would not overcome the problem of the proximity of a number of access points close to the exit to the motorway. Similarly expansion of parking facilities at Hilton Park MSA would not overcome deficiencies in the access to the motorway and the substandard weaving length between that site and junction 11 of the M6.

5.59 Although a new MSA would not meet all of the parking deficiency at existing MSAs expected by 2016, it would nevertheless make a significant contribution to the problem.

SECTION 6 – THE CASE FOR BLUE BOAR MOTORWAYS LTD AND EXEC. OF SIR JOHN GOOCH BART (APPELLANTS – APPEAL 'A')

In addition to the joint case of need for an MSA in the locality, as set out in Section 5 above, the material points of the case for Blue Boar are:

Background to the MSA Proposal

6.1 A brief history of the proposals for an MSA at the appeal site is given in *Document* 1.5.2. The appeal site was first considered suitable for the provision of an MSA in 1973 when the SoS published proposals for such a facility on both sides of the M42 adjacent to Friday Lane. This would have occupied a considerably larger site than the present proposal. The Department of Transport's drawing showing the proposal can be found at *Document 1.5.5* and a Draft Notice for an associated Compulsory Purchase Order at *Document 1.5.6*

6.2 Proposals to widen the M42 motorway were published in June 1994. However, in July 1998 the Government reviewed its trunk roads programme and the M42 widening scheme was withdrawn from the national programme and put into a category of schemes to be considered by Regional Planning Conferences. At present there is no clear programme to widen the M42 between J3a and J7. Nevertheless, it is possible that some widening scheme may come forward in future years and the Highways Agency is protecting land to allow for widening of the motorway.

6.3 Section 3 of the ES *(Document CD/M/7)* describes the search for alternative sites undertaken by the appellant. The sites at J4 and J5 of the M42 were examined as part of the exercise but were considered to have disadvantages when compared to the site at Catherine de Barnes, particularly in relation to convenience and ease of access for users.

6.4 A brief history of discussions with the Highways Agency regarding the MSA proposal is set out in *Document* 1.1.2. Following the submission of the planning application in December 1997, discussions took place with the HAg until, in the summer of 1999, agreement was reached that the scheme should include for the widening of the motorway by providing an auxiliary lane both northbound and southbound between J6 and the MSA.

6.5 As the proposed auxiliary lanes and parts of the other highway works would be located on Crown Land they do not require planning permission. Crown land was appropriately excluded from the application site. The appellant would reimburse the cost of the construction of these works, as provided for under Section 278 of the Highways Act 1980. Nevertheless, the impact of the auxiliary lanes has been considered in the Updated Environmental Statement *(CD/M/29)* and considerable time has been devoted at the inquiry to considering the impact of this and other aspects of the scheme. The HAg has accepted that it would be possible for the SoS to grant permission for the appeal proposal subject to a Grampian condition or for the SoS to issue a 'minded to grant' letter *(Paragraph 2 of Document* 5, I. 33). The HAg could then consider the need for further consultation, although given the detailed consideration already given to the scheme, it is difficult to envisage any further consultation or assessment being necessary. The consultation required under S 105A of the Highways Act 1980 has in effect already been carried out. Those who oppose the auxiliary lanes proposal have had a better opportunity to object to the scheme than in any consultation process. Notices have been placed in the press and the matter has

been considered in public at the inquiry. Nevertheless, the HAg would not enter into any agreement under section 278 of the Highways Act 1980 until it was satisfied that all procedures had been properly followed.

6.6 As indicated in *Document* 1.6.4, the HAg would not be involved in carrying out a final balancing exercise and making the ultimate decision as claimed by Welcome Break Group Limited in the final paragraph of *Document* 6.2.1. The SoS will have determined the choice of MSA.

6.7 There is a material difference in the proposal for an MSA at Catherine de Barnes and that which apparently prevails in the decision to allow an MSA at New Barn Farm on the M25. In that case there is said to have been no detail supplied of the proposed tunnel under the M25, either as to its construction or final form (See Paragraph 39b of Grounds relating to application to quash the grant of planning permission -- *appendix to Document* 1.6.4.). In contrast, the details supplied and procedures adopted in relation to the proposed auxiliary lanes ensure that no further environmental assessment would be required by S 105 of the Highways Act nor would any consultation be necessary under Circular 18/84. Nevertheless, if the HAg decide that further consultation is necessary there would be no conflict with the judgement in R v Warwickshire County Council ex parte Powergen [1997] 3 PLR 13 1 and [1997] 2 PLR 60. In the present case the HAg does not-object to the grant of planning permission and if it took the view that further consultation was necessary that would not be acting inconsistently with a grant of planning permission.

6.8 Bearing in mind the decision in R v Rochdale MBC, ex parte Tew (Queen's Bench Division 7 May 1999) *(Document* 1.6.1), it is accepted that as the application is in outline form, the main details of the illustrative master-plan on which the ES is based should be tied to a grant of planning permission by appropriate conditions. Nevertheless, sufficient detail has been provided in relation to the proposed MSA, including the associated works on or over Crown land, to ensure that a grant of planning permission would not be vulnerable to a challenge on 'ex parte Tew' grounds.

6.9 With regard to the proposed slip roads associated with the Catherine de Barnes scheme, it is not accepted that the HAg would need to promote a 'connecting roads scheme, as suggested in *Document* 5.1.33. Firstly, the slip roads form part of the planning application on which there has been full consultation. Secondly, the slip roads, up to the back of the nosing, would be on land owned and maintained by the appellant. Thirdly, there is only a very limited area of land between the back of the nosing and the motorway.

6.10 There is no reason why a grant of planning permission could not be made for the Catherine de Barnes proposal, subject to a Grampian condition relating to a S278 agreement with the HAg. However, if the SoS takes the view that only a 'minded to grant' letter should be issued, that would be no reason to prefer one of the competing MSA proposals at J4 or J5.

Appeal Proposal

6.11 The appeal proposal is described in *Documents 1.1.1 and 1.2.3* and a plan of the proposed layout can be found at *Document 1.2.12*. The scheme would offer the benefits of a directly accessible on line facility without any need for undesirable intermingling and potential conflict with local traffic. The site extends to about 26.6ha, most of which is currently part of Walford Hall Farm. The proposal includes for the provision of an amenity building, a linked 50-60 bedroom lodge, a fuel forecourt, and a picnic/play area. It is intended that Walford Hall

Farmhouse and some adjacent barns should be incorporated into the site and restored. The Farmhouse would be used to provide office accommodation and staff training facilities, and the barns to store ground maintenance equipment and document storage.

6.12 The height of the proposed amenity building and lodge would be 7.5m to the main ridgelines and the fuel forecourt canopy would be 5.5m high. The facilities would be sited immediately to the west of the M42 but would serve both carriageways of the motorway. Access would be provided by means of a new grade separated junction for the exclusive use of MSA visitors. As the HAg are currently protecting land which may be needed for future motorway widening, the junction has been designed with a long bridge span to enable widening to be undertaken without replacing the bridge.

6.13 The facilities would include parking spaces for 608 cars, 75 lorries and 21 coaches. These figures have been calculated in accordance with Circular 1/94 on a design year motorway flow of 143,000 vpd and an HGV content of 15%. They are lower than those quoted in the ES because the HAg no longer propose widening of the motorway. Assuming motorway flows would be limited to a congestion reference flow (CRF) of 140,000 vpd the number of parking spaces is slightly in excess of the normal requirement. It is acknowledged that peak demand for MSA parking is in the middle of the day and traffic growth could continue in these hours, whereas it is constrained in peak hours. However, it would be inappropriate to provide more parking space than that required by Circular 1/94, given the Green Belt location of the site and the possibility of expansion at other sites.

6.14 A revised lighting layout for the scheme can be found at *Document* 1.1.10. This seeks to minimise the environmental impact of the lighting whilst ensuring the safe use of the service area by users. Upward emissions would be zero, thus avoiding the problem of skyglow. Although the two roundabouts either side of the grade separated junction would be lit the link between the roundabouts and the four slip roads would not be lit. The lighting of the site would be such that it would cause little impact from the outside the MSA. The columns and lanterns could be finished in a dark colour to make them inconspicuous by day.

6.15 Measures to deal with surface water run-off are described in *Document 1*. 1.31. A revised surface water drainage scheme has been proposed which is separated into a number of systems as shown on Drwg No 98092/61C *(Document* 1.1.82). This would control the quantities entering any one system and significantly reduce the potential risk of pollution. The systems would include interceptor pits, control valves, reed beds, open water areas and hydrobrakes as shown on the schematic proposal at *Document* 1. 1.64. They would act as flood balance control units and create new wildlife habitats. A management plan would be adopted as part of the MSA operating procedures to ensure the long-term effectiveness of the wetland system. The proposed pollution control systems would be operated and maintained in accordance with the statement at *Document 1.1.74*. A Class 1 oil separator capable of containing a full tanker spill would be used in conjunction with the petrol filling station. This would incorporate an automatic closure device to prevent pollutants passing to the downstream drain if there was a heavy spillage. An automatic alarm/monitoring system would be installed to provide a warning when the separator required emptying of contained pollutants.

6.16 Foul sewage would be directed into a new gravity drainage system, which would be connected to the existing Barston Sewage Treatment Works.

6.17 The reduction in the number of originally proposed parking spaces has allowed other improvements to be made to the scheme. Finished ground levels at various locations, including

parking areas and the floor levels of the proposed lodge and amenity building, would be lower than originally envisaged.

6.18 The proposed auxiliary lanes on the motorway are shown on Drawing Nos. 98092/24 and 25 at *Document 1*, 1.28. These drawings give details of proposed signs and road markings as agreed with the HAg. The widening of the motorway would take place within the existing highway boundaries, providing auxiliary lanes 3.7m wide with a full width hard shoulder over the majority of the improvement length. At three over-bridges the width of the hard shoulder would be reduced to a minimum of 2m, which would allow access by emergency vehicles. The running lanes of the motorway would be marginally reduced in width, but these 'departures' have been approved by the HAg following submission of a 'Departures Report' *(Document 1.1.29)*. The proposed lane widths are well within the limits for reduced width lanes and minimum emergency access as set out in the Highway Agency's Chief Highway Engineer Memorandum Number 24/95 *(Document* 1.1.81). The calculations at *Document 1.1.80* demonstrate that the extent of lane narrowing would be limited; only 5% of the lanes between the MSA and J6 would be narrowed. The existing fencelines of the motorway will not need to be moved to accommodate the proposed auxiliary lanes *(Document* 1. 1. 78). A Stage 1 Safety Audit for the scheme *(Document 1. 1.50)* was undertaken in November 1999.

6.19 In areas of cutting and embankment the construction of the auxiliary lanes would be achieved by means of green retaining walls. Typical cross sections showing the form of construction are shown on the drawing at *Document 1.1.83*. Although some existing vegetation and planting along the edge of the carriageways would need to be removed, new planting would be undertaken along the motorway between the proposed MSA and J6. The location of the proposed green retaining walls and new planting are shown on the drawing at *Document CD/M/27*. The anticipated earthworks volumes are set out in *Document 1.1.72*. Less than 30,000m^3 of material would need to be excavated in connection with the auxiliary lanes, compared to an anticipated cut volume of more than 250,000m^3 in relation to the on-site works and the new grade separated junction. An existing abnormal load bay on the southbound carriageway of the motorway could be located approximately 100m south of its present location *(Document 1.1.71)*.

6.20 The construction of the auxiliary lanes would not create a need for lighting on that section of the motorway. *Document* 1.1.77 points out that the motorway would not become a conventional 4 lane motorway, and even if it was appropriate to consider the need for lighting this would be evaluated by considering the change in night time accidents against the cost of providing lighting. No change in such accidents is anticipated and the costs of lighting would therefore not be justified. The HAg confirms that lighting would not be required as a result of the proposed MSA.

6.21 In addition to on-site mitigation works, the appeal proposal allows for additional works of ecological and landscape mitigation to be carried out off-site.

The Green Belt and the Development Plan

6.22 The appeal site lies within the approved Green Belt. Annex A of PPG13 makes it clear that MSAs are subject to the same restraint policies in such sensitive areas as other major developments. It is accepted that an MSA is an inappropriate form of development in the Green Belt, as indicated in PPG2, and is by definition harmful.

6.23 Nevertheless, PPG13 recognises that MSAs may have to be located in Green Belts where no alternatives are readily available. The SoS has granted consent on appeal for MSAs in the Green Belt under such circumstances. Almost half of MSAs in the country are located in Green Belt and many others are in areas of restraint.

6.24 PPG2 sets out 5 purposes for including land in Green Belts. The first, namely checking the unrestricted sprawl of built up areas does not arise as an issue in this case because the proposed MSA would not be contiguous with any built up area and would be a considerable distance from the nearest village. Secondly, with regard to preventing the merging of settlements, the appeal site is located deep within the Green Belt, which extends for considerable distances in all directions from the site. The only sub-gap of any relevance is that between Catherine de Barnes and Hampton in Arden. However, this is about 2000m in width and in addition to the physical separation, the local topography and intervening hedgerows and tree cover visually separate the settlements. The presence of the motorway also contributes to the separation of the settlements. The MSA would not contribute to the merging of settlements.

6.25 As an on-line site, the MSA would be perceived as part of the motorway, and would not set a precedent for any further development in the Green Belt. Moreover, as the scheme would effectively fill any gaps in MSA provision in the area, other similar development in the locality would be unlikely. In the absence of a suitable 'brownfield' site, undeveloped land is necessary to meet the needs for MSA provision, but the ability of the site to meet a variety of motorway flows would help to keep MSA encroachment into the countryside to a minimum. The extensive on and off site mitigation measures would reduce the impact of the development on the wider countryside.

6.26 The proposed scheme is neutral in relation to preserving the special character of historic towns and assisting in urban regeneration, which are the fourth and fifth purposes of including land in Green Belts.

6.27 The lodge would be linked to the amenity building and as such would have only a limited effect in terms of encroachment on the countryside. Moreover, the removal of a number of bulky and unsightly agricultural buildings currently forming part of the Walford Hall Farm complex would counterbalance to some extent the proposed buildings within the MSA.

6.28 As is clear from PPG2, the most important aspect of Green Belts is their openness. A development in the middle of relatively unspoilt countryside would obviously affect the openness of the area to some extent. However, the footprint of the proposed MSA is small. In addition, as traffic flowing in both directions on the motorway would be catered for on one site, there would be no duplication of facilities and minimal encroachment in the Green Belt.

6.29 The site lies within the Meriden Gap. This is a non-statutory designation, and although the UDP suggests at paragraph 5.6 that strategic guidance refers to the gap, this is not the case. The West Midlands Strategic Guidance of 1988 was superseded by RPG11 in September, 1995, where there is no reference to the Meriden Gap.

6.30 Road users needs are no different in the Green Belt than elsewhere. The demonstration of need outlined above amounts to very special circumstances, which justify such development in the Green Belt. It is surprising that the UDP makes no reference to MSA provision bearing in mind that the M42 has been the subject of consideration for such facilities since the early 1970s and the appellant has had planning applications with SMBC for such development since 1993.

PPG13 indicates that in view of the strategic importance of MSAs, structure plans and local plans should address these issues.

6.31 Other than being located in the Green Belt, the appeal site is not the subject of any site specific proposals or allocations in the Development Plan.

6.32 The proposed MSA would not prejudice the objectives of the UDP and would meet the tests set out within the plan.

The Impact on the Motorway Network

Motorway Traffic Flows

6.33 The hourly capacity of a three-lane motorway is normally taken as 5400vph. However, peak flows of over 6000vph were recorded on this section of the M42 in 1996, and the 50th highest hour (50hh) flows were 5500 southbound and 5581 northbound. If the 50hh flow is taken as a design flow, the motorway is already operating over capacity at peak times. The advice in TA 46/97 defines the capacity of a road in terms of the maximum sustainable hourly lane throughput *(Document 1.1.11)*. For the purposes of calculating the Congestion Reference Flow (CRF), 'congestion' is defined as the situation when the hourly traffic demand exceeds the maximum sustainable hourly throughput.

6.34 The TIA *(Document CD/M/9)* shows that the maximum theoretical flow that this motorway could carry is 6045 vph on a sustainable basis. The predicted flows of up to 6500vph for the year 2001, shown in Figure 5.2 at *Document 1.1.14*, are therefore unlikely to be possible.

The Northbound Carriageway

6.35 An analysis of personal injury accidents (PIAs) between J5 and J6 *(Document 12.1.15)* shows that the overall accident rate for this section of motorway is slightly less than the national average of 11 PIAs/100million vehicle kilometres. However, the PIA rate for the northbound carriageway is about 30% higher than the national average and the southbound carriageway about 44% lower. One of the reasons for the higher accident rate on the northbound carriageway may be the degree of congestion on this section of motorway and the heavy flows leaving the motorway at J6.

6.36 A review of the operation and safety of the northbound carriageway of this section of motorway *(Document CD/M/15)* showed no evidence of a higher number of PIAs during peak hours. However, police records show that the number of non-injury accidents varies in proportion with the intensity of flow. This confirms the expectation that as conditions become more congested, the number of accidents increase but fewer involve injury.

6.37 A report prepared some years ago in relation to the proposed widening of the M42 noted that considerable delays were experienced at J6 at peak times and that these delays became substantially worse during a major NEC exhibition. Subsequently, a video survey carried out on 11 December 1998 showed traffic backing up from J6 and becoming stationary from time to time in the nearside lane during the peak hour *(Document CD/M/15)*. No long term solution to the problems at J6 is currently programmed, although minor improvements such as traffic signals and a left turn segregated lane have been provided to help ease the situation. Without any further improvement to the M42, congestion caused by flows on the northbound carriageway leaving the

M42 at J6 could result in queuing back to the proposed MSA and prevent drivers from leaving the MSA safely.

6.38 The report on the northbound carriageway, at *Document CD/M/15*, analyses the options for overcoming this difficulty and concludes that widening of the motorway to provide an auxiliary lane adjacent to the existing three lanes would allow MSA traffic to join the motorway safely. TD22/92 defines an auxiliary lane as an additional lane at the side of the mainline carriageway to provide increased merge or diverge opportunity or additional space for weaving. As such a lane would run between the exit lane of the MSA and J6 it would not carry through traffic and would not increase the normal overall traffic capacity of the 3 lane motorway.

6.39 In order to study the effect of the auxiliary lane on other sections of the motorway and, in particular, to consider the consequences for northbound traffic between J5 and the proposed MSA, a methodology known as 'Paramics' was utilised. This is a modelling system that seeks to model each vehicle on the network and the driver's reaction to changing events. The principles of the methodology are explained in the paper 'An Introduction to Microsimulation' at *Document 1.1.26*, and examples of its use in previous projects can be found at *Documents 1.1.51 and 68*. Birmingham City Council has purchased the model and is happy with its performance. The authority indicates that the model was more than satisfactory when tested and validated on a traffic-signalised-junction *(Document 1. 1. 76)*.

6.40 In relation to the Catherine-de-Barnes proposal, a study using Paramics was undertaken which relied on the video survey undertaken in December 1998. The study modelled the whole of the northbound carriageway between J5 and J7. When comparing flows between 1998 and 2000, the model showed that, for the days studied, mean speeds fell by approximately 33% as a result of a 6% increase in traffic volumes. This confirmed that the network is currently performing close to its theoretical capacity and is therefore sensitive to any increase in traffic flow. The model was validated by comparing the observed and modelled flows by lane. It is argued on behalf of the Council that the validation is poor because the model failed to represent the pattern of flows across the lanes. However, the suppliers of the model consider that the validation is excellent given that the comparison has been made at a single point on the carriageway where traffic is approaching the junction and lane usage is likely to be volatile. *(Document 1. 1. 61)*

6.41 The impact of the proposed MSA was also considered. For the year 2000, the results indicated that the introduction of the auxiliary lane increased the overall capacity of the network despite the introduction of the MSA and consequent weaving movements. Vehicle speeds were shown to increase even when there was significant congestion on the motorway due to blockage of the off-slip at J6. Vehicle speeds were also shown to increase south of the MSA as a result of the proposed improvements. Moreover, between J5 and the MSA the number of near-miss events was shown to decrease with the proposed improvements, although between the MSA and J6 the number of such events was shown to increase on the Friday that was modelled. The report of the study is at *Document CD/M/20*. It concludes that the introduction of the auxiliary lane would provide an increase in road capacity and lead to an overall improvement in network performance in terms of journey times and vehicle delay.

6.42 Further analysis using Paramics simulation was undertaken to consider the impact of the proposed MSA and auxiliary lane under conditions of maximum sustainable hourly traffic flows. The report on this analysis is at *Document CD/M/21*. The results indicate that the impact of the MSA, without the auxiliary lane, is relatively insignificant with less than 1% decrease in overall network speeds. The provision of the auxiliary lane would result in a 20% increase in mean speeds overall, compared to the scenario where the MSA is constructed without any widening of

the motorway. The report suggests that the existing network is unlikely to be able to carry 6045vph at peak times. It indicates that the network would allow a maximum flow of about 5600 vph with an HGV percentage of about 16% before significant flow breakdown occurred. The improvements associated with the auxiliary lane would allow this figure to be increased to about 5700vph.

The Southbound Carriageway

6.43 Following submission of the TIA, the HAg expressed concern about the impact of the MSA on the heavy merge flows southbound which join the motorway from J6 in the evening peak. This merge flow is about 2000vph and utilises a ghost island merge where 2 lanes of the sliproad join at separ te locations thereby maximising the ability to merge. An analysis of the impact of the MSA is set out at *Document 1.1.27*. This indicates that the MSA would have a small detrimental effect but that it could be overcome by the introduction of a southbound auxiliary lane between J6 and the MSA. The analysis uses research carried out on behalf of the Transport Research Laboratory described in Contractor Report 33 8 entitled 'An investigation of Flow Breakdown and Merge Capacity of Motorways' *(Document CD/M/22)*. The report describes an investigation into the mechanisms that lead to traffic flow breakdown on busy motorways. It shows that motorway capacity is controlled very much by merge situations whereas before the research it was only weaving which was officially recognised as having an effect on motorway link capacity.

6.44 Applying the results to the M42 indicates that under existing conditions the merge flows at J6 limit the capacity of the motorway to about 6400 vph. After flow breakdown this reduces to 5727vph, the breakdown location occurring 2.1 lkm downstream of the merge at a point just north of the Solihull Road bridge. With the MSA in place, and no widening of the motorway, the analysis indicates that the capacity south of J6 is reduced by about 3% to 6200vph before flow breakdown and 5600vph after breakdown. This is a relatively small reduction and confirms the proposition that the weaving effect of the MSA is more accurately represented by urban conditions when traffic flows are high.

6.45 The analysis shows that with an auxiliary between J6 and the MSA included as part of the scheme, the capacity of the existing three lanes of the motorway would rise to 6500vph. This not only overcomes the effect of the MSA but also improves on the existing capacity. The relatively small southbound flow merging from the MSA would be insufficient to cause flow breakdown south of the MSA. The merging flows would limit capacity downstream to 7,000 vph. However, this figure cannot be reached because the motorway capacity is already limited to a lower figure by conditions upstream of the MSA. Therefore the merging MSA flow would not be detrimental to the capacity of the unwidened section of the M42 to the south.

Turn-in Rates

6.46 Turn in rates (TIRs) to the MSA would vary during the day. Such a variation can be seen in the results of a survey carried out at the Clacket Lane MSA in October 1994 *(Document 1.1.16)*. This shows that TIRs generally peak in the middle of the day and are lowest during peak hour flows on the motorway. Factors that could influence TIR include the spacing of MSAs, the standard and range of facilities available, ease of access from the motorway, and parking availability. Clacket Lane is a useful model on which to base an assessment for the Catherine-de-Barnes site because it is located on an orbital motorway which experiences a high level of short distance journeys; it is also an on-line site, and it has a high level of facilities, good access and adequate parking space. Comparing the average spacing of MSAs in the vicinity of Clacket Lane

(42miles) with that of the M42 if the Catherine-de-Barnes site was developed (17.5 miles), gives a ratio of 0.42. Applying this ratio to the average peak hour TIR of 7.5% found at Clacket Lane *(Appendix H of Document CD/M/9)* gives a TIR figure of 0.42 x 7.5% = 3.2%.

6.47 Two alternative methods of assessing TIR have been undertaken. The first involves consideration of the overall demand for services in the area. Using the TIR experienced at Clacket Lane, *Document 1.1.18* estimates that there are approximately 2700 visits to MSAs on the Midlands motorway network in the peak hour. If the number of visits were distributed amongst 6 MSAs rather than 5, the anticipated number of visits to the appeal site would be equivalent to a TIR of 4.5% of peak hour flow. The second alternative considers existing peak hour TIRs at MSAs that are similarly spaced to the proposal at Catherine-de-Barnes. The calculations at *Document 1.* 1.19 give an average TIR of 4.7% for the two MSAs on the M6, which were the subjects of the assessment.

6.48 For southbound traffic at the appeal site a lower TIR would be expected because of the disincentive created by drivers having to cross the motorway via a new bridge to gain access to the facilities. This characteristic has been recognised in many assessments of single sided MSAs. *Document 1.1.20* indicates that the HAg has confirmed the principle and for the purposes of the TIA a ratio of 0.6 has been adopted for TIRs of southbound traffic compared to northbound. The phenomenon of a- lower off-side TIR for single sided sites is demonstrated by the results of surveys at Scratchwood MSA on the Ml *(Document 1.1.21).* Over a 12-hour period at the Scratchwood site the offside (southbound) TIR was 3.86% compared to 5.44 % TIR for the nearside (northbound).

6.49 Likely peak hour TIRs for the proposed MSA at Catherine-de-Barnes have therefore been assessed as 5.5% for northbound traffic and 3.3% for southbound. However, following discussions with the HAg a peak hour TIR of 4.8% has been adopted for southbound traffic and sensitivity testing has been undertaken assuming a peak hour TIR of 7.5% for both carriageways.

Weaving

6.50 The M42 is heavily trafficked at peak times and traffic speeds are often low. In such conditions the effect of weaving is overestimated when calculated in accordance with the advice in TD22/92. *Document* 1. 1. 7 demonstrates this by considering the section of M42 between J6 and J7. This length of motorway has a weaving length of 2.5km and its capacity after allowing for the effect of weaving would, in accordance with the advice be 4758 vph northbound and 4592 southbound. However, measured flows show 50hh flows of 5800vph northbound and 6100vph southbound. This suggests that the effects of weaving are negligible.

6.5 1 Although the length of motorway between J5 and J6 is classified as rural, the traffic conditions at peak hours are typically urban. On rural motorways the desirable minimum weaving length is 2km. For urban roads, which include motorways with a speed limit of 60mph or less much lower weaving lengths are permissible. The appropriate length is 0.45km compared to 2km.

6.52 Under rural conditions, with the motorway approaching capacity the weaving formula predicts the impact of the MSA as creating a need for an additional 0.3 lanes northbound and 0.2 lanes southbound. In a sensitivity test using a TIR of 7.5% this impact was shown in the northbound direction to be increased to 0.41 lanes based on a lane capacity of 2015vph and 0.45 lanes based on 1800vph *(Document* 1.1.7). However, as the fractional part is low and weaving flows would be low the number of lanes should be rounded down in accordance with the advice in TA48/92 *(See extract at Document* 1.1.25). Rounding down is supported by the fact that the

analysis relates to peak periods, when commuting traffic would constitute a high proportion of overall flows and driving behaviour would be expected to be more efficient than on recreational routes.

6.53 In the weaving formula at TD22/92, the extra width needed for weaving is heavily dependent on the ratio of the length of road needed to carry out weaving safely (L_{min}) and the length of motorway available between junctions (L_{act}). In urban conditions, where traffic speeds are relatively slow, shorter lengths are needed for weaving. On the length of motorway at which the appeal proposal would be sited traffic congestion keeps speeds low, yet there would be substantial lengths of motorway to undertake weaving manoeuvres. The weaving effect would therefore be low. The calculations at *Document 1. 1.24* show that for urban motorway conditions the impact of weaving would be no greater than 0.1 lanes, even in the sensitivity test of a 7.5% TIR.

6.54 The weaving lengths created by the MSA between J5 and J6 would be:

Junction 5 to MSA	1.53km
MSA to Junction 6	2.01km
Junction 6 to MSA	1.82km (see calculations at *Documents 1. 1. 69 and 1.170)*
MSA to Junction 5	1.60km

6.55 Although three of the weaving lengths are below the desirable minimum of 2km, they are well above the absolute minimum of 1km and therefore even with heavy traffic flows safety would not be compromised. The situation cannot be compared to that of the Hilton Park MSA at J11 on the M6 where there is a weaving length of only about 0.5km. This is well below the absolute minimum and a greater number of accidents would therefore be expected at that location.

6.56 A comparison has also been made between the weaving lengths associated with the Catherine-de-Barnes proposal and a weaving section considered at the inquiry into a proposed MSA at Elk Meadows on the M25. The weaving section in question was between J16 of the M25 and the proposed MSA at Elk Meadows. However, there are a number of significant differences between the two cases. These are:

i. J16, which is the junction between the M25 and the M40, is a free flowing motorway to motorway interchange where traffic speeds are likely to be higher than the signalled control J6 of the M42.
ii. J16 has three tapers whereas J6 has only two.
iii. South of J16 there are 4 southbound lanes all of which pass the Elk Meadows site; the nearside lane would be heavily trafficked at peak times. In contrast, one of the 4 lanes south of J6 would be an auxiliary lane; south of the Catherine-de-Barnes site the motorway would consist of only 3 lanes southbound. The auxiliary lane would never be full and weaving could take place more easily to and from it.
iv. On the M25, the minimum part of the weaving length proposed was 1.55km whereas on the M42 south of J6 it is 1.8km.
v. At Elk Meadows no improvements were proposed to the weaving area whereas at Catherine-de-Barnes an auxiliary lane is proposed
vi. At Elk Meadows the HAg objected to the weaving proposal, at Catherine-de-Barnes there is no longer an objection from the HAg.

6.57 The Council suggests that *Table 6. 1 of Document* 4.3.4 demonstrates that MSAs within 1.6km of a junction incur higher levels of accidents. However, the weaving lengths associated

with the 4 MSAs that are shown to have high accident rates have been measured from Ordnance Survey plans. The results are as follows:

MSA	WEAVING LENGTH	
Ml Toddington	Southbound Northbound	450m 290m
Ml Leicester Forest East	Southbound Northbound	1350m 1050m
M6 Hilton Park	Southbound Northbound	590m 560m
M6 Knutsford	Southbound Northbound	600m 530m

6.58 This shows that 3 of the 4 cases have very small weaving lengths which are lower than the absolute minimum where a high accident rate would be expected. At Leicester Forest East the accident rate would have been influenced partly by the short weaving length and partly by roadworks which have been taking place. None of the examples relate to an MSA which has a weaving length of between 1.5 and 2km as does the Catherine-de-Barnes proposal.. The comparison is therefore irrelevant.

Overall impact on the motorway network

6.59 The HAg, which has specific responsibility for the maintenance and management of the trunk road network, is satisfied that the Catherine de Barnes proposal would not have an adverse effect on the safety or operation of the motorway. In fact the HAg have made it clear that the scheme would have advantages for the operation of the motorway, particulalrly for J6. The auxiliary lanes would lead to smoother traffic flows and a modest increase in the capacity of the main line. Queue lengths would be reduced at J6 because of the increased number of dedicated merge/diverge lanes. There would be a greater uniformity of speed for through traffic. As a consequence the motorway would be safer.

The Impact on Local Roads

6.60 As the MSA would be an on-line facility, vehicles visiting the MSA would not interact with traffic on local roads. There would be no vehicular access to the MSA directly off the local road network. The MSA would therefore have no impact on the local road network.

6.61 Moreover, as indicated above, the proposed auxiliary lanes would not only overcome any adverse traffic impact of the MSA on the motorway, but improve traffic flow conditions. Therefore there is no reason why drivers should divert from the motorway onto the local road network as a result of the MSA. A report on local road issues relating to the proposed MSA can be found at *Document 1. 1. 30.*

6.62 The Council is concerned that the MSA could become a destination in its own right. It is suggested that visitors to neighbouring attractions, such as the NEC and Birmingham Airport, could park their cars at the MSA for many hours having arranged alternative transport to the venue. However, this would not be in the interests of the MSA operator and it is common practice to charge for parking in excess of 2 hours at MSAs. This matter could be overcome by means of a planning condition requiring details of parking control to be approved by the local planning authority.

6.63 The appeal site is relatively remote from a major urban area, and is not adjacent to a major radial route serving the conurbation. For these reasons, and because no vehicular access would be afforded to local roads, it is unlikely that the site would become a destination in its own right.

The Implications for the River *Blythe* SSSI

6.64 The site lies within the catchment of the River Blythe SSSI. Surface water from the site enters the River Blythe via Eastcote Brook. However, the proposed system for dealing with surface water, which includes a sequential system of ponds and reeds beds, would ensure that the drainage output met the required discharge criteria and storm water runoff peaks would be controlled. EN confirmed in a letter dated 10 November 1999, that other than the objection in principle to any development in the catchment of the River Blythe SSSI, it has no objection to the design and mitigation works for the scheme *(Document* 1.3.8). In a further letter EN reiterated its objection in principle to the scheme but accepted that the outline proposals to deal with surface water run-off are suitable *(Document 1. 1. 53).*

6.65 The Environment Agency (EA) has also confirmed that the drainage proposals would minimise the pollution risk *(Document* 1. *1.54)* and that although it objects in principle to any development which may affect the River Blythe it should be possible to design a scheme that would satisfy EA requirements *(Document* 1.3.9). The river is 2km from the appeal site thereby allowing 3 hours to take emergency action if a pollution incident was to occur.

6.66 An aquatic macrophyte survey of the River Blythe, undertaken in 1997 showed that there had been changes in the river's flora since 1980/81. These changes were mostly adverse and due mainly to eutrophication and the spread of alien riparian plants *(Document 1.1.75).*

6.67 Dr J Box is an ecologist working for Wardell Armstrong and one of the authors of the technical paper at *Document* 4.6.14 which reviews the conservation of the River Blythe. He was responsible for notifying the River Blythe SSSI when he was employed by EN. In a letter dated 8 December *1999 (Document 1. 3. 10),* he indicates that in his opinion the proposed series of mechanical devices and wetlands, combined with a long stretch of the Eastcote Brook, would attenuate any rapid changes in the flow regime of the surface water discharges from the MSA. As a consequence, he considers that there would be no significant changes in the flow regime into and within the SSSI. Moreover, in his letter he concludes that the MSA would not cause any direct habitat loss or physical disturbance to the wildlife associated with the SSSI. In his opinion, the potential adverse impacts of the surface water discharges from the MSA on the water quality and freshwater ecology of the River Blythe would not be significant and would not result in a reduction in the nature conservation value of the SSSI.

6.68 Policy ENV1 of the UDP does not impose an embargo on development in the catchment area of the SSSI. The policy indicates that where development is 'likely' to have an adverse impact on the SSSI it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself. Paragraphs 27 and 28 of PPG9 refer to the imposition of conditions to prevent damaging impacts and where there is a risk of damage to a designated site. The proposed surface water drainage system at the site would remove the likelihood of any adverse effects on the River Blythe.

The Impact on the Landscape

6.69 The character of the landscape within which the appeal site lies is described in *Document 1.2.1.* The Warwickshire Landscapes Guidelines describe the site as lying within the Arden

Parklands, which is categorised as an enclosed gently rolling landscape defined by woodland edges, parkland and belts of trees. The management strategy for the area is to retain and enhance the effect of wooded enclosure *(Document 1.2.8)*. The proposed MSA at Catherine-de-Barnes and the associated mitigation measures have been designed to be in accord with a strategy of wooded enclosure. The scheme involves nearly 12 ha of woodland structure planting, 290m net of additional hedgerow planting and the strengthening of existing hedgerows on and off site.

6.70 The visual and landscape context of the site is shown diagrammatically at *Document 1.2.10* with the ridgeline west of the site, on which Walford Hall Farm is situated, being of particular note. Details of the existing features of the site are shown on the plan at *Document* 1.2. *11* and described in *Document 1.2.2*. The site is visually contained from the southwest, northwest and northeast by the existing landform, Aspbury's Copse, various shelterbelts and hedgerows. Vegetation also provides varying degrees of enclosure and screening to the southeast. There are no public rights of way crossing the site.

6.71 Whilst the appeal site does not lie within an area defined for its landscape quality, the surrounding countryside is generally attractive because of its topography, well defined field pattern, hedgerows, trees and small woodlands. As a result of these features, there are few panoramic vistas in the area and views are fragmented and enclosed.

6.72 There are also a number of detracting features in the landscape, namely:

- the motorway - although, the motorway is set relatively low in the landform in the vicinity of the appeal site and is not unduly prominent at this location, it is nevertheless visually obtrusive when viewed from some of the minor roads which cross it. Moreover, to the north of the appeal site in the vicinity of J6, the motorway is raised on an embankment and is not screened. At this point it is prominent when viewed from public rights of way;

- power lines - two parallel overhead electricity lines cross the shallow crest of the hill at Walford Hall Farm. These are particularly obtrusive in long distance views;

- outbuildings - there are a number of unattractive barns and outbuildings at Walford Hall Farm. As they are located close to the edge of the ridge, they form a distracting clutter on the skyline and from some locations they mask the view to Walford Hall and to the better quality brick built buildings at the farm;

- sewage works - southeast of the appeal site lies Barston Sewage Treatment Works. The buildings, filter beds, tanks and lighting at this site are intrusive in views from the motorway and from some limited sections of Friday Lane and Barston Lane;

- aircraft noise - the area between the motorway and Hampton in Arden lies on the flight path for Birmingham Airport. Aircraft noise is very intrusive at this location.

6.73 Any MSA serving the needs of motorists on a route passing through open countryside must inevitably result in a loss of open countryside. Such a loss would be perceived from the motorway because of the new slip roads and overbridge, although the main features of the development would not be seen from the motorway. The new overbridge would not be an unexpected feature on a motorway such as the M42 with its numerous junctions and overbridges. There would also be some loss of open countryside noted from a short length of Friday lane, intermittently from Solihull Road, and from some distant locations to the east of the motorway.

However, other than from Friday Lane, views of the site would be minor and effectively mitigated. The site is screened from Catherine de Barnes by the Walford Hall ridge and the perception of leaving the urban edge at the roundabout near Barber's Coppice would be retained.

6.74 The proposed amenity building would rise about 3.5m above Solihull Road, but would be set behind a gently graded mound about 2.5m high. The building would be approximately 50 m from the site boundary. The upper part of the building might be glimpsed from a short section of Solihull Road in the short term, but as the distance between Catherine-de-Barnes and Hampton in Arden is about 2000m, the perception of separation and the preservation of individual identity of the settlements would be unaffected. From the majority of Friday Lane existing topographical features and landraising would screen the MSA. Although part of the site would be visible from the Friday Lane Bridge it would be seen in the context of the motorway to which the development relates. It would not be seen linked to any other building or merging with other build features in the landscape. The self contained nature of the site is demonstrated in the aerial photograph at *Document 1.2.21.*

6.75 The earthworks have been designed to help marry the development into the landform whilst providing a high degree of visual screening at 'Day One'. Proposed gradients are similar to those of existing slopes on the site. False cuttings would be constructed to screen much of the development from low-lying points in the valley. The earthworks would be augmented by a planting strategy so that the 'Day One' impacts would be further mitigated with time. Moreover, there are no open, close or middle distance views of the site from public rights of way. The recreational and amenity value of the network would be essentially unaltered. The well-contained nature of the site would ensure that the loss of landscape resource would not be significant in the context of the perception of the countryside as a whole. Moreover, the development would have no impact on the setting or views from the Hampton in Arden Conservation Area.

6.76 As an off-site measure, the appeal proposal includes the removal of a number of the unattractive barns and outbuildings at Walford Hall Farm. This would contribute to the perception of openness on the western flank of the ridge as shown in the photographs at *Document 1. 2. 1 7.*

6.77 SMBC has produced a draft strategy entitled 'Solihull's Countryside' that identifies the appeal site as lying within Zone 3 – The Motorway Corridor. One of the objectives of the strategy is to encourage further planting along the motorway corridor to screen views from surrounding settlements and facilities. The appellant controls an extensive amount of land adjacent to the site thereby allowing a range of mitigation measures to be offered *(Documents 1.2. 15 and 1.2.23).* Such measures include planting to strengthen field boundaries and create copses and small plantations. This would be in accord with the management strategy of the Arden Parklands which is to retain and enhance the effect of wooded enclosure. It would also be in accord with the aims of UDP Policy ENV 4/5 – New Woodlands, which seeks to create new woodlands as part of a new Forest of Arden. The positive on and off-site measures would help to mitigate the impact of the MSA.

6.78 The section of motorway to be widened to provide the proposed auxiliary lanes is about 2km in length. The majority of this length is either at grade or in cutting. For some distance north of Solihull Road the land on both sides of the motorway is in the control of the appellant. The motorway follows the route of 3 prominent, overhead power lines. Lighting at J6 is also prominent. The extent of planting is shown on *Document* 1.2.18. It can be seen that there is little planting within the motorway boundary. Traffic on the embankment near Bickenhill at the

northern section of the motorway is particularly intrusive and existing planting is inadequate to mitigate this adverse effect.

6.79 All boundary hedges would be retained along the length of motorway to be widened, and new planting would be provided which would be particularly beneficial in the vicinity of the motorway embankment. The extent of the new planting is shown at *Document CD/M/23* and the HAg has confirmed that the planting scheme is acceptable *(Document* 1.2.7). Additional fencing to the motorway would not be required.

6.80 The construction of retaining walls less than 3m in height using the 'green walling' technique does not normally have a significant impact on the overall appearance of a motorway corridor. In this case, the majority of the retaining structures would be of the order of only 1800mm in height. The visual impact of such structures in cuttings would be negligible. On the section of motorway carried by embankment, the wall would be seen from outside the immediate motorway corridor but would not be intrusive once it is 'green'.

6.81 The increased width of road surface would only be noted by motorway travellers or in views from the 3 over-bridges on this section of the motorway. The effect of the widened carriageway seen from these points would not be significant. The motorway corridor would not be widened.

6.82 An additional gantry sign would be required at the end of a section of embankment where the motorway crosses a railway. The motorway at this location is already very intrusive and, whilst the gantry would increase the impact, it would not make the situation significantly worse.

6.83 Of the sites being put forward for the development of an MSA on this section of the motorway, the Catherine-de-Barnes site is best able to be sensitively and comprehensively developed in a landscape framework that would be effective in mitigating most of the harmful effects. In addition it is the only proposal which provides an opportunity for sensitive off-site mitigation. It is divorced from the urban edge and does not lie within a narrow or vulnerable gap between urban areas. It would be self contained and directly related to the motorway and its immediate corridor.

The Ecology of the Area

6.84 The results of ecological surveys undertaken at the site can be found at *Documents CD/M/12 and* 1.3.7, and a description of the ecology of the site is at *Document 1.3.2*. The mosaic of habitats within the site is typical of an intensively farmed landscape and is of limited ecological interest. There are six eutrophic and neglected ponds on and adjacent to the site which are poor quality habitats of minimal invertebrate, botanical and amphibian interest. Three of these would be retained and improved.

6.85 Two species protected under the Wildlife and Countryside Act 1981, namely badger and pipistrelle bat, were identified on site. However, bat activity is low and no roosts were confirmed in the trees or buildings on the site. The proposals would have a minimal impact on bat activity. English Nature (EN) has agreed that, provided mitigation measures are undertaken as outlined in the supplementary ecological report at *Document 1.3.7* and a confidential badger report, the potential impact of the development on protected species would be overcome. A letter from EN indicating that the proposals in the technical report on badgers would be an appropriate way to proceed can be found at *Document 1.* 3.6. The S 106 Unilateral Undertaking *(Document 1. 6.5),*

referred to below, includes provision for a badger mitigation and management plan as agreed with EN to be submitted to the LPA before the development is commenced.

6.86 Proposed pasture areas are shown on the plans at *Documents 1.2.12 and 1.3.5*. These would be provided primarily to provide badger foraging areas. In order to incorporate measures to translocate any seed bank of meadow thistle in the existing pasture and ensure a rapid development of an earthworm population, topsoil from fields C and ● would be spread in field B.

6.87 The hedgerows on site provide a habitat of local interest. Three of the hedgerows have sufficient diversity to be notifiable under the Hedgerow Regulations 1997. These hedges, H15, H18 and H19 are all to be retained. The proposals would reduce in the short term the length of hedgerow margins available for bat feeding and the nesting and feeding of birds. However, activity along these hedgerows is low and the loss of habitat would adequately compensated by the mitigation proposals. A number of mature trees in the line of hedgerows H3, H4 and H5 support a small colony of tree sparrow. These hedgerows would be retained and food sources would be available to these birds in the area to the west of the MSA and on the MSA site itself after the first season of planting.

6.88 A total of 27 bird species were recorded on the site. Three of the species, the Tree Sparrow, Linnet-and Bullfinch are described as declining but nationally common; and a further five species are listed as moderately declining. The number of confirmed territories found on site were low. However, the birds found indicate a site of local interest. The majority of the species were distributed around the farm buildings and hedgerow margins of the pasture fields. A large part of this network would be retained.

6.89 Asbury's copse is listed in the English Nature Ancient Woodland Inventory and has been designated as an ECOsite of a quality that requires restoration to improve its ecological value. Within the wood very little management appears to have taken place. The MSA would not have a direct impact on the copse. However, the site would be enhanced by future management and increasing the connectivity to adjacent habitats by perimeter planting. The primary objective would be to develop the structure and diversity of the copse to resemble native broad-leafed woodland. The impact of the scheme would therefore be positive.

6.90 The mitigation measures include a guaranteed 40 years of management and improvement of retained habitats, together with on-site and off-site habit creation and development. The various habitats to be incorporated into the scheme are shown at *Document* 1. 3.5. Table 1 at *Document 1.3.3* summarises the proposed habitat gains and losses. This demonstrates that there would be a net gain of habitats and that the proposed mitigation measures and long term management of the site would outweigh any short-term ecological loss.

Walford Hall Farmhouse

6.91 Walford Hall Farmhouse, which is of fifteenth century origin, lies within the site boundary. The farm is located within an area of historic forest landscape that has gradually been cleared through the medieval and later periods. The late medieval hall house may well have been built on the occasion when the land was cleared and the farm created. Walford Hall is a grade II* listed building. The list description and a longer description taken from the Victoria County History for Warwickshire can be found at section *2.1* of *Document* 1.4. 1. Photographs of the building are included in *photosheet E* in *Document 1.2.4*.

6.92 The overall form of the farmhouse is a hall with cross wings, making the plan H-shaped. The building has undergone several phases of development. In the sixteenth century, the hall roof was raised to the level of the cross wings, the central chimney stack was built and an upper floor inserted. The northern end of the east wing is medieval in origin but the southern end, including its roof, was rebuilt in the nineteenth or early twentieth century. The west wing is mostly seventeenth century, added on to the western end of the hall. The service end of the house is to the west, with a large Victorian range and a separate dairy/larder. This contains a full length cold slab on brick arches. Floor plans are included in *Document 1. 4.5.*

6.93 There are two staircases serving the first floor, one in each wing, narrow and awkward but probably nineteenth century rather than earlier. These features could raise fire regulation issues because of accessibility. However, the presence of two stairs offering alternative escape routes is a positive feature which might overcome their limited accessibility. Replacement with more accessible, sensitively designed wooden stairways would not pose serious problems in terms of retaining the original historic fabric of the building. Overall there are no serious obstacles to refurbishment either for domestic use or use as a training facility.

6.94 Following requests from the Council, repairs were carried out to the farmhouse to replace a substantial number of decayed structural timbers, to replace windows and to repair the roof The building was on -the English Heritage Register of Buildings at Risk until the repair works were carried out. It was subsequently removed from the Register *(Document 1.4.8).* The works specification was approved by the Council's conservation architect. The effect of these repairs is that the fabric of the farmhouse has been secured against further damage and decay and that the external appearance of the building in general has been retained. Nevertheless, it is recognised that the repair work to the walls, in particular the brick panels, was not carried out in an appropriate manner. In many cases, the new timbers have shrunk and the joints between brickwork and timber have opened up. As the brick is not tied to the frame, the panels are in danger of falling out. These are to be replaced in new brickwork and lime mortar in accordance with the scheme of refurbishment set *out* in *Document 1.4.12.*

6.95 The curtilage of Walford Hall certainly includes the stable and barn immediately adjacent to the north-west as these buildings can be seen to have served the house. The remainder of the farm buildings are less obviously essential to the house and are mostly of little or no architectural interest, although it could be argued that the farmyard as defined by the brick buildings (and the brick boundary wall) historically represents a single entity, albeit modified by later rebuilding. The modern farm buildings outside the original farmyard are of no architectural interest and detract from the setting of the listed house.

6.96 The application site includes the barn but none of the other farm buildings. The barn is built partly of stock brick with a plank purlin roof and queen struts. However, the plinth is of stone with some courses of old brick above for much of the walls. At the south end is the remnant of a rectangular building of brick, probably seventeenth century, with blocked doors and windows. The barn thus appears to be a relatively modern (nineteenth or twentieth century) repair of an older building of similar dimensions, which itself probably incorporated a much smaller original building at the south end near the farmhouse.

6.97 Apart from the nineteenth century stable, the other historic farm buildings are in various stages of disrepair. However, the stable and the large barn, and to a lesser extent the northern cow shed and west wall of the farmyard, form a group that is of sufficient interest and character that it contributes to the setting of Walford Hall although the farm buildings are of later date. The layout of the farm buildings is shown in *Document 1.4.3.*

6.98 In addition to the buildings within the curtilage of the house, and its immediate surroundings, the setting of Walford Hall also includes its wider surroundings, though these become less significant with distance. An analysis of the factors which contribute to the setting of Walford Hall is set out in the table at document 1.4.2. Key contributory characteristics are the views of the building group from Friday Lane, close views of the listed building, the farmyard and pond and views from the building to the south and north.

6.99 The immediate setting of the building is an untidy garden and farmyard, partly due to less care being taken than if the farm was in domestic use. The modern farm buildings, the pylons and the overhead cables are detracting features. From a distance, the long public views do not allow the character of the house to be appreciated, while views from the house are of no special quality and most contain modern features. Both the visual ambience and the noise environment, primarily aircraft and motorway noise, are also detracting features.

6.100 The conservation of the building is paramount. To this end, it is proposed that the listed building should be brought back into use as a training facility ancillary to the MSA. The implementation of this use can be secured by condition. It provides the only realistic means of securing the upkeep of the listed building as commended in paragraph 3.8 of PPG15. A detailed scheme of repair-and refurbishment is proposed to enable the farmhouse to be used as a training centre in association with the MSA. This is described in the reports and Plans 01- 10 at *Document 1.4.12*. There would be minimum disruption to the historic fabric and the work is unlikely to require listed building consent. The training use would be of three types – individual computer based, small groups of 2 - 4 on week to week inductions, and group training for up to 12 people. Other meetings and brand partner training sessions would also be held in the building. Overall the occupancy would be daily with the facilities in substantial use for about 45% of the year.

6.101 The proposal to bring Walford Hall back into an appropriate use is an important benefit of the scheme, with the certainty of a benign use rather than the possibility of continued unoccupation and the risks arising therefrom. This benefit has been reinforced by the assessment of the property's potential which offers little hope of it being economically viable as a domestic property or converted for a stand-alone commercial use. This is because of the combination of the high capital cost of conversion coupled with the devaluing effect of the intrusiveness of the M42 and the Birmingham International Airport flight path. The valuation report *(Document 1.4.7)* indicates that the costs of refurbishing the buildings and the costs required for the continued upkeep would be considerable. The farmhouse, of about 257 sq m gross external area is generally in poor condition. The cost of restoration to residential use would be in excess of £850 - £950 per sq.m, given the noise problems associated with the building. The costs of conversion to commercial use is likely to be lower, typically £550 - £650 per sq m.

6.102 The airport flight path and the prospect of increased flights, the motorway traffic and the likelihood of a growth in traffic levels, and the high voltage power line close to the property are all factors which would deter a residential buyer. More detailed costings *(Document 1.4.11)* indicate that, given the major adverse factors affecting the site, the building restored for residential use would be unlikely to sell for more than £350,000 - £375,000. The costs of restoration, including fees and VAT, are likely to exceed £350,000. The relatively narrow difference between the figures would make restoration for domestic use completely uneconomic. It is also likely to be difficult to obtain finance for the works. The best way of securing the future of this building is refurbishment for use as a training centre in association with the MSA and the use of the farm buildings for storage.

6.103 Once the capital costs of bringing the building back into use have been covered, it might prove viable for independent commercial use but the cost involved and the continual intrusion of the M42 and the flight path are unlikely to offer any realistic hope of the farmhouse reverting to domestic use. The factors affecting the property's undesirability as a residence are considerable and are likely to become greater as the airport expands and as M42 traffic flows increase. If Walford Hall is considered suitable for residential purposes only, having been empty for the last 10 years, the building will continue to remain unlived in and will consequently deteriorate further.

6.104 If a commercial use is allowed in conjunction with the proposed adjacent MSA, development would take place at an early date which would be to the long term benefit of Walford Hall. Commercial use of Walford Hall Farmhouse would be more likely to guarantee its restoration and preservation than if the property were to be restricted to residential use. The works proposed do not involve a materially greater degree of interference with the fabric of the listed building than would any works of reinstatement for residential use. Requirements for compliance with Building and Fire Regulations, and any other points not covered can be the subject of conditions. First floor loadings are in line with the English Heritage publication 'Office Floor Loading in Historic Buildings' *(Document 1.4.9)*.

6.105 Bringing the property back into a viable use that would be sympathetic to the retention of its surviving fabric is a positive benefit of the scheme. The removal of ugly modern buildings, the tidying up of the farmyard and the maintenance of the remaining farm buildings are also significant benefits. The proposals would ensure a viable future for the listed building and provide positive benefits for its setting. Minimising the intrusion on the setting of Walford Hall has been a key consideration in the development of the design, and continued sensitive treatment of the building and its setting is seen as an ongoing commitment of the scheme.

6.106 Openness to the west would be improved by the removal of the modern buildings. Moreover, existing views of the M42 from the building would be screened by planting and landraising. The generally open aspect to the south from the farmhouse would be retained although the views would be improved by the screening of the motorway. Walford Hall would still be seen in its ridgetop location. The extract from the appeal layout at *Document 1.2. 16* shows that a belt of open land would be maintained between the former garden area at Walford Hall Farmhouse and the proposed development.

6.107 The ridge height of the proposed amenity building and lodge would be only 1.5m above the ground level of the farmhouse. The new buildings would therefore not have an impact on the setting of the farmhouse.

6.108 PPG15 suggests that the best use for a listed building is often the use for which it was originally designed. However, the farm no longer exists as a viable agricultural unit and there is no longer a need for a farmhouse to support a farm holding at this location. Although conversion to residential use is possible it would be very costly and the impact of the nearby motorway and airport cast doubt as to whether any interest would be shown in converting the building for residential use. The best way to ensure that the Listed building is fully restored and conserved is to incorporate it and its immediate curtilage within the appeal site. It would guarantee a future for the building.

The Proposed Lodge

6.109 Government planning guidance clearly contemplates the provision of lodge accommodation at MSAs. Paragraph 6 of PPG13 Annex A makes it clear that the range of

facilities which ought to be provided in the public interest at MSAs is for developers themselves to determine.

6.110 80% of existing MSAs provide lodge accommodation. A lodge within an MSA, even in Green Belt locations, is not an exception but is now accepted as an important part of a comprehensive MSA facility. A list of MSAs in the Green Belt which have lodges can be found at *Document 1.5.14*. Most of the existing MSAs forming the ends of the identified gaps in MSA provision associated with the appeal site either have lodges or extant planning permission for lodges. In her report on the inquiry into proposals for expansion of the MSA at Hilton Park on the M6, the Inspector acknowledged that a lodge can provide a valuable and popular additional facility on MSAs, helping to reduce the need for drivers to leave the motorway in search of overnight accommodation *(Paragraph 9.34 of Document 1. 5.18)*.

6.111 The proposal for a lodge at Catherine de Barnes differs from the proposal for a lodge at the Hopwood MSA for a number of reasons. Firstly, there is no indication that a lodge would result in reduced parking facilities at Catherine de Barnes. There is sufficient land to provide parking to meet standards in full, including parking for guests. Secondly, unlike the Hopwood site, the site at Catherine de Barnes would not be directly connected to the local road network and therefore would not encourage additional traffic onto the network or become a destination in its own right. Finally, the size of the site at Catherine de Barnes is unaffected by the proposal to build a lodge. The lodge would be linked to the amenity building and if a lodge was not constructed the land would be used for ancillary landscaping or amenity space associated with the main facility building.

6.112 The proposed lodge at Catherine de Barnes is designed specifically to serve the needs of road users. It is not a traditional form of hotel development but a form of accommodation that the travelling public expects to find as part of a comprehensive MSA development. The lodge does not, therefore, fall within the terms of reference of UDP Policy E4, which deals with new hotel development in the Borough. The adequacy or otherwise of traditional hotel accommodation in the area is of no relevance to the lodge proposal. Research undertaken for the appellant indicates that 92.5% of stays at lodges throughout the network are for one night only and a substantial number of these, i.e. 37%, are 'chance' bookings not made in advance. Possible misuse of the car parking area for park and ride purposes could be dealt with by an appropriate management regime. This could include the imposition of parking time limits reinforced by the use of wardens, a charging regime and/or clamping.

6.113 The only impact of the proposed lodge on Green Belt policy would be the effect on openness. Given the size of the proposed lodge and the fact that it would be linked to the amenity building, it would not have a materially adverse visual impact on the area. Public vantage points from where the lodge would be visible are extremely limited and it would be difficult to differentiate between the lodge and the rest of the amenity building.

Other Issues relating to the Proposal

6.114 At the time of the Hopwood MSA inquiry, the Inspector, and subsequently the SoS, did not consider the proposal for an MSA at Catherine de Barnes to be a realistic alternative to the Hopwood scheme. The SoS considered that there were a number of technical issues to be overcome in relation to the Catherine de Barnes scheme. These have now been resolved.

6.115 The appeal site no longer forms part of a viable agricultural holding. The loss of the site to agriculture would not affect the viability of any farm. The majority of the site is classified as Grade 3b, the relevant MAFF classification is reproduced at *Document 1.5.15.*

6.116 The proposal would create a large number of entirely new full and part time jobs that would be a positive benefit to the local economy. It is anticipated about 150 people would be employed full time on the site and about 50 to100 on a part time basis. These figures would increase during busy periods.

6.117 An extensive geophysical survey of the site has been undertaken and discussions have been held with English Heritage regarding the archaeological value of the site. A detailed archaeological assessment can be found at *Document CD/M/12.* There are no significant archaeological remains on the site.

6.118 The site is close to Birmingham International Airport and almost directly under the major flight path. However, the site is not sufficiently close to fall within a protection zone of any kind and no concern has been expressed by the relevant authorities.

6.119 The proposal would be unlikely to lead to a significant worsening of air quality in the locality. The issue of air quality is considered in Section 5.3 of the ES and in Technical Report *No. 3 (Documents CD/M/7 and 10).*

Alternative MSA Sites

6.120 The proposals for MSAs at J4 and J5 relate to off-line sites which are less attractive to motorway drivers than on-line sites such as that proposed at Catherine-de Barnes.

The Shirley Estates Proposal at J4

6.121 The **proposed MSA at J4** would necessitate an extensive series of improvements to the junction in addition to those already being undertaken to accommodate traffic associated with the Blythe Valley Business Park (BVBP). The proposed alterations would increase the complexity of the roundabout to such an extent that those who came across it for the first time would find it extremely difficult to negotiate.

6.122 Southbound drivers on the M42 would have a relatively easy access to the MSA at J4. However, as indicated in *Table 1. 1 of Document 1.1.56,* northbound drivers would have to negotiate 3 sets of traffic lights and pass through 6 decision points before reaching the MSA internal roundabout. Moreover, on leaving the MSA, northbound drivers would have to pass through 4 traffic signal stop lines and 6 decision points. In comparison, it would be simple for drivers to gain access to and egress from the proposed MSA at Catherine-de-Barnes. Moreover, *Table 1. 2 at Document* 1. 12.56 demonstrates that the length of the route between the motorway and the entry to the MSA would be significantly less at Catherine-de-Barnes than at J4. Other than for coaches, journey distances within the MSA to and from parking or refuelling areas would also be substantially less at the Catherine-de-Barnes MSA.

6.123 The J4 proposal includes the introduction of two diverge tapers at the southbound diverge. The proposed taper lengths are well below standard. Taper 1 is to be only 80m in length compared with a standard of 170m, and taper 2 is to be 135m compared with a standard of 185m. Moreover, in the design year, the morning peak hour flows for the southbound diverge without the MSA is predicted to be 2024 vehicles compared to the maximum design flow in the nearside lane

of 1800vph. The lane would therefore be overloaded by 12.5%. With the MSA, this flow would rise to 2398 vph, a total of 598 vph in excess of the capacity. The MSA is therefore likely to cause flow breakdown and an increased risk of accidents.

6.124 The effect on motorway capacity of merging traffic from the MSA is shown in the calculations at *Document* 1.1.57. The additional merge traffic in the southbound direction would reduce the capacity of the motorway by 208 vph in the pm peak in 2001. In the northbound direction the additional merging traffic would cause a loss of capacity of 130vph in the 2001 pm peak.

6.125 Furthermore, the MSA proposal would result in the creation of a lozenge shaped extension to the J4 roundabout. For traffic travelling southbound along the A3400 this would add 3 decision points and extend the journey distance by 60m.

6.126 As indicated in *Document 1.2.26,* many of the drawings relating to the proposed scheme lack clarity and adequate baseline information. For instance, the developer has relied upon an Ordnance Survey plan with contour information at 5m increments to assess the effectiveness of screening proposals. Bearing in mind that the map is based on an aerial survey and that levels have been interpolated from the contours, the scope for inaccuracy is significant.

6.127 The proposed MSA would straddle the crest of the site and would not be sympathetic to the topographic form of the prominent ridge. The proposed buildings on the site are inappropriately located with regard to their visibility and the existing landform. The MSA would be visible from various public highways, and in particular from the M42 on the southbound approach. Lighting units and the facilities building would be visible from the motorway, as would HGVs and other vehicles using the MSA. Vehicles in the vicinity of the fuel forecourt would also be visible because of the exposed location of the forecourt straddling the high point of the site. Parts of the MSA, including the canopy of the fuel forecourt would be visible from the corridor of the A34 to the west of the site. Moreover, the site would be visually dominant when viewed from the roundabout at J4. The plethora of signs and gantries required to guide travellers through the proposed junction would have an urbanising impact on the area.

6.128 The scheme would also have a substantial impact on public footpath SL56, the Trans Solihull Link. The footpath bisects the site and would be diverted around the southern boundary of the site before passing through the narrow neck of site between Moat Coppice and the main perimeter access road. Other than for coaches, every vehicle in the MSA would have to pass alongside this path, which would not be conducive to the recreational amenity of this locally important footpath.

6.129 The Red House would be exposed to overlooking views of most of the development, with the fuel forecourt being prominently and insensitively sited just to the north east of the rear garden of the property.

6.130 A number of properties in the residential area of Monkspath would have views of the site. Off site planting would be effective in the long term in screening views from four of these properties, but it would change their current open southerly aspect. The majority of the houses would be reliant upon the growth of intervening planting on the nearby golf course and the undetailed mitigation proposals on the MSA site.

6.131 The sensitivity of the site's location as a prominent rural open space seen from housing and the motorway has not been fully recognised in the design and layout of the scheme. It is

unclear how the adverse effects would be dealt with. The character of the area is undergoing substantial change as a result of the BVBP project. The motorway forms an abrupt dividing line between the urban/suburban character to the west and the comparatively unspoilt open country to the east. Land to the east within which the appeal site is situated is characterised by woodland and rolling countryside. The appeal site forms part of a green wedge between the urban area of Monkspath and the settlement of Dorridge. For travellers leaving Solihull on the A34 the development would be perceived as having jumped the gap from the urban to the rural side of the motorway, extending the urban area into open countryside and eroding the green wedge function of the site.

6.132 The proposal is contrary to the first two purposes of including land in Green Belts, namely checking the unrestricted sprawl of built up areas and preventing the coalescence of neighbouring towns. The development would substantially close the gap between the major urban area to the west and Dorridge to the east.

6.133 As the MSA would be sited at a major highway intersection on a radial route close to a conurbation it may become a destination in its own right. This was one of the concerns that led the SoS to delete the proposed lodge when considering the appeal into the MSA at Hopwood on the M42. He considered that the lodge would be likely to become an attraction in its own right bringing additional traffic onto local roads, including the A41, increasing noise, fumes and danger *(Paragraph 31 of Document* 1.5.19). The proposed facilities at J4, and the lodge in particular, could well become destinations in their own right as they would be accessible to a wide range of non-motorway road users.

The Swayfields Proposal at J5

6.134 The site of the proposed MSA at J5 represents one of the last substantially open and undeveloped countryside areas between the two urban areas of Solihull and Knowle/Dorridge. The development would erode this sensitive gap and be contrary to one of the main purposes of including land in Green Belts, namely preventing neighbouring towns from merging. It would also conflict, although to a lesser extent, with the aim of preventing the unrestricted sprawl of built up areas.

6. 135 As in the case of the site at J4, the proposed MSA at J5 would be located at a major highway intersection on a radial route close to the conurbation. For the same reasons referred to in paragraph 6.133 above, the proposed facilities, including the lodge, could become destinations in their own right as they would be accessible to a wide range of non-motorway road users.

6.136 The revised scheme put forward by Swayfields Ltd would require land to be taken from existing highway verges and would involve a loss of existing screen planting. The extent of the roadworks associated with the scheme, in terms of the land take from the rear of existing kerb lines, is shown at *Document* 1.2.19. Drivers seeking to gain access to the proposed MSA at J5 would have to negotiate traffic-controlled junctions and pass various points where decisions have to be made. These are listed at *Table 3. 1 of Document 1.1.58.* The table shows that southbound traffic on the motorway would have to pass 4 sets of traffic lights when entering or leaving the MSA at J5, compared to the one merge or give way for southbound travellers entering the Catherine-de Barnes MSA. Delays could occur at each of the signal stop-lines.

6.137 Journey distances between the motorway and the proposed MSAs are considerably longer for the J5 proposal than for the Catherine-de-Barnes proposal. *Table* 3.2 *of Document 1. 1.58*

shows that journeys from the nearside carriageway to the J5 MSA would be more than 4 times longer than the equivalent journey at Catherine-de-Barnes.

6.138 With regard to the provision of services for trunk road users, the advice in Circular 4/88 does not apply to the A41 because it is not a trunk road. Notwithstanding this, an MSA at J5 would be of little benefit to users of the primary road network. The A41 only extends from the centre of Birmingham to the M42, a distance of 8miles, and the A4 141 is not a primary road. Moreover, vehicles leaving the MSA would not be able to turn right onto the A41. After visiting the MSA, those drivers travelling to Birmingham along the A41 would have to turn left and use the motorway junction roundabout before turning back to their original direction. This would add unnecessary movements to the motorway junction to the disbenefit of other users. The use of the MSA by non-motorway traffic would increase the number of parking spaces required.

6.139 Junction 5 currently carries about 5000vph in the peak and the MSA would add about 1000vph to this figure. Paragraph 3.4 of Swayfields TIA *(Document CD/N/6)* suggests an NRTF central urban trunk/principal growth factor to be appropriate, which between 200 1 and 20 16 has a value of 14%. The increase associated with the MSA is therefore greater than the anticipated growth, which suggests that the need for signalisation is more related to the MSA than traffic growth.

6.140 In contrast to the Catherine-de-Barnes scheme and its associated auxiliary lanes, the proposed MSA at J5 would have an adverse effect on motorway flows. It is anticipated that the increase in merging traffic at J5 as a result of the MSA would reduce the capacity of the motorway downstream of the merge lane on both carriageways.

6.141 Being sited at the edge of Solihull, the proposed development would compromise the rural setting of the town. The loss of the site's role as part of the gateway to Solihull could not be mitigated and the MSA would have an impact on the perceived gap between Solihull and Knowle. In his report following an inquiry into an appeal relating to a proposed MSA near Waltham Abbey, the Inspector expressed concern about the impact of the scheme on the openness of one of the main approaches to that town *(paragraphs 19.69 to 19.78 of Document 1.5.20)*. There are marked similarities between that case and the proposal at J5.

6.142 The visual assessment undertaken on behalf of Swayfields Ltd understates the visible impact of the proposed development because the roundabout at J5 and 450m of the A41 road have been excluded from the area assessed. A large number of travellers would have views of the MSA and the relatively enclosed character of the A41 corridor would be detrimentally altered by new road signs, traffic signals and substantial widening of the road. These features would urbanise J5 and the A4 1 road corridor. A long retaining wall up to 3.5m high and mainly of gabion construction would be required on the southern side of the A41, and a large amount of vegetation would be removed over much of the A41 corridor in the vicinity of the site. The typical excavation clearances recommended by manufacturers of gabions *(Document 1. 2.18)* suggest that it may not be possible to retain the southern boundary hedge along the A4 1.

6.143 Existing planting at the southern end of the electricity substation at J5 would be removed, opening up clear views across the site.

6.144 There would also be a substantial visual impact for road users travelling south on the B4025 and for recreational users of Ravenshaw Way and Ravenshaw Lane. Parking areas, lighting and parts of buildings would be seen in the short to medium term from the B4025. Furthermore the location of the proposed buildings would have the effect of consolidating the

impact of the existing Whale Tanker buildings. The existing open view from the B4025 eastbound contributes to the spatial separation between the urban edge of Solihull and the M42. This open view would be lost,

6.145 Footpath SL10A runs alongside the southern boundary of the site and forms part of Circular Walk 4 described in the publication 'Country Walks in Solihull' *(Document 4.6.16)*. At present there are open views across the site from this path. The impact on the road and footpath network adjacent to the site would be intense and not easily mitigated.

6.146 There would also be some impact on private residencies at Riverside Drive and Hampton Lane, a number of which have overlooking views of the site.

Overall Conclusions

6.147 Of the three sites being put forward for the provision of an MSA on the Solihull section of the M42, the proposed MSA at Catherine de Barnes would be the least damaging to Green Belt policy. Although it would involve some encroachment, it cannot be criticised (unlike the proposals at J4 and J5) for contributing to urban sprawl and the merging of settlements. The site is a significant distance from the urban edge with discrete access arrangements. It is not adjacent to a major radial route serving the conurbation or close to a major intersection.

6.148 The MSA would provide a user-friendly facility for motorway drivers. Access would be by means of dedicated slip roads with a signing system that would not cause confusion. Unlike the alternative schemes, drivers would not have to negotiate a complex road junction, cross a number of stop lines or pass numerous decision points. Roadworks at J4 and J5 to facilitate access to the proposed MSAs at those sites would result in the using up of otherwise spare capacity on those junctions before otherwise necessary. The diversion off the motorway at Catherine de Barnes would be minimal and the time taken to gain access would be less than that necessitated by the schemes at J4 and J5. TIRs would be greater at the Catherine de Barnes site than the alternative schemes and therefore a larger proportion of drivers' needs would be met.

Conditions and S106 Undertaking

6.149 The S 106 undertaking *(Document* 1.6.5) would ensure a commitment to the management and maintenance of the proposed off-site mitigation works for a period of 40 years. Clause 4 indicates that development would not be commenced until off site landscaping, ecological and drainage plans had been submitted to the Council for its approval, Although this does not stipulate that development would not commence until such plans had been approved, Clause 5 indicates that public access to the site would not be permitted until the Council had approved the plans. Moreover, it would be imprudent of a developer to commence a site involving such extensive investment before approval had been received.

6.150 With regard to the Conditions suggested by the Council (6th Draft – *Document 4.6.44)*, matters such as siting, site levels, height of buildings, floor areas and means of access should be controlled so that they do not materially depart from the details shown on the various Master-plans. The Rochdale case *(Document 1.6.1)* made it clear that it is necessary to be able to ascertain the likely significant effects of a development when it is subject to a requirement for environmental assessment. Nevertheless, siting should remain a reserved matter and be included in Condition 1, albeit that the layout of the site would be restricted by Condition 5.

6.151 Although there would be some merit in not lighting the fascia of the fuel forecourt canopy, it is preferable that the matter should be left in the control of the lpa, as set out in Condition 11. The last sentence of Condition 11 is unnecessary, as the lpa would have adequate control over any lighting scheme for the MSA.

6.152 Conditions 15 and 16 are unnecessary as Condition 14 provides protection for the Green Belt against inappropriate retail facilities.

6.153 Condition 26 could unreasonably delay development taking place on the site. For example, it could prevent haul roads being constructed on the site at an appropriate time.

6.154 Condition 36 unreasonably restricts development of the site. It would prevent contemporaneous construction of the MSA and repairs to Walford Hall. A condition preventing the MSA being brought into use before the repairs to Walford Hall would be acceptable and would achieve the aims of the Council in seeking to ensure that works to Walford were completed in accordance with agreed details.

6.155 It is accepted that car parking at Walford Hall Farm should be restricted to that necessary for training uses at the site, and that the earthworks and landscaping shown to the south west of the application site should be the subject of a Grampian condition.

SECTION 7 – THE CASE FOR SWAYFIELDS LTD (APPELLANTS – APPEAL 'B')

In addition to the joint case of need for an MSA in the locality, as set out in Section 5 above, the material points of the case for Swayfields Ltd are:

Background to the MSA Proposal

7.1 The Government expresses no preference for on or off-line MSA facilities. About 36% of existing or consented MSAs in Great Britain are off-line. On-line arrangements tend to be more direct and convenient, but require a new set of sliproads with attendant merge, diverge and weaving implications. Off-line MSAs have less direct accessibility, but can have economies of scale in terms of overall land take and buildings, and do not introduce new junctions onto the motorway network. The potential for an MSA to become a 'destination in its own right' is more related to its contents and 'attractiveness' than whether it is an on or off-line facility.

7.2 As a result of the existing gap in MSA provision, a sieve analysis was undertaken by Swayfields Ltd to identify appropriate sites for additional facilities. *Document 2.2.7* sets out various constraints and planning designations. Because of weaving length constraints there can be no on-line sites between junction 6 (J6) of the M6 and J16 of the M40 which would be consistent with Government design standards. An additional MSA should therefore be located adjacent to an existing motorway interchange.

7.3 The nearest interchanges to the centre of the most important gap between MSAs are J5 and J6 on the M42. However, there does not appear to be an appropriate site or suitable access arrangements for an MSA at J6. Moving away from the centre of the gap, any access to an MSA at J4 would be complex because of the highway improvements necessary to deal with future traffic levels associated with development in the vicinity of that junction. The sieve analysis therefore indicated that J5 is the optimum location for a new MSA.

7.4 An additional benefit, although not the main reason for choosing J5, is that facilities at this location would provide Primary Route type services for the A4 1, consistent with the advice in Circular 4/88 *(see extract at Document 2.1.20)* and Government policy generally which seeks 'one-stop' services. At present, there are no comprehensive facilities on the A4 l/A4 14 1 route.

7.5 Bus routes passing along the A41 provide potential bus accessibility to the appeal site for staff.

The Proposed Development

7.6 The appeal site and its surroundings are described in *Document 2.4.1.* The area of the site is about 23 ha of which 19 ha is in agricultural use and the reminder is highway land. In addition, the appellant controls a further 3 ha of land immediately to the north of the site. Although this land is not strictly necessary for screening purposes, it would be used for woodland planting to enhance the landscape character of the valley at the entrance to Solihull and augment the nature conservation value of the area. Details of the appeal proposal are set out in *Document* 2.4.2 and the proposed arrangement of the MSA is set out in the Illustrative Master Plan at *Document 2.2.12.* However, amendments have been made to the highway improvements shown on that plan, as indicated below. The scheme has the smallest developed footprint of the three proposals presently under consideration.

7.7 A description of the road improvement works associated with the proposed MSA can be found at *Document* 2.1.5. Access to the MSA would be via a new signalised junction on the A41, which would in turn be linked to signalisation at J5 of the M42. The proposed road layout shown at *Document* 2. 1. 29 was amended during the inquiry to that indicated on Drwg 1163 l/40A at *Document* 2.1.43. This shows 4 lanes on the A4141 approach to J5, and a total of 5 lanes (two of which are for right turning traffic) on the westbound section of the A41 at the proposed MSA access. A supplementary safety audit has been prepared to deal with the design modifications and is included in *Document* 2. *1.* 30. Directional signing for the proposed MSA is set out at *Document* 2.1.32.

7.8 The scheme would necessitate the widening of the northbound off-slip at J5. This would be undertaken within the current motorway boundary by constructing a new retaining wall in the vicinity of the roundabout. The wall would be up to 4.5m high and faced in brickwork to match nearby dwellings. To the west, on the A41, a retaining structure up to about 3.5m high would be built into the existing slope. Some vegetation would be lost on the lower part of the slope, but the impact would be minimised by using gabions or geotextiles/reinforced-earth techniques. Such techniques allow grass or other plants to be grown on the face of the wall thereby maintaining a green appearance and softening the impact of the structure. Examples of such structures are shown at *Document* 2.2.16. Existing mature vegetation on the top of the slope would be retained. Regrading and planting would be undertaken on the northern side of the A41 to accommodate a new bus stop lay-by and realignment of the northern quadrant of the roundabout. Low gabion structures would be constructed at the northern quadrant of the roundabout and at the northbound motorway on-slip and southbound off-slip. A description of these works can be found at *Document 2.2.3.*

7.9 The layout within the MSA is based on one-way circulation connected to a roundabout from which a new dual carriageway would link to the A41. The design provides for an internal route back from the fuel area to any other part of the facility. The new link road would allow Ravenshaw Way to be re-aligned and the existing junction of Ravenshaw Way and the A41 to be closed. At present this junction is particularly close to J5 of the M42. The proposed link road and

roundabout, and the new length of Ravenshaw Way, would need to be adopted as public highway. SMBC has confirmed its willingness to adopt these roads subject to appropriate design and construction.

7.10 Parking provision for the MSA has been designed in accordance with the requirements of Circular 1/94. As the peak hourly traffic demand on the motorway will reach capacity well before 2016, a congestion reference flow (CRF) was calculated in accordance with Advice Note TA 46/97 and was initially used to calculate the MSA parking requirement. Assuming a CRF of 140,000 vehicles AADT and 145,000 AAWT, the parking requirements are:

- Cars - 611 spaces
- HGVs - 62 spaces
- Coaches - 18 spaces.

7.11 However, because peak MSA parking demand does not occur at the same time as peak highway demand, and the advice in Circular 1/94 is associated with MSAs at 15 mile spacing, an alternative 'worst case' approach has been used. A theoretical higher daily flow has been assumed which reflects greater growth in the highway off-peaks, when MSA activity is greatest. This gives a parking requirement of

- Cars - 770 spaces
- HGVs - 79 spaces
- Coaches - 23 spaces.

7.12 The illustrative layout at *Document* 2.2.28 has allowed for this larger parking requirement, which can be provided in phases to meet demand as it grows.

7.13 The proposed lighting to the MSA is described in *Document* 2.2.21 and shown on the revised exterior lighting layout drawing at *Document* 2.2.26. Generally access roads and car parking areas would be illuminated to achieve an average illumination of 20 lux and HGV and coach parking an average of 30 lux.

7.14 Proposals for new roadway lighting along the length of the A41 to be widened and at M42 J5 are shown on the drawing at *Document* 2.2.25. The new luminaires and their siting would improve the quality of light on these roads and also reduce the upward distribution of light.

The Green Belt and Planning Policy

7.15 The appeal site lies within a designated Green Belt. The general approach of the Green Belt and countryside policies of the UDP is consistent with that of relevant Government advice, although the UDP does not include a general MSA policy of the kind encouraged by PPG13. All UDP policies must be read in the light of the omission of such a policy. The absence of an appropriate MSA policy in the UDP merely serves to emphasise that the proposal should be considered on its merits.

7.16 An MSA is normally considered inappropriate development in the Green Belt. However, the siting of an MSA is constrained by the route of the motorway, and in the gap under consideration an MSA would inevitably be located within the Green Belt. In consequence there will be a degree of conflict with the Development Plan and some harm to which weight must be given. The judgement in P & O Properties Ltd v SoSE [1990] 2 PLR 52 @ 55H makes it clear

that inappropriate development in the Green Belt is permitted as a matter of policy if, and only if, the presumption against it is rebutted. The case also provides guidance that the presumption can vary according to the type of development.

7.17 Annex A of PPG13 indicates that a lack of signed MSAs is a material consideration that could justify an exception to the presumption against inappropriate development in the Green Belt. Paragraph 12 of the Annex indicates that authorities are expected to take into account the needs of motorway users. An analysis of a series of appeal decisions that have emerged since de-regulation show that the need for MSA facilities can represent the very special circumstances necessary to justify such an exception in the Green Belt. *Document* 2.4.9 sets out the way that Inspectors and the SoS have dealt with various appeals relating to proposals for MSAs in the Green Belt. These illustrations demonstrate the potential for a Green Belt policy objection to be outweighed by special circumstances. Moreover, the schedule at *Document* 2.4.8 shows that about 44% of the total number of existing MSAs are located in adopted or proposed Green Belt.

7.18 Giving greater weight to need as the gap between existing MSAs increases would be consistent with the advice in paragraph 4 of the 1998 MSA Policy Statement. The policy statement does not suggest that the tests applied to proposals for infill sites (set out in paragraph 5 of the policy) must be satisfied for a "30-mile" site to be permitted in the Green Belt. In this case, the "30-mile" spacing policy is of fundamental importance.

7.19 With regard to the impact of the development on the Green Belt, the appeal site at J5 is almost entirely enclosed and there are only very limited vantage points from which one could obtain a view of the proposed development. There is no inter-visibility between the site and the built up areas of Solihull and Copt Heath/Knowle, except possibly the upper storey of flats in Riverside Drive. Moreover, the site is between 500m and 1000m from the edge of the settlements. The development would not therefore cause a visual closure of the gap between settlements nor would it threaten coalescence. In fact the proposed woodland planting would eventually have the effect of reinforcing the separation between Solihull and Knowle and contribute to the perception of the Green Belt being open.

7.20 Despite the large mass of the nearby Whale Tanker buildings they do not impact greatly on the wider landscape. They are only fleetingly seen from the elevated section of the B4025 and in a backward view from the northern bridge at J5. They are perceived as an isolated cluster of buildings in the countryside. The MSA development would comprise a much smaller cluster of buildings and the perception of an isolated development in the countryside would be maintained.

7.21 The gap within which the site lies is a busy location where the main features are related to the motorway and the A41. The gap accommodates residential development, a substantial industrial development and an electricity sub-station and power lines. It is not a narrow swathe of open land and the perception of the value of the gap in terms of its openness would not change to any significant degree. Moreover, a gap between a town and one of its outlying settlements cannot be equated to the strategic gap between two conurbations. The Green Belt has a local function in preserving the gap between Solihull and Knowle/Dorridge, whereas the function of preserving the gap between Birmingham and Coventry (the Meriden Gap) is of a strategic nature. The Meriden gap takes on more importance to the north, where the gap between Birmingham and Coventry is at its narrowest. The mitigation proposals associated with the scheme and its sensitive design would ensure that the development would not be harmful to the wider strategic Meriden Gap. Knowle and Dorridge are not towns relevant to the Green Belt purpose of preventing neighbouring towns from merging. The claimed gateway to Solihull along the A41 is not a function of the Green Belt. Moreover, there is no reference in the UDP or the Warwickshire

landscape Guidelines that support the Council's claim in respect of the importance of this gateway.

7.22 Of the remaining Green Belt purposes, the need to safeguard the countryside from encroachment is the sole factor that could be said to be relevant to the proposal. If the need for an MSA is to be satisfied, there must be some encroachment as there is no urban site upon which such development could take place. However, the topography of the area and the sensitive design of the scheme would minimise any perception of encroachment. Moreover, the scheme would not set a precedent for any further development in the Green Belt. The clear boundary features of the site and its surroundings would ensure that the proposal would not contribute to unrestricted sprawl.

7.23 Other than preventing the future use of the land for agricultural purposes, the development would be neutral in terms of the objectives listed in PPG2 relating to the use of land in the Green Belt. The compact and contained nature of the proposal would ensure that the visual amenity of the Green Belt was maintained. The development would be perceived as part of the motorway, and the additional woodland planting would enhance the landscape. In his report on an appeal into a proposal for an MSA at North Pirehill Farm, Stone, the Inspector concluded that although located in the countryside an MSA on that site would be seen as an essential part of the motorway system. As such- he considered that it would not appear as isolated or incongruous development *(Document CD/Q/31)*.

7.24 The site is not the subject of any landscape designation and the retention and management of existing trees and hedges, together with the landscaping proposals and associated planting, would mitigate any potential harmful impact and provide an attractive landscape resource for the future. The proposed woodland planting and wetland habitats would create a valuable ecological resource.

7.25 In policy terms the Solihull Green Belt is no different from any other Green Belt. The Council's claim that there is a link between the setting of Solihull protected by Green Belt and its economic success is not accepted. There are many other reasons why Solihull has been successful in attracting inward investment. Much of the prosperity flows from the motorway itself and decisions to release land in the Green Belt.

7.26 The appeal decisions put forward by the Council at *Document CD/P/1-12* to support its case do not relate to MSA development. The proposed hotel at Warwick Road did not have the unique policy support that relates to an MSA and would have been prominent in contrast to the MSA proposal at J5. The site of the Old Silhillians Astro Turf and Lighting proposal is open, in contrast to the physical enclosure of the MSA site. There was no overriding need or very special circumstances associated with the housing proposal at Barston Lane/ Warwick Road.

7.27 In contrast, the planning history of the Whale Tankers site revealed that the Council had accepted that there could be expansion of an industrial enterprise situated on a ridgeline in the gap, and an access road created to it *(Documents 2.2.29 and 2.4.15)*.

7.28 The proposed MSA at J5 is the best available MSA scheme in Green Belt policy terms.

The Impact on the Highway network

7.29 The distance along the A41 between the centre of the proposed new access junction and the stop line at J5 of the motorway is about 260m. This is of a similar order to that of many other

accesses at new off-line MSAs. Plans of a number of existing off-line MSAs can be found at *Documents 2.1.22 and* 2. I. 44. These demonstrate that the access for the proposed MSA at J5 is not unusual. MSAs with similar access arrangements are being developed by Swayfields on the A1(M) at Peterborough and Radwell.

7.30 Over the next ten years the majority of motorway interchanges on the busier motorways are likely to be at least partially signalised. Drivers will become conditioned to the concept.

7.3 I There are footways around the roundabout at J5, but no controlled pedestrian crossing facilities. This is of particular concern at the top of the southbound off-sliproad since a freeflow left turn lane into the A4 14 1 was introduced in about 1995 to ameliorate traffic capacity problems.

7.32 A traffic impact assessment (TIA) has been submitted to the HAg and SMBC *(Document CD/N/6)*. The Agreed Statements between the HAg and Swayfields Ltd *(Document 5.1.18)*, and between officers of SMBC and Swayfields Ltd *(Documents* 2.1.45 *and* 2. *1.45A)*, on highway issues indicate that the proposed improvements at J5 could lead to an improvement in road safety by reducing queue lengths and their duration. J5 would be seriously over-capacity by the year 2016 without the MSA and its associated highway improvements (see calculations at *Document* 2.1.37). Some improvement to the junction will be necessary in the very near future, whether or not the MSA is constructed. However, there is little potential for physical improvement of the junction and it is likely that full signalisation would be soon be required irrespective of the MSA proposal. An MSA would bring forward but not create the requirement for signalisation. Of particular concern are the long queues that would occur on the sliproads if the existing layout is retained without signalisation. These queues could extend back onto the mainline carriageway, causing a major safety hazard.

7.33 In contrast, TRANSYT calculations confirm that the MSA access would operate satisfactorily and cater for the forecast demand over the entire design life of the MSA. The HAg confirms that conditions at J5 would be acceptable with improvements to the capacity of the M42(N), M42(S) and A41 approaches in the critical peaks. In the PM peak, when there is a large commuter flow on the A41 away from Solihull and the conurbation, the forecast overloading would be removed. Conditions on the A4 14 I approach would be similar with or without the MSA, because the queue on the A4141 during the AM peak is likely to escalate when the sliproad problems at the junction are solved. The forecast 2016 peak hour conditions with the introduction of the MSA and associated roadworks *are* set out in *Document 2.1.38*. The results relate both to the originally agreed scheme and the modifications set out in *Document* 2.1.31 which are similar to the latest proposals set out at *Document 2.1.43*. They show that the scheme would result in high operational performance in off-peak periods, which cover most of the day. Therefore, local traffic would not be significantly dis-advantaged by the MSA proposal.

7.34 The effect of the MSA proposal on delays experienced at give way/stop lines of the junction in peak hours for traffic travelling between the A4 1 and the A414 1 arc set out in the table at *Document* 2.1.50. The table shows that delays would be reduced in some instances and only marginally increased in others. Moreover, the results do not reflect the fact that signalisation would be necessary without the MSA, in order to ensure the safe operation of the sliproad approaches. The 'do-nothing' figures reflect the fact that some of the circulating demand would be suppressed as it would be held up on the sliproad queues. In reality, with the sliproads improved, delays on the A4 I and A4 141 would be greater.

7.35 When considering the capacity analysis results in *Document* 2.1.38 it should be borne in mind that the majority of visitors to an MSA would be travelling outside highway peak hours. The long-term peak hour forecasts would therefore only be relevant to a small proportion of MSA users. A signalised roundabout at J5 would have a large amount of spare capacity and would operate very efficiently in off-peak hours throughout the design life of the MSA. There would be minimal queuing.

7.36 Compared to the 'do nothing' situation', the proposals provide a net improvement in operational terms. The Council has no plans to improve the junction and no finance has been set aside for such a major task.

7.37 The proposed scheme requires control of the existing merge onto the A4 1 from the B4025, in order to enable safe right turning movements into the MSA. The existing merge is poorly designed and results in traffic merging at high speed with poor visibility. There have been a number of personal injury accidents (PIAs), at least two of which have involved cyclists. Moreover, there is no protection in this area for pedestrians crossing the A41 to gain access to existing bus stops. The introduction of traffic signal control at this location would be of considerable benefit to road safety. The scheme includes a pelican crossing for pedestrians and an eastbound bus lay-by.

7.38 The officers of SMBC accept that the scheme would provide safety improvements for pedestrians, cyclists and buses. PIA data covering a 5 year period up to May 1999 is set out at *Document* 2.1.39. This shows a concentration of PIAs on the A4 14 1 approach to the junction and at the M42(northbound) entry to the existing roundabout. These appear to be predominantly caused by excessive speed on the approach to the roundabout. The introduction of signalised control at the junction should improve the PIA record.

7.39 An examination of the effect of traffic associated with an expansion of Solihull town centre, known as the Touchwood development, showed that there was no need to undertake further detailed TRANSYT calculations. SMBC does not appear to have a TIA or other analysis of the effect of the Touchwood scheme on J5.

7.40 A Stage 1 Road Safety Audit of external road improvements associated with the MSA proposal *(Document 2.1.30),* together with applications for departures from standard, have been submitted to the HAg. The departures were granted and the audit confirmed the acceptability of the proposed highway works in road safety terms. The agreement with the HAg indicates that the MSA would have no significant impact on the capacity of the M42 mainline.

7.41 The additional traffic associated with the MSA would be less than that assumed in the various calculations. An MSA attraction factor has been applied to the hourly capacity flow on the motorway. However, these flows include traffic that is presently leaving the motorway and entering the sliproads at J5. Such flows should be removed from the MSA turn in calculations. Moreover, no 'discount' has been applied to reflect the off-line access arrangements. It is conventionally accepted that there can be a 15% difference between convenient on and off-line facilities with the same passing flow.

The Impact on the Landscape and the Appearance of the Area

7.42 The majority of the proposed development would be contained within an area of approximately 8ha on a relatively secluded site. The locality is of modest landscape quality and although reasonably attractive it has been marred by a number of local features. The pylons of the

electricity substation at the southern end of the site, and to a lesser extent the substation itself, are prominent urbanising features at this location. Moreover, a 132kv overhead electricity transmission line runs across the appeal site and a similar line runs on higher ground to the north. These and parts of the nearby Whale Tankers factory are visual detractors in the local landscape. Residential development along Warwick Road also has an urbanising influence, and the A41 and M42 are major features in the landscape. Nevertheless, the area is essentially rural in character. At night, however, there is a significant amount of lighting in the locality. The nearby urban areas create sky glow and there is lighting on the A41, at J5, and at the Whale Tankers factory. These combine to give the locality a semi-urban character at night, and it falls under the category of environmental zone E3 (medium district brightness) under the definitions put forward by the Institution of Lighting Engineers *(section 6 of Document 2.2.21).*

7.43 Although the site and its surroundings have no special landscape designation, it lies within an area defined as Arden Parklands in the Warwickshire Landscapes Guidelines. Such areas are normally characterised by a gently rolling landscape with middle distance views enclosed by woodland edge and belts of mature trees. The area around the appeal site displays these characteristics. The Council's description of the site being open farmland is inaccurate given the extent of hedging and woodland in the area.

7.44 The majority of the site falls within the local depression created by Ravenshaw Brook. The valley, which is some 7 to 8 metres deep, provides containment to the northwest and southeast. In the wider landscape context the site is well contained by the gently undulating landform and vegetation. The surrounding area enjoys an extensive network of woodlands, hedgerows and other vegetation, which provide a sense of enclosure. Vegetation is well established around the electricity substation, along the A41 and on parts of the nearby motorway cutting. This provides substantial screening to the site from the A4 1 and Junction 5.

7.45 The results of a visual assessment of the site without development can be found at *Document* 2.2.9. Moreover, visual assessments of the site with the MSA proposal at year 1 and year 7 are presented at *Documents* 2.2. IO ***and*** 1 1 respectively. They show that the visual envelope of the site is contained within a radius of about 0.5km from the centre, with varying degrees of visibility. Excavation and ground modelling at the site would allow the proposed MSA to be set deep into the landscape and screen the worst effects of the development, leaving only the upper parts of buildings and lighting columns to be screened by new planting on the proposed mounds. The mounds would be no steeper than is common for landscape works and would not appear incongruous especially when clothed in mass planting. The example shown in the photograph of Stafford MSA at *Document* 2.2. 17 demonstrates how mass planting can mask mounds some 5m to 6m high with comparable gradients to those proposed at the J5 MSA The effectiveness of the proposed mitigation measures is demonstrated by the series of cross sections at *Document* 2.2.20. These show that existing hedgerows and proposed mounding would help to screen and filter views of the development, and that planting would ensure that the built form of the development was completely obscured after some years.

7.46 Whilst part of the site is visible from within the Blythe Valley to the north, there is limited public access to these areas. Moreover, such views are only of the top of the ridge near the northern edge of the site, and this ridge is well contained in the wider landscape. The MSA would be sited over the ridge to the south and largely concealed from view. Ground modelling around the northern boundary of the site would also help to screen the development from the north.

7.47 The site is enclosed from the south and southwest by landform and vegetation. Terrets Wood and the buildings at the Whale Tankers complex enclose the site to the east and northeast.

The tanker factory buildings, which are between 5m and 13m in height, would collectively appear substantially larger in area and height than the buildings of the proposed MSA. The main cluster of buildings at the MSA would be located close to the factory buildings and would be perceived as an extension to existing built development. The proposed buildings would be dwarfed by the high canopies of the trees in Terrets Wood and by the height and mass of the Whale Tanker buildings. The main buildings in the new development would therefore be largely contained by or set against the backdrop of existing features.

7.48 The fuel forecourts would be positioned close to the existing electricity sub station at a point where they would be concealed from the main road passing the site. The edges of the canopy would not be illuminated.

7.49 The M42 passes the site in cutting about 5m to 6m deep and therefore the majority of the site is not visible from the motorway. There are fleeting views into the site from the northbound on-slip at J5 but these would be obscured eventually by ground modelling and planting. The higher southern parts of the site are visible from the northern bridge crossing the motorway at J5 *(Photograph 3 of Document* 2.2.19). However, motorists do not generally see this view from the northern bridge as they are travelling away from the site. Moreover, the MSA development would be seen against the backdrop of the Whale Tankers buildings from this location. The roofs of the proposed -amenity building and lodge would be substantially lower than those of the existing tanker depot.

7.50 Views of the site from the A41 are severely restricted as the majority of the road is in cutting, the banks of which are covered with well-established vegetation in many places. There is an open and substantial view of the northern edge of the appeal site from the B4025 as it descends from the by-pass overbridge to join the A41 *(Photograph 1 of Document 2.2.19)*. However the part of the appeal site to be developed lies beyond the ridgeline and cannot be seen from this location. The cross section at *Document 2.2.24* shows that only a narrow view of vehicles and lighting on the access road, and of lighting on the exit road from the petrol filling station, would be visible. These views would only be apparent for a short period until planting on the mounding becomes established.

7.51 There would be open views of part of the development from Ravenshaw Way, until new planting was established. However, the road is lightly used, serving only one dwelling and the Whale Tanker site. The MSA proposal includes extensive planting along this road which would improve its amenity in the long term.

7.52 No footpaths cross the appeal site although footpath SL10A runs along the top of the motorway cutting alongside the southern boundary of the site. There are direct views into the site from this footpath. However, at present the walk along this footpath is unpleasant with views of the adjacent motorway and high levels of traffic noise. Ground modelling around the parking areas would screen the development from this path and northward views would change from that of open fields to a wooded bank. With the agreement of the HAg planting could be carried out on the open banks of the motorway to screen the motorway from the path.

7.53 Footpath SL10B is a short length of footpath which crosses the motorway and links the communities along Warwick Road to the north of the motorway with those on the south of the motorway near Blythewood Close. There is a restricted view, considered to be slight, into the site from this footpath. The view from the footbridge would continue to be dominated by the motorway.

7.54 Some upper storey flats in Riverside Drive gain views of the northern ridge on the site. However, these views are slight as they are filtered by vegetation and the flats are some distance from the site. Any views of the top of lighting columns at the MSA from the flats would be in the context of foreground views of existing lighting on the A41. The site would not generally be visible in the wider landscape and would not have a harmful impact upon the residential amenity of the area.

7.55 If necessary an even larger number of parking spaces could be provided than that proposed without harming the visual containment of the site. To reduce the perceived size of the area when viewed internally, as well as mitigating any residual impacts externally, rows of semi-mature trees would be provided amongst the parking blocks and elsewhere on the site. Examples of existing MSAs showing planting in relation to development *are* given in *Document 2.2.17-18*. The efficient nature of the proposed lighting scheme would ensure that there would be negligible light spillage beyond the site boundaries. As the lighting in the area is already semi-urban in character, there is likely to be only a negligible increase in the ambient sky glow as a result of the development.

7.56 The scheme would not result in the loss of any woodland. In fact, extensive areas of woodland and woodland edge planting would be created using local indigenous species. These would filter any adverse views and provide significant screening. Planting would also be undertaken along the A41 and M42 corridors in the vicinity of the site. This would help to compensate for the removal of some of the existing vegetation along these routes. The existing A41/J5 arrangement is relatively recent and the MSA proposal would not result in the loss of any historic landscape features along the A41. There is no reason why the A41 corridor should not regain a pleasant wooded appearance following the development of the MSA. Moreover, it is clear that J5 would require improvement in the near future, with or without the MSA. This would have an impact on existing landscaping.

7.57 Within the site there would be almost 10ha of new woodland planting and 1 ha of ornamental planting. The S106 obligation would ensure the long term maintenance of both existing and proposed woodland. A total length of 507m of existing hedgerow would be lost as a result of the development. However, much of the hedgerow to be removed has been recently planted and only 80m of established hedgerow would be removed. The new vegetation and wildlife habitats to be incorporated into the scheme would far outweigh the loss of hedgerows and would add significantly to the woodland cover of the district. This aspect of the scheme would be in accord with UDP policy ENV4 and associated proposals which seek to encourage new tree planting, the creation of new woodlands and a new Forest of Arden, and the landscaping of transport corridors. It would also be in accord with Proposal ENV5/1 that aims to enhance the corridor of the River Blythe.

7.58 The new woodland planting would conform to the Council's objective of establishing a woodland fringe around the urban area. It would also help to integrate existing features into the landscape. The Whale Tankers buildings would be far less conspicuous and the electricity substation would be better concealed from footpath SL10A.

7.59 The proposal avoids the need for a new motorway junction. The loss of vegetation associated with highway improvements would only have a localised impact that would be confined to the highway corridor, where future road improvements would be likely to cause changes in any event.

7.60 The A41 and J5 are already urban in character with dual carriageway construction, lighting and signage. Existing highway lighting on the A41 and at J5 causes a significant upward radiation of light that is conspicuous from a considerable distance. This lighting would be replaced with a more visually acceptable lighting scheme that would be less intrusive on its surroundings. Lighting columns would be shorter and the quality of light would be better with more effective cut-off. Although the access to the MSA would result in the highway being enlarged, this is preferable to the wholly new access arrangements that would occur as a result of the MSA proposals at Catherine de Barnes or J4. The noise assessment report at *Document 2.2.23* indicates that there would be no need to alter the existing structures acting as noise barriers alongside the motorway slip roads.

7.61 The proposed development at J5 would not generally be visible in the wider landscape and would not impinge on residential amenity. As the MSA would be located adjacent to the motorway, it would be perceived as a motorway related development and would not be seen as an extension of a built area.

7.62 The scheme would create a compact configuration where existing and proposed buildings were grouped together. Retained vegetation would break down the scale of the development. The MSA would nestle into the hollow of the site and would not harm the overall character and quality of this part of the Arden Parklands. By providing new woodland and conserving primary hedge lines the scheme complies with the key objectives of the Warwickshire Landscapes Guidelines. Nevertheless, it must be remembered that the Guidelines are supplementary planning guidance and do not address the questions of where or how to accommodate an MSA. Moreover, despite the argument put forward by the Council that the Arden Parklands display a sense of unity, a comparison of the proposed MSA site at J5 with that at Catherine de Barnes, demonstrates that not all parts of the Arden Parklands are the same. The site at J5 lies between an electricity substation and a large industrial complex, whereas the site at Catherine de Barnes is in a wholly rural area.

7.63 Ravenshaw Hall is a listed building located 250m from the nearest part of the proposed built development. The property is surrounded by tall evergreen trees that contain the setting of the Hall. The main part of the proposed built development is separated from the Hall by a substantial block of Terrets Wood with a tree canopy some 12 to 15m high. There are no open views from the property in the direction of the proposed MSA. The scheme would have no adverse effect on the setting of the listed building.

The Implications for the Ecology of the Area

7.64 An outline of the relevant planning and legislative provisions relating to ecology and wildlife preservation can be found at *Document* 2.3. 1, and an assessment of the nature conservation interests of the appeal site are set out in *Document* 2.3.2. The habitats of the appeal site are common and widespread. None are of particular significance for nature conservation. The agricultural fields and hedgerows that make up the bulk of the site are species-poor habitats of low conservation interest. No Sites of Special Scientific Interest (SSSI) or Sites of Nature Conservation Interest (SNCI) would be directly affected by the MSA.

7.65 The development would result in the loss of 5 10m of existing hedgerow. However, hedges within or surrounding the site are dominated by hawthorn and are generally species-poor. None of the site's hedges qualify as Important Hedgerows against the wildlife criteria of the Hedgerow Regulations 1997. Ravenshaw Brook as it runs through the site is a shallow, eutrophic ditch, subject to drying for much of the year. The scheme includes the culverting of part of the

Brook resulting in a limited loss of poor quality aquatic and marginal habitats. However, landscaping and habitat creation proposals would enhance the habitat structure and water quality of the Brook.

7.66 A substantial proportion of the new woodland planting to be provided on the site would be allocated for nature conservation. Moreover, the proposed balancing ponds, which would control the quantity and quality of surface water discharge, would be developed for habitat creation. The creation of new grassland, scrub, woodland and wetland habitats, as shown on the Illustrative Masterplan at *Document* 2.2.28, would more than compensate for any adverse impact to existing habitats.

7.67 Badgers occupy a main sett close to the appeal site and an outlying sett is located within the site. Although the site is likely to be used extensively by badgers for feeding, it forms part of a much larger feeding territory south of the River Blythe, as described in *Document 2.3.10* and shown on the plan at *Document* 2.3.5. The remaining habitats of the territory would easily be capable of supporting a large clan of badgers and any loss of foraging would cause negligible stress to the badgers. Proposed earthworks for new mounding at the northern edge of the site would take place about 35m away from the sett. However, badgers are very faithful to their main setts andtolerate considerable disturbance before abandoning them. The development area would be securely fenced and working methods would be adopted to minimise disturbance during construction. Both English Nature and the Warwickshire Badger Group have indicated that the proposed mitigation works are appropriate *(Document 2.3.8).* The development would not be materially detrimental to the badger population. On the contrary, in the medium term, the proposed landscaping would provide benefits to wildlife in general, including badgers, by creating a new and varied foraging resource. The Council accepts that, on the basis of there being 15 or less badgers on site, the proposed measures would ensure that the badgers were adequately protected *(Document 4.6.13).*

7.68 No evidence of bats has been recorded on or adjacent to the site. Although two trees were identified as potential roost sites, they showed no sign of occupation by bats. Both trees would be retained within the proposed MSA landscaping.

7.69 Bird fauna appears to be relatively poor on the site. None of the birds encountered are rare or uncommon. Although traffic movements at the MSA may have some effect on breeding birds in the Terrets and Pools SINC, the poor quality breeding habitats at the SINC are such that any impact would be slight and of low nature conservation significance. The new habitats of the MSA would more than offset any potential loss of breeding habitat in existing hedgerows and scrub.

The River Blythe SSSI

7.70 Ravenshaw Brook discharges into the River Blythe approximately 500m downstream of the site. Proposal for drainage of the appeal site include features such as trapped gulleys, porous surfacing, catchpits, oil separators, storage ponds, swales, reed beds, and control valves. The report at *Document* 2.3.6 contains a description of these features and schematic drawings of proposed drainage systems. The Council accepts that the proposed treatment trains that are planned for the run-off from the site represent 'state of the art' options and would provide the best protection for the receiving water environment that is currently available *(Document 4.6.13).* Based on the HAg's assessment procedures in the Design Manual for Roads and Bridges, the risk of a major spillage incident on MSA slip roads (generally considered to be one of the higher risk areas) is approximately 1 in 365 years *(appendix 6, Document* 2.3.6). Taking account of the

proposed pollution control valves, the return period for such an incident affecting the River Blythe would be 1 in 607 years.

7.71 The pollution control strategy is based on a concept of source control and includes physical and biological treatment of residual contaminants in balancing lakes, reedbeds and other marshy habitats. The combination of measures would provide a robust control system for removing potential pollutants before they reach sensitive aquatic environments off site. The approach has been agreed with the Environment Agency (EA) as an appropriate pollution control strategy, despite its in-principle objection to development in the River Blythe catchment *(Document* 2.3.8). A similar pollution control system has been installed with EA approval at the Wheatley MSA on the M40 *(Document 2.3.9).*

7.72 An assessment of the baseline environment of the River Blythe and of the site drainage and pollution prevention measures proposed is set out at *Document 2.3.7.* The document includes a description of the proposed biological treatment systems. With the exception of peak values of chlorides and solids (and total phosphorous, which is often associated with solids), the predicted quality of the water issuing into Ravenshaw Brook would be no worse, and often better, than the receiving waters of the River Blythe. Dilution and settlement in the reed beds, balancing lake and marsh habitats would diminish concentrations of chlorides and solids. The balancing system has been designed to deal with storms having a return period of 1 in 100 years. In events over 1 in 100years, dilution effects would be so great and the passage through the system and the SSSI so rapid, that pollution impacts would be negligible. Moreover, a high proportion of contaminants is washed off impermeable surfaces in the first flush of any storm event. This first plug of contaminants would be directed through the various pollution control features, with a high level of interception. Excess floodwater would be less contaminated.

7.73 The Council's reference to 10% of heavy metals from road run-off on the M25 passing through a pollution control system in Surrey is not comparable with the proposals at J5. The capacity of the system studied in Surrey is unclear, and the run-off from the M25 would contain considerably higher levels of contaminants than that from an MSA. Moreover, a range of additional pollution control features would be provided at the J5 site, and there would be considerable dilution effects as a result of the MSA's water balancing system. Similar comments apply to the Council's reference to increases in metals in receiving waters associated with the newly opened Newbury bypass.

7.74 A treatment system that reduced the heavy metal content of run-off by 90% at the MSA would leave concentrations well below toxicity thresholds; some being only 10% of EC water quality standards for the protection of fish and other freshwater life. The reductions for heavy metals as a result of the proposed treatment regime would be expected to be as high as 98% for copper and zinc, and 94% for lead *(Document* 2.3.13). The resulting contaminant concentrations for copper, the only heavy metal regularly recorded in EA water quality monitoring of the River Blythe, would be as little as 13% to 30% of the mean concentration in the river. The proposed drainage system would therefore reduce pollutant concentrations to levels which were generally below current background levels in the River Blythe. Chronic contamination would be reduced to levels that are consistent with the maintenance or improvement of existing water quality in the river.

7.75 The Council suggests that the concentration of hydrocarbons discharged from oil separators would be toxic to some aquatic organisms. However, following discharge from interceptors, run-off contaminated with hydrocarbons would pass through a balancing pond, undergoing considerable dilution. It would then pass through reedbeds and other wetlands where

concentrations would be further reduced. *Document* 2.3.13 shows that the level of hydrocarbons discharged into the River Blythe would have fallen well below the toxic ranges referred to by the Council, except in relation to aquatic crustacea. However, when other factors are taken into account, including the dilution factor of the receiving waters, it is unlikely that the discharge would exceed the toxic range appropriate to this species. Shutting off control valves would further reduce the risk of contamination from an accidental spillage, and therefore the risk of toxic effects in sensitive waters is very slight.

7.76 *Document* 2.3.11 suggests that the proposed reedbed system can be expected to remove up to 98% of methyl-t-butyl ether (MTBE) contamination. Toxicity levels quoted by the Council for MTBE require exposure for 96 hours within receiving waters, which would effectively be impossible in the circumstances envisaged at J5, given the dilution effect of the river.

7.77 Underground fuel storage tanks would be double skinned with an integral alarm that would detect failure of the outer skin. Moreover, as the subsoil in the area is relatively impermeable, it is unlikely that pollution would spread from an underground leakage before remediation was undertaken.

7.78 The scheme offers greater potential capacity in its balancing facilities than the alternative MSA proposals at J4 and Catherine-de-Barnes. This maximises the retention time of polluted run-off allowing longer for contaminants to degrade and increases the dilution factor for potential contaminants prior to discharge. Although the MSA at J5 would be closer to the discharge point to the River Blythe than the site at Catherine-de-Barnes, there is no direct correlation between discharge distance and risk of pollution.

7.79 Existing run-off rates and baseflow of the Ravenshaw Brook would be maintained or enhanced. Moreover, the hydrology and ecology of the Brook would be enhanced by channel modifications and marginal wetland habitat creation. These features would increase retention time of discharge waters from the site and make a positive contribution to base flows in the Brook and the River Blythe. The use of permeable surfacing on the car parking areas would allow infiltration over part of the site. At present Ravenshaw Brook is highly ephemeral with drainage water rapidly being lost down river. The retention of water in the balancing ponds would allow a more controlled flow to be achieved thereby improving base flows. The pollution control measures would result in a cumulative reduction of suspended solids *(Document 2.3.13)*. The design of the balancing ponds and reed beds would ensure that sediments were not flushed out during storm events.

7.80 The use of MSAs by emergency services to quarantine damaged vehicles is not a dis-benefit as suggested by the Council. It demonstrates that an MSA can reduce the risk of serious pollution by removing potential sources of contamination from the motorway where pollution control measures are not present. The Council's assessment of the risk of spillage events at an MSA takes no account of differences in age and type of treatment systems. Its estimates are for risks of spillage and not risks of contamination in receiving waters. Moreover, the assessment of spillage risk of 1 in 3.3 years within an MSA is based on an extremely small sample of 3 incidents at 5 sites in one year. All of the incidents included in the assessment would be more than adequately contained by the proposed scheme at the J5 site.

7.81 UDP Policy ENV1 seeks to protect SSSIs and ENV5/1 specifically to protect and enhance the corridor of the River Blythe. However, there is no presumption in the UDP against development in the catchment area of the River Blythe SSSI. Moreover, the policy is not intended to prevent development where there is no significant risk of adverse effects on an SSSI.

The test is one of likelihood of harm. This is consistent with the Local Environment Agency Plan (LEAP), *Document 4.6.4*, which states that developments posing an unacceptable risk should not be permitted. The LEAP document does not advocate an embargo on development within the catchment. The EA did not object to the BVBP proposal despite the fact that it was for a very large development within the catchment area of the River Blythe and relied upon a drainage scheme similar to that put forward for the proposed MSA at J5 *(see drainage details drawing at Document* 2.3.12). The General Quality Assessment for the water in the river in the vicinity of the appeal site has improved over the period 1990-1997, its current grade being "C", ie "fairly good" *(Document* 2.3.7). The EA's stance in relation to the MSA proposal is therefore inconsistent with its attitude to the BVBP.

7.82 When considering a development proposal, it is apparent from the judgement in Envirocor Waste Holdings Ltd v SoS for Environment ([1996] JPL 489-497 - *Document 2.5.12*), that an effort should be made to estimate the frequency and magnitude of a risk in order that the necessary balancing exercise may be properly undertaken. With the proposed pollution control measures in place and properly maintained the risk of harm to the River Blythe from the proposed MSA would be exceptionally low. There are no significant risks of damage to the environment and the proposal therefore meets the precautionary principle promoted by the LEAP.

Agricultural Land

7.83 The results of a land classification survey of the site can be found at *Document 2.5.2*. The scheme would result in the loss of approximately 17.5 ha of land classified as the best and most versatile, which is largely sub-grade 3a. The land is permanent grass, providing grazing for sheep and beef, and is let to an agricultural tenant. Policies for development involving agricultural land are set out in *Document* 2.5. 1. The policy to favour the conservation of the best and most versatile land is not an absolute requirement; it requires the weighing of the land quality issue in the balancing exercise against other factors.

7.84 An MSA would need to be sited close to the road it is intended to serve. An assessment of land quality along a corridor containing the length of the M42 between J3a and J7 showed that most of the land comprises a mixture of higher and lower quality land *(Document 2.5.3)*. However, there is no accurate knowledge as to the precise distribution of higher quality land and no clear evidence that a suitable site on lower quality land exists. MAFF (FRCA) does not object to the appeal proposal because the amount of land involved is less than the threshold of 20 ha above which a statutory objection would be raised *(Documents 2.4.6 and 2.5.5)*.

7.85 It is proposed to conserve the highest quality soil on the site by relocating it to another area. The Grade 2 land in the southeast corner of the site would be used for HGV parking and ground modelling. The topsoil at this location would be stripped prior to development and overlaid on the Grade 3a soils in the 'blue land' outside the northern boundary of the site. These areas would thus be upgraded from 3a to Grade 2. *Document* 2.5.9 explains the rationale for the process and points out that the improvement in land quality would be as a result of improved drainage. In the past, MAFF has indicated that it is satisfied that land quality can be improved by such methods *(Documents* 2.5.6 *and* 7). The improved areas would be planted with new woodland planting, the deeper and better quality topsoil providing high quality foraging for the nearby badger community.

7.86 The loss of agricultural land is not so significant as to warrant refusal of the application.

The Proposed Lodge

7.87 The Government's 1998 MSA Policy Statement provides specific advice on the question of lodge provision, given the long standing policy that MSAs should not become destinations in their own right. Lodges and a modest degree of retail development are regarded as falling within the scope of what could legitimately be provided at an MSA, whereas full-scale hotels, extensive shopping and conference facilities would not. A lodge is not part of the minimum requirements for an MSA but PPG 13 recognises that commercial viability is a factor in determining the appropriateness of additional facilities. If MSAs were restricted to the minimum requirements set out in the guidance, there would be a very real likelihood that such facilities would not be built by the private sector.

7.88 An additional element of an MSA such as a lodge, need not be justified in isolation. Restrictive conditions should not be imposed unless there are legitimate land use, highway safety or traffic management justifications. UDP hotel policies apply to free standing hotels and not to lodges built within an MSA. A lodge with just the basic facilities referred to in the 1998 MSA Policy Statement would not be a destination in its own right.

7.89 The proposed lodge would not extend the impact of the development on the Green Belt nor would it affect the size of the MSA development site. As indicated above, when viewed from the southeast the proposed lodge would appear against the background of the large buildings on the Whale Tankers site. The highest point of the lodge would be 4m below the level of the ridgeline of the adjacent existing building.

7.90 The survey of availability of accommodation in the area *(Document 2.4.11)* suggests that there are very limited opportunities for budget overnight accommodation that would commonly be required by the travelling motorist. A lodge would be a facility that would encourage drivers to stop and rest. As such it would be of benefit to road safety. If there were no lodge, drivers would either continue their journey or seek accommodation in a nearby town or settlement. The fact that some visitors to the NEC may stay at the lodge should not be a reason to deprive all motorway travellers of the opportunity to stay at such a lodge on the MSA. In his report on an inquiry into a proposal for a lodge at Knutsford MSA, the Inspector concluded that there was evidence that drivers expect overnight accommodation to be available at MSAs *(Para 99 of Document CD/Q/34).*

Other Matters

7.91 The scheme would be of economic benefit in providing approximately 200 new full and part time jobs. It would also have an environmental benefit, as it would meet the need for motorway services on the best available site and thereby avoiding the use of more sensitive sites where greater harm would be caused to the environment.

7.92 Sustainability is an important strand of Government guidance. Although the development of an MSA on a greenfield site is unsustainable, the provision of an MSA at this location is inherently sustainable in that it would help to avoid the need for motorists to leave the motorway corridor and drive into local settlements and towns in search of facilities. Moreover, the site at J5 is more sustainable than that at Catherine de Barnes, because it is immediately accessible by public transport.

7.93 Archaeology is an issue that was addressed in the ES but did not generate a response from the formal consultee. As indicated in the letter from the West Midlands Joint Data Team, any

concerns over the archaeological value of the site can be addressed by an appropriate planning condition *(Document 2.4.12)*.

7.94 With regard to air quality, additional emissions from the MSA would be small and unlikely to have a noticeable effect at properties in the area. Moreover, the MSA would not result in any significant change in the overall noise levels in the area, which are dominated by noise from motorway traffic.

7.95 The presence of a high pressure gas pipeline crossing the site has been taken into account and the Health and Safety Executive has indicated that it does not wish to advise against the grant of planning permission for the MSA on grounds of safety *(Document 2.4.13)*.

Alternative Schemes

7.96 The approach to be adopted in considering alternative proposals following the judgement in the case of P J Edwards v SoS for the Environment, Roadside Developments Ltd and Breckland District Council is set out at *Document* 2.4.5. In the present case, only one permission could be granted and it is necessary to compare the advantages and disadvantages of each proposal to make a judgement as to which proposal is least harmful and therefore most acceptable.

***The Proposed MSA** at Catherine de Barnes between **J5** and J6*

7.97 The Blue Boar proposal, near Catherine-de-Barnes, has serious traffic and road safety related deficiencies. It would result in new slip roads being constructed on the short section of the M42 between J5 and J6 where the accident rate is well above the national average. Furthermore the MSA would introduce weaving movements and create a substandard weaving length on a highly stressed section of motorway with peak flows at capacity level, where no weaving currently occurs.

7.98 In order not to outweigh the safety benefits of MSA facilities, any new slip road arrangements should be designed in accordance with Government standards. Short weaving lengths have a detrimental effect upon the safety and traffic capacity of a motorway. Design Standard TD22/92 indicates that the desirable minimum weaving length on rural motorways is 2km *(Document* 2. I. 14). In extreme cases with traffic forecasts at the lower end of the range for a specific carriageway, an absolute minimum distance of 1km can be considered. However, for a motorway with large flows such as the M42, the minimum weaving length should be 2km. Three of the weaving lengths associated with the Blue Boar proposal would be well below the Desirable Minimum Distance.

7.99 The importance of introducing weaving lengths less than the desirable minimum was recognised by the SoS in the decision on a proposal for an MSA at Elk Meadows on the M25. The introduction of an on-line MSA at Elk Meadows would have created a weaving length between 1.5km and 2km. The Inspector's conclusions, wholly adopted by the SoS, were that there would have been unacceptable merging, diverging and weaving likely to cause significant congestion because flows would be close to the congestion threshold even without the MSA. Moreover, he concluded that the short weaving length could create a hazard *(Documents 2.1.13 and 2. I. 15)*.

7.100 The TIA submitted on behalf of Blue Boar suggests that flows between J5 and J6 are constrained by the higher weaving activity which takes place between J6 and J7. However, the suggested maximum flows between J5 and J6 of 4592 vph southbound and 4758 vph northbound

appear to be exceeded by observed flows of 5581 (50th highest hour northbound) and 5502 (50th highest hour southbound). It is therefore incorrect to assume that adverse weaving conditions would not be introduced on the basis that flows would be at a constrained level. In fact flows would be at about congestion level even without the MSA.

7.101 The output of the Paramics, or micro-simulation, model used by Blue Boar does not appear to have been adequately calibrated against existing conditions. The model's results are based on parameters such as 'near misses' and 'lane changes', but these have not been calibrated against observations. Moreover, if the technique is to be of value in understanding the impact of the sub-standard weaving lengths, off-peak modelling is necessary, as traffic speeds are significantly greater at such times. The technique has not been independently validated for use on a motorway.

7.102 Similarly the application of 'urban' weaving calculations is of limited value in this case. Such an approach is helpful in assessing weaving width at peak conditions when speeds are low. However, this must not be confused with weaving length considerations, which apply throughout the day. Unless a permanent speed limit is adopted, the urban approach is inapplicable off-peak. A longer weaving length may be required outside peak periods, when flows are lower but traffic speeds higher. The proposed auxiliary lanes would not alter weaving capacity.

7.103 The weaving lengths which would be introduced at the Blue Boar site are similar to those associated with the Elk Meadows MSA proposal on the M25. Although Blue Boar seek to overcome this problem by providing auxiliary lanes between the proposed MSA and J6, 1.5 km weaving lengths would be introduced both north and south of the MSA, yet no remedial measures are proposed to the south where flows are already reaching the congestion reference flow. The new weaving movements would reduce capacity. Reference by Blue Boar to the very short weaving length at an MSA at J22 of the M6 is of limited value. In that case, the short weaving length already existed on the motorway and the widening proposals associated with the scheme resulted in a net improvement.

7.104 At *Document* 1. 1.27, Blue Boar seek to examine the operation of the motorway with the proposed MSA by using Transport Research Laboratory (TRL) Contract Report 338. However, this report relates to motorway merges, it does not refer to weaving areas or the implication of downstream diverging flows. The only relevant use of the TRL 338 formulae is to show where breakdown is likely to occur to the south of J6. This is calculated to be in the vicinity of Solihull Road Bridge, approximately 2km from the start of the merge nose. Flow breakdown is therefore anticipated to occur approximately where Blue Boar wish to introduce an MSA.

7.105 As J6 serves both Birmingham Airport and the NEC, the use of the junction can fluctuate widely depending on the time of year and events taking place.

7.106 The proposal for additional lanes on the M42 between the MSA and J6 requires the introduction of narrow lanes on a stressed section of the motorway. Blue Boar has assumed that its proposal would attract about 40% less southbound travellers than northbound. If a higher turn in rate (TIR) were assumed for southbound traffic there would be further weaving within this sub-standard section of motorway.

7.107 The PIA rate on the M42 between J5 and J6 northbound is 10.7 per 100 million-vehicle miles (mvm), which is well above the national average of 8.8 per 100mvm. Furthermore, records indicate that more PIAs occur between J5 and the site of the proposed MSA than between the MSA site and J6. At present no weaving occurs along this section of the motorway. It is

noteworthy that a particularly high PIA rate occurs on the M6 between J11 and the Hilton Park MSA where the weaving length is just less than 1.5km. Moreover, 79% of the PIAs occur outside the AM and PM peak periods, which casts doubt on the argument that road safety is adversely affected primarily during peak periods in locations with short weaving lengths.

7.108 If a S278 agreement were entered into, the power to carry out the construction of the auxiliary lanes and other works would be conferred not by S278 but by the more general powers contained in sections such as S24 or S62 of the Highways Act 1980. It is essential that the environmental impact of the auxiliary lanes has been properly addressed because of the implications arising from the decision of Powergen. It would be unreasonable for the HAg not to enter into a S278 agreement, if planning permission were granted, although the SoS could decide not to commit himself However, in that case, if there is no commitment to a S278 agreement and the decision of the SoS must await a further inquiry, it would be wrong to expect the promoters of the MSA at J5 to await the outcome of a further inquiry. A scheme to which there is no commitment should not be endorsed.

7.109 With regard to impact on the Green Belt, the Inspector at the Hopwood MSA Inquiry saw benefits in an off-line proposal compared to an on-line proposal *(paragraph 9.17 of Document CD/Q/9)*. The site at Catherine-de-Barnes is located within a rural and relatively open landscape in the heart of the- strategic Meriden Gap. It also lies in a local but sensitive gap between two settlements in the Green Belt, namely Hampton in Arden and Catherine de Barnes. Policy GB4 of the UDP identifies these villages and recognises the importance of the rural setting of these settlements as small inset villages in the Green Belt. The policy stresses that strict Green Belt policies will apply immediately beyond the boundaries of these settlements. The scheme would have a harmful impact on this sensitive local gap and the wider Meriden Gap. It would also harm the residential amenity of a number of dwellings in close proximity to the site and numerous other properties and settlements in the locality.

7.110 The M42 is prominent at this location, as the landscape is much more open than it is at Ravenshaw. The proposed widening of the motorway would exacerbate the impact of the highway, as would the construction of a new junction to serve the development. The junction would include a new overbridge, slip roads and roundabout on a rural section of motorway. These would be intrusive features, as they would tower between 8m and 10m above the flat land to the east of the motorway. Moreover, the proposed MSA on a hillside at Catherine de Barnes would be a prominent and harmful feature in the rural landscape. It would be readily visible from the M42 and Solihull Road and Friday Lane overbridges, and also from a number of dwellings. Lighting at the site would be particularly conspicuous in the wider countryside. The sense of crossing a swathe of unlit open countryside, which is presently enjoyed by the motorway traveller, would be lost if the proposed development at Catherine de Barnes were to proceed. The development would contribute significantly to skyglow. The thinning of existing roadside vegetation along the motorway to accommodate the proposed widening would expose traffic on the motorway to a wider view. The increased scale of hard surfaces would be particularly noticeable from the motorway overbridges.

7.111 A visual envelope embracing all the areas from which the site can be seen is extensive as demonstrated by the plan at *Document 2.2.22*. The proposed screening of the site involves extensive earthworks and massive excavation to sink the development into the hillside. The resulting platforms and sharp embankments are unacceptable in gently undulating countryside.

7.112 The proposal would also have a significant impact on the setting of the Grade II* Listed Building at Walford Hall Farm, contrary to the aims of Policy ENV7 which seeks to protect the

setting of such properties. The listed building would become an adjunct of a well-illuminated MSA, and the historic relationship of the field system and farm would be destroyed.

7.113 There are a number of ancient dense hedgerows on the site that would be lost if the development were to proceed. Moreover, 3 ponds and their associated marshy habitats would be lost. Although the ponds are of poor quality, they represent an element of existing habitat diversity not present at the proposed MSA site at J5.

7.114 No assessment has been undertaken of the likely extent of the badger territory which would be affected by the MSA at Catherine-de-Barnes, or of the character and quality of the foraging resources available to the affected badger clan. It is not possible, therefore to assess the significance of the impact of the development upon badger foraging.

7.115 The Blue Boar proposal is therefore inappropriate, particularly as a suitable alternative site exists at J5 of the M42 that would not introduce a new junction onto a congested section of motorway with closely spaced interchanges

The Proposed MSA at J4

7.116 The proposed MSA at J4 (the Shirley Estates proposal) also has serious traffic and road safety implications. The Blythe Valley Business Park (BVBP), which is currently being developed, and the proposed Provident Park development will result in a total of around 1.5million sqft (140,000sqm) of development being opened in the vicinity of J4 over the coming years. These developments necessitate major highway works to cater for the forecast increase in traffic flows. A complex signalised gyrator-y system at J4, presently being provided in conjunction with the BVBP, would need to be substantially more complex to cater for the proposed MSA at J4.

7.117 It has not been shown that the proposed signing would result in safe lane usage or that significant queuing problems within the signalised gyrator-y system can be overcome.

7.118 With regard to the impact on the landscape, the loss of vegetation as a result of roadwork proposals at J4 has not been accurately shown in *Document 3.1.42*. It is likely that more vegetation would be lost to the north of the A34 as result of the BVBP and Provident Park proposals than is shown on the drawing. As indicated in *Document* 2.2.35, this would lead to less screening of the proposed MSA than envisaged, when viewed from the west. Moreover, the MSA proposal would result in a longer section of hedge being lost along the eastern edge of the A3400, than is shown on the drawing.

7.119 The prominence of the site makes it extremely difficult to integrate a major development into this area of countryside. The proposed petrol forecourt would be located near the highest point of the site, and the lorry park would also be positioned at a prominent location. Large vehicles and lighting columns in these areas would be conspicuous from the surrounding area. The proposed amenity building and lodge would also be at an elevated location; the internal lights of the buildings would be visible from the west. Access to the site would require major earthworks on the hillside.

7.120 The proposed ground modelling is wholly inadequate. It would provide very little screening and would not mitigate the visual impact of the development. A large part of the site would be readily visible from the motorway for many years until planting started to mature. There would be clear views of the parking areas, the main buildings and the fuel filling station

(PFS). Lighting on the site would be particularly obtrusive. Views would also be gained from public open space and the footpath to the west of the motorway.

7.121 The development would result in a plethora of new road and footpath signs, gantries and other major direction signs. Five new overhead gantries would need to be constructed. These and other street furniture would contribute significantly to the urbanisation of the area. Much of the site would be visible from the A34 and the roundabout at J4. Moreover, to the south of the site, the character of the country lane around Monkspath Wood would be changed. From this lane there would be views of the fuel filling station and the perimeter road, through the gap between Little Monkspath Wood and the dwelling known as Red House. No screen mounding is proposed at this location; landscape planting would have to reach a considerable height before lighting and the canopy of the PFS were screened. Similarly there would be views of the site from the footpath to the south.

7.122 Views of the development would be visible from various dwellings in Monkspath. The proposed buildings, hardstandings, parked vehicles and lighting columns would represent a very substantial change from the existing rural scene. Red House on the summit of the site would have commanding views of the whole development. Footpath SL56, which currently crosses the site, would be diverted around the development. However, views of the development from this path would result in it becoming urbanised in character.

7.123 The cross sections at *Documents* 3.2.17 *and* 18 are inaccurate and misleading. Much of the development would be visible from surrounding important viewpoints for many years. The scheme would represent a harmful encroachment into the open countryside of the Green Belt. An MSA at this elevated site would have a greater impact upon the general openness of the Green Belt than the proposed MSA at J5.

7.124 The proposed MSA at J4 would encourage further development in the area and potential sprawl, given that the urban area to the west of the motorway is so well defined at present by the M42. The development would breach this boundary by occupying land to the east of the motorway. It would sit on a hill in the heart of the local undeveloped gap between Solihull and Dorridge causing harm to the separating function that this area of Green Belt presently performs.

7.125 The access arrangements would directly affect an area of semi-improved, wet grassland adjacent to the River Blythe. This area forms part of the riparian habitats of the River Blythe SSSI and should be regarded as of local value.

7.126 A known badger sett some 200m from the site has not been investigated. It is therefore difficulty to assess the likely impact of the proposals on badgers or the need for mitigation.

Conclusions

7.127 In the context of the "Edwards" test, the proposed MSA at J5 is superior to the competing schemes at J4 and Catherine-de-Barnes. It is the best contained site of the three, and would use the existing landform and vegetation to screen the development, unlike the alternative proposals, both of which would be situated at exposed hilltop locations in open countryside. In contrast to the wholly rural environment at Catherine de Barnes, the site at J5 is situated in an area already affected by major development and road infrastructure. Moreover, the J5 proposal does not lie within the setting of a listed building.

7.128 The J5 proposal would satisfy an identified need for facilities on the motorway. Need alone is capable of constituting the very special circumstances to justify a grant of planning permission in the Green Belt. However, as indicated above the proposal provides additional benefits, which should also be given weight. In this case the benefits of the scheme outweigh the limited harm to the Green Belt that would result and the proposal therefore complies with the Green Belt policies of the UDP and the advice of PPG2.

7.129 The careful design of the scheme and its associated mitigation measures would ensure that the development had limited visual impact and would not offend the landscape and environmental policies of the UDP.

Conditions and S106 Agreement

7.130 With regard to the 6th Draft of Suggested Planning Conditions put forward by the Council *(Document 4.6.44)*, "siting" should remain a reserved matter, albeit that the layout of the site would be restricted by Condition 5; otherwise the nature of the application would change.

7.131 It is unnecessary to indicate that an approval of details of means of access does not relate to the motorway. Planning permission does not confer powers to be exercised over Crown land.

7.132 The requirement in Condition 11 that lighting at the site should not illuminate the motorway is too onerous. Similarly, the requirement in Condition 13A that all parking areas must be available at all times when the MSA is open to the public is too onerous, bearing in mind that maintenance of parking facilities would be necessary from time to time.

7.133 The extent of retail floorspace is correctly limited by Condition 14. However, contrary to Government guidance, Conditions 15 and 16 could harm the commercial viability of the enterprise. The conditions would prevent the sale of items such as aspirin and tissues. There is no justification for such a restriction. Such a small retail element as that permitted by Condition 14 would not create competition for other retail outlets in the area.

7.134 Condition 39a could unreasonably restrict development of the site by preventing landscaping work being undertaken before completion of the access. Construction traffic could be required to run on final surfacing.

7.135 The S 106 Planning Obligation *(Document 2.5. 10b)* ensures that an off-site landscaping management plan would be implemented to the reasonable satisfaction of the Council and that a management plan and monitoring programme would be introduced for wildflower grasslands. Moreover, no badger sett would be closed unless replaced by an artificial sett as near as practicable to the original sett. The planning obligation also provides for the maintenance and monitoring of an appropriate pollution control system.

SECTION 8 – THE CASE FOR SHIRLEY ESTATES (DEVELOPMENTS) LTD (APPELLANTS – APPEAL 'C')

In addition to the joint case of need for an MSA in the locality, as set out in Section 5 above, the material points of the case for Shirley Estates are:

Background to the MSA Proposal

8.1 When preparing its MSA proposals, consultants acting on behalf of Shirley Estates were asked to take account of the approved planning permissions for both the Blythe Valley Business Park (BVPB) and the Provident Park development. The BVBP, which is presently under construction, will occupy land to the south west of Junction 4 (54). An aerial photograph showing the extent of the BVBP and its relationship with the appeal site can be found at *Document 3.4. 11.* The scheme necessitates considerable alterations to the existing layout of the junction, including signalisation, slip road improvements, roundabout widening, a new bridge over the motorway and a direct link into the business park from the junction roundabout *(Document 3.1.5).* The Provident Park proposal will occupy land to the north west of the junction. Egress from that site had originally been shown to be from a recently constructed roundabout at the Tesco Stores/Notcutts Garden Centre access. SMBC and others provided traffic information and road layouts associated with these schemes.

8.2 The procedures and activities that took place in promoting the J4 MSA proposal are set out in *Document 3.1.2.* These procedures were disrupted by a sequence of events, as described in *Document* 3.1.22. In particular, changes to the Provident Park access resulted in a need to modify the information in the original TIA for the MSA. Traffic information regarding the Provident Park analysis was not provided until 10 November 1999. This delayed any possibility of an agreement between Shirley Estates and the HAg regarding the acceptability of the MSA infrastructure proposals.

8.3 The TIA issued in May 1999 indicated that the impact of the MSA on the surrounding highway network would be limited. It concluded that any adverse effects could be overcome hy undertaking improvements to the M42 northbound and southbound off-slips; alterations to the J4 roundabout, involving the addition of a lozenge shaped extension on the south east side and signalled control entry of traffic from the A3400; a dedicated left turn facility for traffic from the A3400 to the M42; additional circulatory carriageway lanes on the roundabout; and an entrance roundabout for the MSA.

8.4 The Provident Park proposal now includes a new junction on the length of A34 between the Tesco Stores/Notcutts Garden Centre roundabout and J4 of the M42, together with extensive signalisation, as shown on *Drwg 10-135/016 at Document 3.1.5.*

The Appeal Proposal

8.5 The appeal site has a history of intermittent use for activates associated with the nearby urban area. It has planning permission for use as a Sunday Market and for car boot sales. Because of its proximity to the urban area it is a target for trespass and vandalism.

8.6 Junction 4 of the M42 is already an urbanised junction. The area around the junction is lit at night and the highway works being constructed to accommodate BVBP traffk will add to the urban character of the junction.

8.7 The proposed MSA would provide direct access from the motorway for southbound traffic and access via an improved J4 for northbound traffk. Parking facilities would be provided in accordance with guidance contained in Circular 1/94. Visitor parking would be 602 spaces for cars and caravans, 69 for HGVs and 20 for coaches. These figures have been reduced from those shown in the TIA, because the CRF flows for the motorway suggested by the HAg are lower than those assumed in the TIA. Long-term parking could be controlled by an appropriate monitoring scheme.

8.8 A number of refinements to the proposed re-design of J4 have been made since the submission of the TIA and the changes to the access arrangements for Provident Park. These include alterations to the approach of the A34●● and removal of the A34●● traffic from the MSA access road leading from the M42 southbound off-slip. In addition, the scheme requires minor widening of the bridge carrying the A34 over the River Blythe to accommodate 4 No. 3.●m wide lanes on the approach to the junction. However, this widening would be undertaken within the existing highway boundary by using space available in the central reservation and, given that the River Blythe is canalised at this point, no ecological impact would arise. An assessment of the proposed signalised operation of the J4 roundabout has been made using the DETR's TRANSYT computer programme. In order to accommodate the changes referred to above a revised TRANSYT analysis was undertaken, the output from which can be found at *Document 3.1.32*. A schedule of revised drawings can be found at *Document 3.1.31*.

8.9 The revised Master Plan at *Document 3.2.15* shows the proposed layout of the site, the location of buildings and the landscaping proposals.

Planning Policies

8.10 National, regional and local planning policies are reviewed at *Document 3.3. 1*. PPG7 refers to the need to protect the best and most versatile agricultural land. The appeal site is mainly Grade 3b agricultural land, with a small amount of Grade 3a. There is no objection from MAFF to the loss of this land.

8.11 As the development plan does not contain a specific policy relating to MSA provision, the merits of the appeal proposal in the light of all material consideration is of particular importance.

8.12 The proposed MSA would not prejudice any of the UDP transportation policies. It would attract very few additional vehicle trips; these being restricted to employee and servicing trips only. It would simply re-assign a small proportion of motorway through trips locally into and out of the MSA.

8.13 As it would serve only the needs of those who have made the decision to travel on the strategic road network, it would not be at variance with the aim set out in regional guidance of reducing the amount of travel on the region's roads.

8.14 Proposals in the Provisional West Midlands Local Transport Plan to transfer local traffic to public transport modes have the potential to reduce commuter and local traffic flows on the M42. Moreover, the Key Plan for Corridor S in the Transport Plan appears to carry forward from the 1998 TPP a proposal for a new railway station at Bentley Heath *(Document* 3.1.20). This could also help to reduce local traffic flows.

8.15 UDP Policy ENV2 seeks to protect the countryside from the adverse effects of development. By minimising the impact of the development on the countryside, the proposed scheme is in accord with the aims of Policy ENV2.

The Green Belt

8.16 The need for service facilities on this section of the M42 represents the very special circumstances necessary to overcome planning policy objections to inappropriate development in the Green Belt.

8.17 Openness is the most important attribute of Green Belts. In his report on an inquiry into proposals for an MSA at Hapsford *(Document CD/Q/7)*, the Inspector did not accept that a development spread over a large area of open land and interspersed with substantial landscaping, would lead to less impact on the Green Belt when compared with a similar amount of built or hard development concentrated in a smaller area. The contained nature of the proposed MSA at J4 would help to minimise its impact on the openness of the Green Belt, the quality of which has already been affected by built development in the locality. With a land take of only 17ha, the MSA at J4 would use considerably less land than the competing schemes at J5 (22ha) and Catherine de Barnes (26.6ha), and in this respect would have less impact on the openness of the Green Belt. The Council's reference to the appeal decisions relating to the BVBP *(Document CD/P/5)* is not particularly relevant to the issue of openness. The Inspector' s comments referred to by the Council related to a site south of the A3400 road and a development far larger than the proposed MSA at J4. Notwithstanding this, the Inspector concluded that the Shirley Farm Estates' site to the east of the M42 would not contribute to sprawl. That site was a similar distance from the developed edge of the conurbation as the site for the proposed MSA at J4.

8.18 The first of the 5 purposes of including land in the Green Belt is to check the unrestricted sprawl of large built up areas. In the vicinity of J4 this aim is assisted by Solihull's decision to maintain a minimum 200m wide strip of undeveloped land between the town and the motorway. Moreover, Green-Belt policies have been shown to restrain development in the area, with only a limited number of exceptions, such as BVBP, made for strategic reasons. The large built up areas of Solihull are therefore restrained from unrestricted sprawl by Green Belt policy and the physical barrier of the motorway. Furthermore, the boundaries of Dorridge and Bentley Heath are clearly defined by the UDP and existing development to the east of the appeal site, such as the riding centre and golf driving range are relatively open in nature and do not contribute to sprawl. For these reasons the proposed MSA, which would be a self contained development unconnected to existing urban development, would not contribute to sprawl.

8.19 Nevertheless, the M42 does not have any legitimate role in defining the extent of the Green Belt. There is no policy support for such a proposition.. Moreover, by imposing a 200m buffer zone to restrict development on the western side of the M42, the Council reinforce the fact that the M42 is not a Green Belt boundary.

8.20 One of the primary strategic purposes of the Green Belt is to prevent the coalescence of the conurbations of Birmingham and Coventry. The Meriden Gap, which lies between these two urban areas, is centred on the A45 road. The gap was defined verbally as having its southern boundary along the A4 1/A4 14 1 by the Borough Planning Officer in his report to committee on the applications for MSAs at Catherine de Barnes and J5. Moreover, the Meriden Gap is not refer ed to by the Council in its reasons for refusal on the application for an MSA at J4. The proposed MSA at J4 lies outside the Meriden Gap and would not affect the Green Belt purpose of preventing neighbouring towns from merging.

8.21 The Meriden Gap is in need of greater protection than sub-gaps between settlements, bearing in mind the Green Belt objective of maintaining the gap between Birmingham and Coventry. Nevertheless, Dorridge and Solihull would remain physically distinct even with the development of the MSA. The perception of the gap between these settlements is most keenly perceived on roads to the south of the proposed MSA, from where any views of the MSA would be very limited. Although any development which makes a gap physically smaller must contribute to coalescence to some extent, given that the MSA would be a self-contained development, specifically related to the needs of users of the motorway, and using the minimum amount of land, it would not make a significant contribution to the coalescence of settlements.

The remainder of the gap would obviously continue to serve a valid function and would be no more vulnerable to development than any other Green Belt land. The MSA at J4 would not set a precedent for development in the locality.

8.22 It is accepted that the proposal represents encroachment into the countryside. However, as the MSA would be a self contained development solely related to the users of the motorway, and requiring a smaller land take than alternative proposals, the effects of the encroachment would be limited. The boundaries would be clearly defined by the motorway on one side and by mounding and planting elsewhere.

8.23 The development would not affect the setting or character of an historic town.

8.24 With regard to the uses of land described in paragraph 1.6 of PPG2, the development would retain existing access to the countryside, albeit via a diverted route. Moreover, elements of the scheme, such as the proposed planting, would enhance the landscape. The alternative MSA proposals at J5 and Catherine de Barnes are located in more attractive landscapes and would therefore conflict to a greater degree with the objective of retaining attractive landscapes in the Green Belt.

The Impact on the Highway Network

8.25 There is no doubt that the proposed mitigation measures would ensure that the junction would cater for the volume of traffic at the time of opening of the MSA. This is in contrast to the impact on the junction when the BVBP and Provident Park developments are completed. The proposed improvements associated with the MSA would not make the junction particularly complex. In essence, it merely involves a dedicated slip lane to the MSA, and a return lane from the MSA to the gyratory via a new loop (in the form of a lozenge) as shown on the drawing at *Document 3. 1.* 30.. All other slip road alterations and lane widenings are consequential on these two fundamental but relatively simple design features.

8.26 The HAg has agreed that the possibility of widening of the motorway need not be considered in relation to the design of the MSA. This has the effect of limiting growth on each carriageway to 5400 vph. Constrained daily flows have been agreed as 140,000 AADT and 145,000 AAWT. Moreover, BVBP and Provident Park developments are modelled explicitly and represent a further 33% growth on existing flows. Base traffic growth is likely to grow slowly, between zero and 1% per annum, because of the constraint on motorway growth. The Council accepts that most traffic approaching J4 on local roads is seeking to access the M42. Notwithstanding this, local traffic growth has been assumed to continue up to 2016 on NRTF 1997 Total Traffic Low Growth, on top of the traffic generated by the BVBP and Provident Park developments. This represents an overestimation of the likely growth and is a worst case scenario; it would result in a reserve capacity of about 10%. In fact it probably represents the conditions which would arise on local roads and the sliproads to J4 if the motorway were to be widened beyond the current D3 standard before 2016. Nevertheless, even under these onerous conditions, the highway works associated with the proposed MSA would provide enough additional capacity to avoid traffic queuing back onto the main carriageway of the motorway or serious delays at the junction. The layout of the MSA would not prevent future widening of the motorway should this prove necessary. The HAg has accepted the principle of accessing the MSA directly off the M42 southbound off-slip.

8.27 In contrast, the Provident Park development will have an adverse effect on the operation of J4. For the 'Do Nothing' situation in 2016, extensive queuing would occur on all approaches to

the J4 roundabout. The proposed highway improvements associated with the MSA would rectify this situation and provide additional capacity for the junction up to the design year of 2016. Although some departures from standard for the slip roads are proposed, they do not give rise to concern. The proposed Type C merge at the northbound on-slip, rather than a Type E, has been approved for the BVBP development. There is no reason why a similar departure should not be permitted in relation to the MSA proposal, particularly as any additional on-slip traffic would be counterbalanced by a reduction in mainline traffic flow due to MSA traffic exiting at the northbound off-slip. Another departure relates to a discontinuity on the northbound on-slip hard shoulder. However, there is no evidence that this would be harmful to highway safety. Moreover, the matter would be overcome by the resolution of a minor land problem associated with the development of the BVBP.

8.28 The impact of increased flows on the motorway sliproads is examined at Section 8.3 of the TIA *(Document CD/O/7)*. Only the northbound off-slip would need to be changed. According to the advice in TD22/92 the slip road design would need to be altered from layout type A (direct taper) to type B (parallel taper diverge). Although an assessment of the southbound off-slip shows a requirement for a lane drop and parallel diverge even without the MSA, the HAg is concerned about the capacity of such a design to deal with forecast volumes of through traffic. It is therefore proposed that a diverge with ghost island is adopted for this, pending future possible improvements to -the motorway. Two departures fi-om standard have been put forward for this sliproad (see second Departures Report at *Document 3.1.25)*, and were expected to be approved as the design was specifically requested by the HAg. The design of the junction would ensure that there were no tailbacks onto the M42 at the southbound off-slip that would otherwise occur.

8.29 It is understood that agreements have been made with developers of the BVBP to improve both motorway on-slips as shown on the drawings at *Documents 3.1.35 and* 3.1.42. With these improvements in place, no f&her improvement of the on-slips are required as a result of the MSA.

8.30 The lane widths used in the revised TRANSYT analysis are set out in *Document 3. 1. 41.* It is proposed that the lanes on the gyrator-y should be 3.0m wide with saturation flows of 1800 pcu/hr, which is lower than that suggested in TRL Research Report 67 (dated 1987). Moreover, the figure is lower than the 1900 pcu/hr for gyratory lanes used in the TRANSYT analysis for the proposal at J5, which has been accepted by the HAg. Lanes 3.5m wide could be accommodated on the proposed gyrator-y at J4 without any significant alteration to the landscape proposals. Except for some minor adjustments at the junction approaches of the M42 southbound and northbound off-slips and at the A3400 approach to the gyrator-y, the carriageway widths used in the TRANSYT analysis are in accord with those shown on the set of Illustrative Sign and Road Markings Layout drawings at *Document* 3.1.28, as amended by *Document 3. 1. 33.*

8.31 It is noteworthy that the alterations presently being undertaken at J4 to accommodate the BVBP include lane widths of 3.0m on the northbound motorway off-slip. These lanes widen to 3.5m at the entry to the gyrator-y. The revised proposals for Provident Park comprehensively alter the highway network in the vicinity of J4. They include signalisation of the "Tesco/Notcutts" roundabout and the provision of a new access onto the A34 between this roundabout and J4. The layout is as shown on the drawing at *Document 3.1.42.*

8.32 TRANSYT is a tool and the interpretation of its output requires careful interpretation. The degree of saturation reported in the TRANSYT analysis for any given link can illustrate those locations where the model attempts to put more traffic through the link than the link can accommodate, based on the saturation flow set by the designer for that link. None of the gyrator-y

links in the TRANSYT analysis show anything near 100% saturation. Extreme excess queues (in the order of 50% -100% above Mean Maximum Queues (MMQ)) are therefore unlikely to occur. Moreover, the setting of a queue limit at 75% of available queuing space appears to have been validated by these results. Even if a MMQ is predicted in excess of the queue limit, it should be remembered that although the queue could be greater than the mean figure at any time, it could equally be smaller. The peaks and troughs would work through the system when saturation levels are below 100%. The extract from TRRL Research Report 274 *(Document* 3.1.37) indicates that if entry links to a roundabout run at a high degree of saturation, variation of flows will be minimised and remain in the order of 10%. The proposed alterations to J4 have been designed to keep the entry links at high degrees of saturation.

8.33 The TRANSYT output for the design shows that where the MMQ takes up the available queue limit set for that link, the preceding links have the capacity to absorb any overspill, as the excess queues are small. This is demonstrated in the data at *Document 3.1.4*, which lists the MMQ at all the disputed links and those of preceding links. This shows that the preceding links have adequate storage capacity. Resetting the saturation flow for the preceding links to take account of overspill, as suggested by the HAg, would effectively result in double counting, because although the overspill traffic had been allocated to the preceding link, the output would still show an excess queue forming in the link where it had first been identified. It is noteworthy that the TRANSYT model accepted by the HAg in relation to the mitigation proposals for the proposed MSA at J5 indicates a number links where the MMQ is in excess of the queue length. These are identified in *Schedule C at Document 3. 1. 43.*

8.34 It is acknowledged that junction nodes, being the gaps between links where one traffic route crosses another, should be kept clear. This could be achieved in practise by yellow cross-hatching, and would ensure that gridlock would not occur.

8.3 5 Turn-in rates (TIRs) to the MSA have been assumed as 8.5% southbound and 6.6% northbound. These figures take account of the distances to existing MSAs and the slight reduction in the attractiveness of off-line MSAs compared to on-line sites. A preliminary assessment of TIRs can be found at appendix F of Document CD/O/4. Notwithstanding the above, sensitivity testing requested by the HAg has assumed 8.5% daily TIRs in both directions. The modelling analysis for the proposed MSA at J4 has used higher TIRs than the analyses for the proposals at J5 and Catherine de Barnes.

8.36 The TRANSYT analysis shows that the MSA proposals would allow the J4 roundabout to operate adequately until 20 16. Moreover, the average speed of traffic through the junction would improve. The analysis shows that without the MSA and associated improvements the junction would be seriously over-capacity by the design year.

8.3 7 The weaving lengths between J3a and J4 and between J4 and J5 are both nearly 3 km in length. The calculations at Appendix J of the TIA demonstrate that no additional lanes are necessary to accommodate weaving movements. *(Document CD/O/7).*

8.38 As the MSA would not generate additional trips, the effect on the motorway capacity would be negligible. As flows on the off-slips begin to approach the single lane design flow of 1800vph, the effect is to leave a better distribution of through trips on the main carriageway in lanes 2 and 3, thereby allowing merging movements to take place more easily. The proposed slip roads would cater adequately for the expected slip road flows.

8.39 A Highways Safety Audit has been carried out and appropriate changes have made to the scheme *(Documents 3. 1.23 and* 24). The audit confirmed that sufficient work had been carried out to demonstrate that the proposed junction modifications are feasible and would perform satisfactorily subject to detail design at the appropriate time.

8.40 With regard to the local road network, there would be some queuing on the A34, although the MSA is unlikely to generate additional traffic onto the A34. However, in the 'do-nothing' situation queues could extend back as far as the 'Tesco' roundabout and thereby cause considerable chaos. The TRANSYT analysis demonstrates that this would not occur with the improvement associated with the MSA proposal, although it has not been possible to confirm that the revised Provident Park exit would operate satisfactorily in peak periods. However, it is unlikely that traffic exiting from Provident Park would suffer serious delays. The original design of the Provident Park access onto the 'Tesco' roundabout would have avoided this problem. The MSA proposals would therefore allow the A34 approach to operate more efficiently. Nevertheless, the MSA mitigation measures have not been designed to remedy all of the problems at J4. There would still be some peak hour queuing along the A34, but it would be of no greater magnitude as a result of the MSA development. The acceptability of the proposals is underwritten by the evidence that average speeds through the junction would increase in both the AM and PM peaks as a result of the mitigation works.

8.41 The TRANSYT analysis shows that in the 'do-nothing' situation the J4 roundabout will not operate satisfactorily in the AM peak period by 2013. Without further improvements (for example widening of the A34 approach, widening of the roundabout northern bridge and the re-signing of J4) both the access and egress to Provident park, and possibly the 'Tesco' roundabout could become totally blocked in the AM peak period by 20 16. Similarly the right hand lanes of the A3400 approaching the J4 roundabout would be seriously over capacity by 2016. The improvements associated with the MSA scheme would allow the degree of saturation to remain within acceptable limits. There are no plans for improvements to the junction to meet the deficiencies that would be experienced before 20 16.

8.42 The proposed signalisation of the Gate Lane/A3400 junction, associated with the BVBP development, would be replaced by a direct access from Gate Lane to an enlarged roundabout at J4. This would improve ease of access to Gate lane with an expected saving in accidents of about 1 PIA/year. Queues on the A3400 would be markedly better than in the 'do-nothing' scenario.

8.43 Further improvements could be made to the proposed mitigation measures. For example, by using two lanes on the A34 approach to the gyrator-y for northbound M42 traffic, queues could be reduced on the A34 in peak hours.

8.44 Although the HAg objects to the proposed scheme at J4, it must be remembered that the agency is a consultee and the judgement in the case of R v Warwickshire County Council ex parte Powergen [1997] 3 PLR 13 1 and [1997] 2 PLR 60 demonstrates that the HAg would have no power of veto. For the same reason the HAg would find it difficult to resist signing the proposed MSA from the motorway, if planning permission were granted for the development.

Public Rights of Way

8.45 One public footpath crosses the appeal site. A survey carried out on two sunny days (one of which was a Sunday) during the summer of 1999 showed very little use of the footpath *(Document 3.1.14)*. A suitable diversion of the footpath would be undertaken which would not unduly inconvenience the expected limited number of users of the path.

8.46 The site is well removed from residential areas and would have a minimal effect on residential amenities during construction or as a result of noise during operation.

The Impact on the landscape

8.47 A landscape assessment has been undertaken in accordance with the Statement on Landscape and Visual Assessment Methods produced by W S Atkins Planning Consultants dated November 1999. The local landscape is described as 'Arden Pastures' in 'The Warwickshire Landscapes Guidelines'. A description of the landscape of the site is set out in *Document 3.2.1*. This describes the landscape as gently rolling lowland semi-rural pastoral farmland on the edge of the Blythe Valley. It comprises medium sized fields enclosed by gappy hedgerows and notable mature trees, enveloped by blocks of predominantly broad-leaved woodland. The site is regularly used for non-agricultural uses such as clay pigeon shooting, motorbike scrambling and a Sunday market (as can be seen from the aerial photograph at *Document 3.4.11)*.

8.48 The M42 has a very strong presence within the landscape, and there is a substantial amount of commercial, retail, and leisure related development in the vicinity of the site as shown on Land Use Plan No 7.3 of the Environmental Statement *(Document CD/O/6)*. These developments have had a cumulative effect resulting in increasing urbanisation of this part of the countryside. The large scale buildings of the Solihull Equestrian Centre immediately to the east of the appeal site, together with the golf driving range and the presence of the large scale development to the west result in the appeal site having a semi-rural rather than a rural character.

8.49 A visual assessment of the undeveloped site can be found at *Document 3.2.2* and the photographs described therein are at *Document* 3.2.3. The landscape is intimate without broad vistas. Woodland and hedgerow trees break up wide distant views. The site is not prominent; it lies on gently sloping ground, not a dominant ridge. It is relatively well screened, especially when viewed from the south and south-east.

8.50 The M42 does not act as a demarcation between landscapes, not least because of the important areas of Green Belt land to the west. Until the 1990s the Council were proposing a Green Belt boundary to the west of the M42, although this was relaxed with the decision to develop the BVBP and Provident Park developments.

8.51 Sufficient detail has been provided to assess the impact of the development on the landscape. Such an exercise does not require a large amount of information to make a sound judgement. The decision in R v Rochdale MBC ex parte Tew [199913 PLR 74 does not render an outline application unlawful for development such as an MSA. The Rochdale proposal did not include a floorspace figure and the Masterplan that guided that application was specifically stated not to be part of the permission granted. In contrast, the illustrative material associated with the MSA proposal provides such details and is intended to form part of the planning permission sought.

8.52 The proposed MSA at J4 has been designed to minimise its visual impact by taking advantage of the existing landform and the screening afforded by woodland, trees and hedgerows. Existing contours would be used wherever possible to minimise problems of poor tree growth on made up ground. The proposed design does not seek to achieve total screening of the development; Annex A of PPG13 does not set total screening as a goal. The gentle mounding proposed would respect the existing topography and by setting buildings against a treeline background, visual intrusion would be minimised. Details of the trees and hedgerows to be

retained and the vegetation that would be lost as a result of the MSA proposals are shown on the drawings at *Documents 3.1.42 and 3.2.16*.

8.53 The development would occupy the flatter areas of the site in order to minimise cut and fill, and ensure that the majority of the existing mature hedgerow trees would be retained. Along the northern edge of the development the sloping landform would be accentuated to create an embankment and partial screen for the proposed car parking area. This would be densely planted. The development would have a small footprint and be relatively compact. Off-site planting would take place to the north, west and south of the site as described in *Document 3.2.5*. The extent of the zone of visual influence (ZVI) of the proposed development is relatively small, as shown on Plan No. 7.1 of the supplementary ES *(Document CD/O/15)*. It is accepted that the ZVI should be extended south on the M42 to take account of the alterations to J4. However, the visual impact of the changes to J4 associated with the MSA proposal would be slight, given the large scale alterations currently being undertaken to accommodate the BVBP development. The additional gantries and signage would not greatly change the character of the junction.

8.54 The only substantial views would be from fields immediately to the north of the M42. Views of the MSA from the motorway would not be unexpected. In his report on an inquiry into proposals for an MSA at Hapsford, Cheshire, the Inspector concluded that it would not be surprising for motorists on motorways to see oblique views of MSAs. He considered it unnecessary to require that such facilities should not be visible from the motorway *(para 5.21 Document CD/Q/I 7)*.

8.55 Although footpath SL56, which presently crosses the site, would be diverted, views from the new route would not be significantly less attractive than the present route, which overlooks the motorway.

8.56 Approximately 25 houses in Monkspath have partial views of the site, although the majority of these views are at an oblique angle. Existing vegetation and the topography of the area would screen the development from the ground floor of these dwellings. Only from the first floor would there be views to parking areas, the fuel station canopy, and other buildings. However, by siting facilities adjacent to prominent hedge and tree lines the scale and massing of the development would be broken and masked by taller trees. Moreover, some of the dwellings are adjacent to an existing tree belt, which will increasingly obscure views within the next 5 years. The motorway, which lies between the dwellings and the appeal site, would remain as the dominant feature in the landscape. Parts of the development would also be visible from Widney Manor Golf Course, although such views would be filtered by the presence of existing trees and hedgerows. As in the case of housing at Monkspath, the visual impact of the motorway, which runs between the golf course and the appeal site, is considerable.

8.57 Views of the development from footpath SL57, which runs from the Monkspath residential area towards J4, would be curtailed by the proposed development at Provident Park, and any view from the Birmingham to Coventry railway line would merely be a glimpse of the development. The precise line of the proposed Blythe Valley Walkway, which is to be sited to the west of motorway, has not yet been determined. However, the design of the footpath is likely to include substantial screening towards the motorway which would assist in screening the MSA from the footpath.

8.58 The MSA would obviously be readily visible from the adjacent Monkspath Manor Farm House (the Red House). However, this property was unoccupied until recently and has frequently been the target of vandalism. Monkspath Wood, Little Monkspath Wood and Moat Coppice

would provide a substantial screen to the south of the MSA. Only the service station canopy would be visible from a short section of Gate Lane and footpath SL55. Existing woodland screens the site from the east, and therefore the development would not be seen from Knowle, Bentley Heath or Dorridge. There would be a significant degree of visual separation between the MSA and the settlement of Knowle/Dorridge. From the west, the site would be largely obscured by the interchange at J4 and only very limited views of the development would be seen from the A34.

8.59 After 15 years, the planting associated with mitigation measures would allow only fleeting glimpses of the development. The ZVI for the development after 15 years is shown on Plan No. 7.2 of the supplementary ES *(Document CD/O/15)*.

8.60 The proposed drainage falls are such that there is plenty of latitude in the design of the site drainage to ensure that hedgerow trees close to the line of the proposed drainage would not be harmed.

8.61 Night time effects would be limited as there would be a high degree of light containment using luminaires which limit the upward and horizontal component of light, as set out in the lighting report forming part of the original ES *(Document CD/O/9)*. The area is dominated at night by glare from the nearby golf driving range until late in the evening, as well as by lighting on the A34 and J4 roundabout. Although light from the MSA would add to this lighting, it would not be an intrusive feature of the development.

8.62 In terms of its effect on the landscape resource, the development would result in a loss of 17 ha of farmland. There would be an unavoidable loss of openness, but this would be limited by the intimate nature of the landscape; a view supported by the description of the Warwickshire Landscapes Guidelines. No areas of woodland would be lost. On the contrary, there would be a substantial increase in woodland and tree cover after the mitigating measures are implemented. The loss of 5 mature oak trees would be more than offset by the increase in trees, shrubs and hedgerows associated with the development. The intrinsic character of the site would change from semi-rural farmland to urban edge parkland landscape. However, such a change would not be out of context with the character of the surrounding landscape, because of the extent of urban development taking place in the vicinity of the site. The landscape would therefore change but not be degraded.

8.63 Policy ENV2 seeks, amongst other things, to mitigate the adverse effects of development and to guide potentially detrimental development to appropriate areas. The proposed MSA is considered to be appropriate for the area, because of the numerous other urban related building developments either existing or being constructed in the vicinity of the site. It is not a vulnerable landscape, and the presence of such development and the screening effect of existing woodland would enable the area to absorb the appeal proposal without causing unacceptable harm to its visual quality. As indicated above, the proposed mitigation measures would be effective in minimising any adverse effects.

8.64 There is no firm evidence of a link between the economic success of Solihull and its attractive countryside setting. The proposed MSA would have no harmful effect on the future development of the BVBP.

The Impact on Ecology and the River Blythe SSSI

8.65 The statement on ecology at *Document* 3.2.19 recognises that a limited amount of grassland habitat would be lost as a result of the proposed development. Moreover, a row of black poplars 180 m from the development boundary could be adequately protected by ensuring that no earthworks takes place within the stand off area recommended by BS5837: 1991. Great Crested Newts were not found in waters on the site and there is no evidence of badgers on the site.

8.66 Proposals for surface water drainage of the site are examined at *Documents 3.4. 1 to 3.4.4.* The system would include catchpits to provide a first line of defence against pollution incidents and to reduce the load on the main pollution control system, which would include a spillage containment tank, a sedimentation pond and vegetative treatment lagoons. The study demonstrates that a system could be installed which would both treat runoff and control the quantity to the prescribed maximum allowable 'greenfield ' runoff rate. The proposed system appears to be more efficient than that proposed for Provident Park development immediately to the north of J4.

8.67 The agreed position statement on ecology, drainage, hydrology and the likely effects on the River Blythe SSSI *(Document* 3.4.12) recognises that the proposed treatment of surface water run-off is capable of representing a state of the art design which would provide the best protection currently available to receiving waters. It is likely to be as effective in reducing pollution in surface water discharged from the site as the proposals associated with the schemes for MSAs at J5 and Catherine de Barnes. Although the site is further upstream than the other two proposals, the lower flows in the river at this point are of little relevance because, as the Council point out, the use of the river itself as a source of dilution should be discounted. Moreover, the Council attach little weight to the fact that the J4 proposal is closer to the river than the other two MSA proposals, given the difficulty of using the greater areas of connectivity in those schemes to arrest any polluting material.

8.68 The statement also confirms that suitable planning conditions could overcome the Council's concerns regarding the impact of the development on badgers, the need for a further survey relating to Great Crested Newts, the protection of Black Poplars on the site, and the need for replacement habitats.

8.69 English Nature has confirmed that despite its continued objection to the development of an MSA in the catchment of the River Blythe, the proposals and mitigation suggested in respect of the proposal at J4 would be acceptable if a sufficiently compelling need for the scheme were demonstrated *(Document 3.2.6).*

8.70 The Environment Agency's concerns about the risk of pollution from the transportation of pesticides, whilst vehicles carrying such material are parked in the MSA, are examined in the report at *Document 3.4.5.* The report sets out the many safeguards in place to protect the environment during the carriage of pesticides and suggests that the risk of pollution from vehicles carrying such material whilst pausing at the MSA is of minor significance.

The Proposed Lodge

8.71 The scheme includes the provision of a Travel Lodge that would have 66 rooms. It is common practice to provide overnight accommodation at MSAs, both in urban and rural locations. Limited overnight rest facilities are considered essential, especially for HGV drivers, to help discourage inadequate duration stops. It avoids the need for motorists to seek alternative facilities off the motorway network on local roads. Long distance trips are thereby encouraged to remain on the motorway network. The Inspector at the Inquiry into proposals for expansion of

parking facilities at the Hilton Park MSA held in 1994, found that *"Lodges can provide a valuable and popular additional facility on MSAs, helping to reduce the need for drivers to leave the motorway in search of overnight accommodation. As such they contribute to the safety benefits associated with MSA provision."* Relevant extracts of the Inspector's report are at *Document 3.1.21.*

8.72 The scale of the proposed lodge would be limited to that normally associated with an MSA and would not exceed the facilities referred to as acceptable in Lord Whitty's statement of July 1998 *(Document CD/F/5)*. It would not have any significant effect on the generation of new trips or the redistribution of traffic associated with the NEC, Birmingham Airport or the National Motorcycle Museum. Moreover, the distance from J4 to these locations is such that it would be unlikely that travellers not already on the motorway would use the lodge. In his report on the 1995 Inquiry into the Hopwood MSA on the M42, the Inspector concluded that a lodge is one of the facilities which motorway users expect to find at a major services area. He found the suggestion that motorway users should find overnight accommodation on the local road network as untenable because it would encourage extraneous traffic onto local roads. Relevant extracts from this report can be found at *Document 3.1.6.*

8.73 The MSA operator could easily control abuse of parking. It would be counter productive for an operator to-allow long term parking as this would deprive the MSA of parking facilities for its own customers.

8.74 The extent to which a lodge would meet the needs of motorway users must be balanced against the additional harm which the inclusion of a lodge would cause to the Green Belt. The deletion of the lodge would not achieve any meaningful reduction in the land-take necessary for the development.

Other Matters

8.75 The proposed MSA at J4 has attracted fewer objections from members of the public than the alternative proposals. The junction is perceived as an urban rather than a rural location.

Alternative MSA sites

8.76 In view of the small gaps between junctions and the busy nature of J6, the only other possible sites for an MSA on the M42 between J3a and J7 are those put forward by Swayfields Ltd and Blue Boar Motorways. Any other sites would be off the line of the motorway and would encourage inappropriate traffic onto the local road network.

8.77 The **Blue Boar Proposal at Catherine de Barnes** would introduce new slips roads and represent the addition of a new junction onto the M42 motorway. The site is the most rural of the three under consideration. It occupies a hillside location in an area of gently rolling farmland. Walford Hall Farm is an important feature in the landscape. The development would have an adverse impact on the setting of this listed building. The proposal involves development on both sides of the motorway, and the layout would not fit easily into the landscape. There would be a substantial amount of earthworks and the development would have an extensive ZVI to the east and southeast. The construction of the MSA would result in the loss of a significant number of trees and hedges, and there would be a loss of farmland and historic landscape features.

8.78 The site lies within the Meriden Gap. Policy GB4 recognises the importance of the rural setting of settlements such as Catherine de Barnes and Hampton in Arden. In contrast to the proposal at Catherine de Barnes, the proposed MSA at J4 would not intrude upon the setting of such settlements.

8.79 Weaving lengths would be below the desirable minimum of 2km referred to in TD22/92 *(Document CD/E/1)*. The advice indicates that the absolute minimum weaving distance of 1km is only applicable to sites where traffic flows are at the lower end of the range quoted in Table 2.1 of TA46/97 *(Document CD/E/5)*. Traffic flows passing the site are almost double the top end of the flow range quoted in Table 2.1.

8.80 TD22/92 requirements for carriageway widths for weaving purposes suggests that an additional lane would be required to avoid congestion between J5 and J6. However, only the section of motorway between the MSA and J6 is being considered for widening, and this would be on a restricted, substandard basis, using narrow lanes and discontinuous hard shoulders reduced to 2m wide at structures. Blocking back from J6 could prevent both access and egress to the motorway from the MSA. The use of TRL Contractors Report CR338 is not applicable in analysing such cases.

8.81 Any future widening of this section of the M42 by using narrow lanes would be precluded by the introduction of an MSA at this site.

8.82 Traffic analyses presented in support of the scheme under-assess the peak hour volumes of customer traffic and hence the diverging, merging and weaving effects on motorway flows. Turn in rates (TIRs) well below the figure of 10% to 11% of daily flows normally attracted to on-line sites are assumed. The application of the higher TIR figure in weaving calculations demonstrates a requirement for an additional lane on either side of the motorway between the MSA and J5.

8.83 Safety issues do not appear to have been adequately addressed. Accidents rates are significantly higher than average at this location. High accident rates occur in the vicinity of the Hilton Park MSA on the M6 where junction spacing is below 2km *(Appendix F of Document CD/H/2)*.

8.84 The proposals require HGVs to reverse into or out of parking bays, which would create noise and safety problems. Moreover, the service yard at the amenity building is too small to allow large delivery vehicles to turn around. Such vehicles would have to reverse out of this area.

8.85 The **Swayfields Proposal at J5** would urbanise the rural character of the junction. The landscape is more rural and attractive than at J4, and the motorway is in cutting and therefore less dominant than at J4. The A41 has wide green verges and is lined with trees, forming an attractive gateway and green corridor towards Solihull. The development would have an adverse impact on this attractive green corridor. Moreover, it would require considerably more earthmoving and cut and fill than the proposed MSA at J4.

8.86 With regard to its impact on the Green Belt, the MSA at J5 would clearly lie in the Meriden Gap and intrude into an area of open countryside. It would also lie in the gap between Knowle and Solihull.

8.87 Traffic associated with the MSA would be travelling in the same direction as peak hour traffic inevitably resulting in delays at J5. The highways leading to the site are close to residential properties and the scheme would therefore probably lead to increased noise and pollution levels at

those properties. Traffic using the proposed MSA at J5 would have to travel considerably further between the motorway and the MSA than would be the case in respect of the J4 proposal.

8.88 Accident rates in the vicinity of J5 are particularly high (Appendix *A4 of Document CD/H/2)* and it is therefore doubtful that the site is an appropriate location for an MSA.

8.89 The proposed parking layout at the site would require some HGVs to undertake reversing movements with attendant safety and noise implications. Moreover, there are no specific service yards for either the amenity building or the lodge. Delivery vehicles would therefore have to mingle with visitor car traffic.

8.90 The traffic growth at J5 is underestimated particularly if urban type traffic growth were to occur together with the growth which is likely to be generated by the Touchwood Development being constructed in Solihull town centre.

Conditions and S106 Obligations

8.91 Although the application remains fully outline, it is agreed that design, external appearance and landscaping should form part of the reserved matters condition at Condition 1, whereas siting and access should be tied more closely to the plans considered at the inquiry. The manner in which siting, layout and access has been tested at the inquiry has defined the outline permission sought.

8.92 Condition 20 should be amended to reflect the need to preserve trees shown as being retained on the master-plan for the proposed MSA at J4. The condition should indicate that an appropriate drainage scheme should be submitted to the lpa for approval.

8.93 The proposed landscape conditions and the requirement of Condition 37 to create new habitats meet the concerns of the Countryside Agency, expressed in its letter of 19 January 2000 *(Document CD/R/3),* regarding the potential loss of important natural features. The diversion of footpath SL56, referred to by the Countryside Agency, would be undertaken under powers contained under the Highways Acts and therefore there is no need for a planning condition relating to this aspect of the scheme.

8.94 The Medieval Moated Site referred to in Condition 34 lies outside the site. Fencing of the appeal site would ensure that the Moated Site was adequately protected.

8.95 With regard to conditions put forward by the HAg in relation to Appeals A and B, similar conditions would be appropriate to the proposal at J4. A Grampian condition could be imposed preventing the development proceeding until an agreement under S278 of the Highways Act 1980 had been concluded.

8.96 The S 106 unilateral undertaking *(Document* 3.414) would ensure that an appropriate landscaping management plan was operated which would include for the management and maintenance of off-site works. The undertaking relates to ecological proposals, including a management plan for wildflower grasslands, and proposals to improve the structure of Little Monkspath Wood, to undertake a badger survey, and to provide new feeding areas for badgers. A management plan for drainage and pollution control would include a detailed programme for monitoring and maintenance of pollution control measures.

8.97 With regard to the widening of the northern overbridge at J4, which is situated on Crown Land, there would be very little additional information on which any further consultation would be necessary. However, a Grampian condition should be imposed, in the manner suggested in *para. 10 of Document 5.1.33*, unless the covenant in the S106 obligation to enter into S278 agreements with the HAg and the Council is considered adequate.

SECTION 9 – THE CASE FOR SOLIHULL METROPOLITAN BOROUGH COUNCIL

The material points are:

Planning Policies and the Green Belt

9.1 PPG13 indicates that approval should not be given for an MSA within a Green Belt except in very special circumstances. Moreover, PPG2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. PPG2 indicates that the most important attribute of Green Belts is their openness. Each of the appellants claims that its proposal has been carefully designed to limit injury to the visual amenity of the Green Belt. However, that is a separate issue to the prejudice that the developments would cause to the purpose of including land in the Green Belt.

9.2 The development plan background is set *out* at *Document 4.5.3*. The fact that the UDP does not contain a specific policy relating to MSAs does not reduce the weight to be given to the UDP. The SoS did not use his powers to direct the inclusion of such a policy. Moreover, the lack of such a policy does not give rise to the situation envisaged in paragraph 55 of PPG1. There are policies in the UDP which are relevant and relate to the MSA proposals.

9.3 Policy GB2 indicates that the Council will not permit development in the Green Belt except in very special circumstances for purposes other than the list of development set out therein, none of which include an MSA. The UDP makes clear the importance of the Green Belt in this part of the West Midlands. The Meriden Gap provides a buffer between the Birmingham conurbation and the City of Coventry. Although it is not referred to specifically in the present regional guidance (RPG11), it is of recognised significance at regional level and the protection of this strategically important gap is a fundamental principle of the UDP *(Page 1 of Document CD/B/3)*. The Fact Sheet at *Document 4.5.10* gives an outline of the history of the Green Belt in Solihull. It acknowledges that the precise boundaries of the Meriden Gap have never been defined but the importance of retaining a separation between the Birmingham conurbation and Coventry has been recognised since 1948.

9.4 Whilst the Meriden Gap has some definition east and west, it is not so defined north and south. It is a broad band of countryside that includes settlements excluded from the Green Belt such as Meriden, Hampton in Arden, Knowle and Dorridge. Sub-gaps exist between these settlements and between the edge of Coventry or the Birmingham conurbation and individual settlements. All of the MSA appeal sites fall within the Meriden Gap.

9.5 The UDP seeks to protect the rural character of the Meriden Gap and at paragraph 2.9 indicates that the quality of the character and environment of the Borough is crucial to the continued attraction of high quality inward investment. The Solihull area is under great pressure for development and the well-established areas of Green Belt are vital to the quality of life of

residents of this part of the West Midlands. It has been necessary to designate land for development both for housing and business park purposes on land originally proposed in 1960 to be Green Belt land or held as provisionally approved. Two business parks, namely the Birmingham Business Park and Blythe Valley Business Park (BVBP) have been approved by way of call-in decisions by the SoS. The Council is embarking on a review of the UDP and one of its key areas of concern is the scale of outward urban expansion into the Green Belt and the associated impact on the Arden landscape and the overall character of the Borough. Each of the 3 MSA proposals would involve substantial amounts of built development. The areas of hard surfacing associated with each proposal are set out at *Document 4.62%*

9.6 Birmingham International Airport and the NEC are recognised as national and international facilities in RPG11. These facilities are dependent upon the M42 corridor for their main transport links. Moreover, there are proposals for a large multi-modal transport interchange at Birmingham International Railway Station *(Documents 4.6.38 and 39).*

9.7 The RPG notes that it is important that the integrity of the Green Belt is maintained in this area, and that development has regard to the capacity of adjacent roads. The M42 corridor in Solihull lies entirely within the Green Belt. In the southern section, where development has taken place on the western side of the motorway it has been purposely kept behind a buffer of open land designated as Green Belt. This gives motorway users the impression of travelling through a largely rural area rather than part of the urban conurbation.

9.8 The image of the Borough remains a key to its future economic prosperity. The promotion of the Borough as a location for high quality investment is set out in the various literature at *Document 4.6.19*. A development that fails to contribute significantly to the Borough or the region's economy will cause harm, particularly a detracting development at a 'gateway' to Solihull.

9.9 Policy GB3 of the UDP recognises the positive role the Green Belt can play in providing recreational opportunities and access to the countryside. This is in line with the objectives for the use of land in the Green Belt, as set out in PPG2. The Council actively encourages access to the countryside and publishes information on various walks such as the 'Solihull Way' *(Documents 4.1.12 and13 and4.6.16).*

9.10 With regard to the protection of the countryside, Paragraph 1.4 of PPG7 indicates that one of the Government's objectives is to maintain and enhance the character of the countryside and conserve its natural resources, including safeguarding the distinctiveness of its landscapes, its beauty, the diversity of its wildlife, the quality of rural towns and villages, its historic and archaeological interest, and best agricultural land. Paragraph 7.9 of the adopted Solihull Unitary Development Plan (UDP) refers to the Council's wish to protect the countryside from development that would adversely affect it. Policy ENV2 of the UDP recognises the distinctive landscape types in the Borough and indicates that the Council will seek to enhance and safeguard the most important and vulnerable areas of countryside. The appeal sites are all located in important and vulnerable areas of countryside.

9.11 Proposal ENV5/1seeks to protect and enhance the corridor of the River Blythe.

9.12 UDP Policy T1 is not relevant to the MSA proposals as it relates to new road construction and road widening.

9.13 The Council produced a draft strategy document in January 1999 entitled 'Solihull's Countryside'. The aim of the strategy is to control and guide future change in Solihull's countryside in order to protect and enhance its character thereby contributing to the overall quality of life within the Borough. In relation to the motorway corridor the strategy seeks to encourage further planting to screen the view from surrounding settlements and facilities. It also seeks to resist new development in the gaps between settlements, protect and enhance important ecological features, and enhance recreational activities appropriate to the area.

The Landscape of the Area

9.14 Document 4. 1.1 indicates the methods which have been used to assess the impact of the proposed **MSAs** on the landscape. Landscape Character Assessment can be applied at a number of different scales as indicated in the Interim Landscape Character Assessment Guidance *(Document* 4.6.30) prepared on behalf of the Countryside Agency and Scottish Natural Heritage.

9.15 The existing landscape character of the M42 corridor from north of J3A to J6 is described in *Document 4.1.2.* The area is drained by the slow flowing and meandering River Blythe and lies to the east of the Birmingham conurbation.

9.16 The Warwickshire Landscapes Guidelines *(Document CD/D/1)* have been adopted by SMBC as a basis for ensuring that the implications for the landscape of new development are fully taken into account. The guidelines resulted from a project undertaken by Warwickshire County Council and the Countryside Commission and are given UDP recognition in Policy **ENV2/2**. Part One of the document refers to the Arden countryside as having an intimate, historic character with a strong sense of unity. Within the Arden regional character area' seven different landscape character types are identified. The plan at *Document 4.1.5* shows that the M42 between J3A and J6 passes through 2 of these types, namely the '**Arden** Parklands' and the 'Arden Pastures'.

9.17 The Arden Parklands are described as flat or gently rolling topography with a landscape pattern derived from the influence of large estates on an area of former wood pasture and historic deer parks. The area is defined by woodland edges, belts of trees, wooded streamlines and hedgerows with mature oaks. The heavily wooded appearance maintains a sense of unity in a landscape that is farmed and under pressure from urban development. The general management strategy for this landscape type is to retain and enhance the effect of wooded enclosure, including the planting of new woodland and trees, strengthening of hedgerows and restoration of former parklands. The plan at *Document* 4.1.5 highlights those areas where the structure and character of the landscape are in decline and terms those areas as enhancement areas.

9.18 The Arden Pastures are also described as having a gentle rolling topography but with a landscape pattern of small to medium sized fields and straight roads with frequent linear settlements and wayside hamlets. The fields are generally used for pasture and the settlements have often expanded greatly in recent times. The topography and numerous mature hedgerow trees combine to give a heavily wooded appearance to the area, which contains the visual effects of the settlements by filtered views and a strong sense of enclosure. The general management strategy for this landscape type is to conserve and enhance the unity and small scale enclosed character of the landscape.

9.19 A study of this section of the M42 corridor undertaken on behalf of SMBC has confirmed the change in landscape character between Arden Parklands and Arden Pastures, broadly north of the line of the Grand Union Canal, where:

- there is less tree cover and a less consistent pattern of hedgerows;
- arable cultivation is increasingly favoured over pasture;
- the more rolling landform allows more widespread views;
- detracting elements are more common – for example, transmission lines, masts, wastewater treatment works, and plant nurseries.

9.20 The study also identified a range of Local Landscape Types as shown on the plan at *Document 4.1.5* and described at *Document* 4.1.2. These include 'Open Pasture Farmland' and 'Open Arable Farmland'. 'Open Pasture Farmland' is considered to be medium-scale farmland on generally rolling topography where the pattern of largely pasture fields has been opened up by hedgerow removal, allowing more extensive views and some degree of intrusion from urban elements such as the M42 and transmission lines. The proposed MSA sites at J4 and J5 lie within this local landscape type.

9.21 'Open Arable Farmland' is medium-scale, largely arable farmland on gently rolling topography, where the loss of hedgerows and reduced tree cover allows frequent wider views, including views -out towards other landscape elements such as the higher ground to the north. This allows intrusive elements, such roads and transmission lines, to have a wider influence. The extent of arable use also leads to a greater degree of seasonal change in the appearance of the landscape. The MSA proposal at Catherine-de-Barnes is located within this local landscape type.

9.22 In view of the sensitive nature of this part of the M42 corridor, it has not been possible to identify a site for an MSA that would be suitable in landscape terms. The essential character of each of the MSA proposals is urban.

9.23 SMBC encourages access to the countryside. Various booklets and leaflets on local rights of way are published by the Council as described in *Documents 4. 1. 3 and 4. 1. 11-14.*

Ecology and Water Quality

9.24 All three MSA proposals are located within the valley of the River Blythe; the river having been notified as an SSSI. Government advice in PPG9 recognises that development outside an SSSI can damage or even destroy the interest within an SSSI. Policies ENV1 to ENV5 of the Solihull UDP seek to protect the natural resources of the countryside, including those of SSSIs, SINCs, and specific habitats such as woodlands and watercourses. The special importance of the River Blythe SSSI is recognised in Proposal ENV1/5, which refers to the need to safeguard and enhance the river corridor. The EA and EN maintain their objections to all three proposals primarily because of the potential for environmental deterioration of the River Blythe SSSI. The Local Environment Agency Plan (LEAP), extracts of which are at *Documents 4.6.4, 17 and 18,* seeks to discourage the release of any further Green Belt land in the catchment area of the River Blythe SSSI and prevent an increase of surface water run-off from sites subject to development.

9.25 The River Blythe SSSI citation states that the river is a particularly fine example of a lowland river on clay *(Document 4.2.4).* EN consider that the river is the finest example of a lowland river on clay in England and botanically it is one of the richest *(Document 1.3. II).* It is one of only 3 whole river systems of this type which qualify for SSSI status in the UK. The ecology, hydrogeology and water quality of the river are described in *Documents 4.2. 1, 12 and*

21. The river supports high quality fisheries for much of its length, which reflects the health of its plant and invertebrate communities. Potable water is abstracted downstream near the confluence with the River Thame. Water vole and otter, both the focus of national conservation initiatives, are present in the river. It is therefore proper that a precautionary approach should be adopted when assessing the potential impact of the proposed MSAs on the River Blythe. If there are potentially significant risks of damage to the environment but scientific knowledge is not conclusive then the precautionary principle dictates that the development should not go ahead. The need for conservation measures along the River Blythe is highlighted in the case study at *Document 4.6.14*, which points out that the increasing demand for new built development is putting the Blythe under serious pressure.

9.26 A recent survey of the river has noted ecological evidence of some decline in water quality and local effects relating to silt accumulation and erosion from flood scour. There is concern that these factors indicate a trend towards deterioration related to continuing development in the catchment .

9.27 Relatively impermeable mudstones underlie the region and water movement in the catchment is dominated by surface flow, as there is limited aquifer storage or baseflow supply. The river therefore responds fairly rapidly to rainfall events. The EA considers that the baseflow component of the river is decreasing with increasing urbanisation in the catchment. The increasing area of impermeable surface increases flood scour during storms and exacerbates low river flows in dry weather. As a result of the hydrogeological predominance of surface flow, pollution incidents in the catchment could rapidly affect the river. The LEAP document expresses concern about the proliferation of surface water balancing systems in Solihull, pointing out that they may cause the raising of flood levels downstream by the coincidence of delayed flows.

9.28 Each of the three MSA proposals would replace fields of arable land or pasture with a significant area of impermeable surface. The success of the proposed storage and balancing ponds in restoring the run-off to greenfield run-off rates would be dependent upon the storage capacities and methods of discharge. During storm events which exceed storage capacity, the developments would lead to a rapid rise in water levels in adjacent watercourses. At times of low rainfall, a critical level must be maintained in the balancing ponds to enable aquatic vegetation to survive and allow the system to function efficiently. The river system would be deprived of water retained in the pollution control systems.

9.29 Pollutants from the road surface, tyres, brake and clutch linings, engine fluids and de-icing agents typically contaminate surface water run-off from road surfaces and parking areas. It usually includes particulate matter, complex hydrocarbons, toxic metals and, in winter, salt and other de-icers. There is also a risk of major spills of pollutants as a result of accidents or from leaking transport vehicles. Water-soluble contaminants are of particular concern because they would pass through the interceptor systems.

9.30 An assessment of the frequency of spillage of a hazardous chemical or a water polluting substance at an MSA can be found at *Document* 4.2.6. In addition to accidents occurring at MSAs, the emergency services tend to use MSAs as a quarantine area for vehicles damaged in accidents on the motorway and for vehicles found to be leaking a hazardous substance on the carriageway. National data on spill incidents at filling stations indicate that each station has a once in 77-year probability of a major fuel spill. Of these 38.5% occur below ground. Such leaks are especially serious, as they are extremely difficult to detect and remedy. Some sites remain contaminated from historical spills of this nature. Data for spillages at MSAs in the Staffordshire

Region of the EA, in areas other than the fuelling station, suggest a high risk of spills with a frequency of once every 3.3 years.

9.31 The risk of damage to the SSSI as the result of a spillage depends upon a number of factors. These include the toxicity of the spill, the location of the spillage within the MSA and whether it can be contained, the emergency response procedures, the chemical qualities of the spillage, the efficiency of the pollution control facilities, hydrogeological connectivity, and weather conditions. Modern pollution control systems rely on physical separation techniques and biological remediation in vegetated ponds. They do not retain water-soluble pollutants such as de-icing salts, acids and pesticides. Moreover, high rainfall can result in increases in the discharge of pollutants bound to fine particles in suspension, and the system can be bypassed altogether if its capacity is exceeded.

9.32 Studies on the efficiency of pollution control systems comprising interceptor structures and vegetated marshland or pond systems have demonstrated removal efficiencies for metal pollutants of between 50% and 90%. Recent research on an interceptor and twin balancing pond/reed bed system on the M25 in Surrey indicates that on average 10% of heavy metals in road run-off pass through to be discharged to the water course. Although this is efficient in terms of removal, the discharge nevertheless contains a cocktail of metal pollutants up to 40 times the concentration of -background levels *(Document 2.3. 14 and Table 3. 1 of Document 4.2.2)*. The outflow levels for certain single metals can be near the toxic concentration for some aquatic species. Moreover, toxicity studies show that a combination of metals can have a marked synergistic effect where low concentrations cause toxicity problems.

9.33 Significant increases of metals in waters and sediments along the newly opened Newbury by-pass have been noted, despite run-off treatment by modern interceptors and vegetated balancing ponds. Peak concentrations of cadmium in the water have increased 10-fold since the opening of the road.

9.34 Hydrocarbons are a major polluting component in road water run-off. Modern underground separators have a design output of 5mg/l of hydrocarbons. However, a study by W S Atkins of output concentrations of underground separators during a continuous throughput regime, recorded a range of diesel hydrocarbons from 3.7 mg/l to 79 mg/l with an overall average of 24 mg/l. This is within the range of toxicity to some aquatic organisms. It is not clear how separators function in normal field conditions as run-off water passes through in pulses associated with rainfall events. A major spill could result in a hydrocarbon outflow of around 300 mg/l. Moreover, during storm events, hydrocarbons can pass through as a fine emulsion. The efficiency of modern pollution control facilities relies on strict management and maintenance regime. There is a risk of maintenance being inadequate over the long term.

9.3 5 Unleaded gasoline fuels may contain between 15% and 20% methyl-t-butyl ether (MTBE). This compound is highly soluble and will pass through pollution control systems. MTBE from fuel leakages has contaminated drinking water supplies.

9.36 Bearing in mind the judgement in Envirocor Waste Holdings Ltd v SoS for Environment *([* 1996] JPL *489-497 - Document 2.5.12*), it is clear that the risk to the nationally important environmental resource of the River Blythe SSSI represents demonstrable harm sufficient to withhold planning permission in each of the MSA cases under consideration.

The Provision of a Lodge

9.37 The lodge proposals associated with each of the schemes are a cause for concern as a matter of principle. Firstly a lodge would increase the footprint of each development and the amount of land taken in open countryside. Secondly, it would add to the visual impact of each scheme and, thirdly, it would become a destination in its own right.

9.38 The Government's MSA Policy Statement of July 1998 makes it clear that a lodge is not a compulsory facility at an MSA. Moreover, paragraph 8, Annex A of PPG13 indicates that the Government is committed to the principle of preventing MSAs from becoming destinations in their own right. Although the decision on the appeal into proposals for a lodge at the Knutsford MSA adds some weight to the appellants' argument, each decision should be made on its own merits *(Document CD/Q/34)*. If an MSA is visited other than by motorway travellers breaking their journey, the facility becomes a destination. Given the proximity of the NEC and the attractiveness of lodge accommodation it is inevitable that a lodge at any of the appeal sites would become a destination. This is supported by correspondence from the NEC which suggests that exhibition visitors and exhibitor staff at the NEC would seek such accommodation *(Document 4.5.14)*. Furthermore, information supplied by the Birmingham Marketing Partnership implies that the demand for hotel accommodation to serve the NEC can extend up to 100km from the site *(Document 4.5.13)*.

9.39 In response to consultation of the draft UDP in 1990, the West Midlands Regional Office of the Department of the Environment indicated its concern about any positive policy on the provision of hotels in the Green Belt *(Document 4.5.12)*. The demand for accommodation associated with the NEC can and should be met in urban locations rather than the Green Belt. The SoS has been anxious to prohibit the use of any part of the BVBP and Birmingham Business Park for hotel accommodation as can be seen from the relevant appeal decisions at *Documents CD/P/5 and 12* respectively.

9.40 There is also concern that a lodge could encourage the use of an MSA as a 'park and ride' facility for the NEC. Parking controls are often inadequate at MSAs. This could affect the ability of the MSA to provide adequate facilities for motorway users.

The Proposed MSA at Catherine-de-Barnes

9.41 The proposal now includes the provision of auxiliary lanes to the motorway between the proposed MSA and J6.

Green Belt

9.42 The appeal site lies in a vulnerable part of the Meriden Gap, where robust control of development has preserved the openness of this part of the Green Belt. The open, rural character of the area can be seen in the aerial photograph of the site and its surroundings at *Document* 4.1.16. The proposed MSA would be a major incursion of built development in the Green Belt. The appeal site is situated in an important local gap where a finger of built development already extends eastwards from the urban edge of the conurbation. The MSA would extend and consolidate that finger of development and narrow the gap with Hampton in Arden. At night the extensive lighting associated with the scheme would have an urbanising influence on the area, and the narrowing of the gap between Catherine de Barnes and Hampton in Arden would be even more apparent.

9.43 The MSA would therefore conflict with the fundamental aim of keeping the Green Belt open and would compromise a number of the purposes of including land in the Green Belt. Any

major development in the Meriden Gap, whilst not immediately leading to a merge of neighbouring towns, would reduce the effectiveness of the gap. Moreover, the scheme would clearly result in the encroachment of built development into the countryside.

9.44 The MSA would also affect the setting and special character of the historic core of Hampton in Arden. The character of the conservation area is dependent upon the integrity of the Green Belt to the west of the village. A proposal for a golf course on land north of Solihull Road was dismissed on appeal in 1992 because of the impact on the conservation area and the setting of Hampton Manor *(Document CD/P/8).*

9.45 With regard to the objectives associated with the use of land in the Green Belt, referred to in paragraph 1.6 of PPG2, the proposed MSA would adversely affect the enjoyment of access to open countryside along nearby routes. Moreover, it would adversely affect the landscape near to where people live and would remove land from agricultural use. It would not contribute to the improvement of damaged or derelict land.

9.46 As it would have an adverse impact on the landscape, the proposal would conflict with the advice in paragraph 3.15 of PPG2, which seeks to protect the visual amenities of Green Belts.

Landscape

9.47 The setting of the appeal site and the character of the local landscape are described in *Document 4.1.14.* The site lies on a south-east facing slope within the Arden Parklands Landscape Type, as defined in the Warwickshire Landscapes Guidelines and described above. It is not denoted as being within an enhancement area, which reflects the relatively good condition of most of the field and lane boundaries and the influence of Aspbury's copse and other trees. The large amount of woodland in the area has a significant influence on its appearance. In terms of the Local Landscape Type, the site lies within an area of 'Open Arable Farmland' due to the amount of arable use and the clipped nature of many of the hedges, which allow views across the rolling landform. The aerial photograph at *Document 4.1.16* demonstrates the open character of the locality contrasting with the more enclosed nature of the distant landscape to the south.

9.48 Nevertheless, the existing hedgerows and trees around and within the site contribute to the screening of the motorway, particularly as there is little motorway planting for most of the length between Solihull Road and Friday Lane. The hedgerows and trees at the site are a characteristic feature of the Arden landscapes and frame some of the views of Walford Hall farmhouse. Although there are a number of detracting features in the area such as the M42, electricity power lines and the waste water treatment works, these do not dominate the local scene and are generally absorbed by the landform and vegetation pattern. As indicated in the ES, the area is attractive and has a well conserved rural character.

9.49 The landscape provides an attractive rural setting for the various settlements and hamlets in the locality, many of which have their own attractive qualities such as the conservation areas at Hampton in Arden and Walsal End. These settlements often benefit from the natural advantages of higher ground. A largely rural pattern of lanes connects the various settlements in the locality. The rolling topography and vegetation in the vicinity of appeal site makes a significant contribution to the quality and character of the landscape in the locality.

9.50 The spaces between buildings and settlements are important and any substantial changes to the landscape, such as further infill between the historic farmsteads, will erode this pattern and

diminish the historic resource that the landscape embodies. Walford Hall Farmhouse appears to have been linked to Hampton in Arden, albeit on the edge of the parish. For 500 years it has been the most prominent building in the area, sited on rising ground and visible from most directions.

9.51 The development of the MSA would result in a loss of attractive countryside. There are a number of ridgelines, at Walford Hall Farm, Hampton in Arden and Warley Hall, which give rise to a series of viewpoints over and into the site. The visual influence of the development would extend into the valley to the east and into the valley of the River Blythe to the south. The site can also be seen from high ground to the north and east. The appellant's own visibility study demonstrates that there are intermittent views of the site from land adjacent to the conservation area at Hampton in Arden *(Document 1. 2.14)*.

9.52 The development would be visible from various roads, rights of way and dwellings in the locality as indicated on the plan at *Document 4.1.15*. An assessment of the nature of the view from these locations can be found at *Document* 4. 1. *14a*. In particular, there would be close open views of the northern edge of the site and filtered views of lighting on the HGV parking area from Solihull Road. There would also be open views from Friday Lane, as it crosses the motorway, of the new junction, the refuelling facilities and associated lighting. From the motorway itself, the new junction, lighting and signs would be readily apparent. Although some of the viewpoints on rights of way would be up to 1.5km from the site, the development would detract from the enjoyment of the countryside for users of those rights of way. A significant number of residential properties would be adversely affected by the proposals, particularly in the early years before the planting proposals become established. Views of the site from Hampton Lane Farm in Solihull Road and The Woodlands in Friday Lane would be substantial in the early years. The decision in A L Wood-Robinson v SoS for the Environment and Wandsworth LBC [1998] JPL976 *(Document* 4.6.3 *1)* confirms that it can be in the public interest to protect what otherwise might be seen as a purely private interest.

9.53 In some instances, the eventual screening of views towards the MSA would lead to a loss of existing open views which are typical of Arden Parklands. Such a change has already taken place, where hedgerows on the appellant's land have been allowed to grow since 1997 in anticipation of the mitigation measures that would be needed for the MSA to proceed. On the other hand, vegetation lost as a result of the scheme would increase visibility of the site and the motorway from the east and increase visibility of the motorway from Walford Hall Farm. Some trees will be lost which would have been the subject of a TPO if the landowner at the time had not given an undertaking that they would be retained *(Document CD/D/6 Decision Letter Ref WMR/P/5 108/146/3 para 7and Document* 4.6.26). Under the circumstances the trees should be treated as though they are protected when assessing the weight to be given to their loss.

9.54 The development would necessitate considerable changes to existing ground levels on the site. For example, the eastern roundabout would be 7.5m above existing ground level, with a screening mound up to 2m above the roundabout. The amenity building would be sited between 3m and 5m below existing levels and the western side of the car park 5.5m below existing levels. Mounding along the northbound entry slip would be up to 7.5m above ground level. Many of the embankments would be out of character with the gently rising topography of the area. The elevated nature of the new junction and overbridge would result in the associated lighting and traffic movements remaining visible for many years. The sense of unity of the Arden countryside would be adversely affected.

9.55 The scheme would add approximately 100 new lighting fixtures into an area of landscape where there are few lighting columns at present. When viewed from the opposite side of the valley there would be a perception of a significant change at night. The service area would be conspicuous and harmful feature in the landscape. The substantial concentration of highways, signs, earthworks, buildings and hardstandings associated with the proposal would create the largest single intrusive element in the landscape. The cumulative effect of this and existing detractors such as electricity power lines, the water treatment works, and the motorway would have an urbanising influence, which would devalue the local landscape quality and adversely affect the buffer landscape between the motorway and Solihull.

9.56 The proposed auxiliary lanes would be subject to an agreement with the HAg. However, the HAg is primarily concerned with highway safety and the efficiency of the motorway network rather than landscaping. The HAg considers that additional environmental assessment and consultation procedures akin to those for a free-standing rapid widening scheme may be required. In such circumstances it is difficult to see how the requirements of EC directives to assess the direct and indirect effects of such a project can be complied with. Until this exercise is carried out, the full weight of the harm associated with the MSA proposal cannot be properly assessed and the balancing of need and harm in the current appeal cannot be completed.

9.57 Construction of the auxiliary lanes would represent significant development in the Green Belt and careful consideration should be given to the visual impact of such development. It would lead to a loss of existing planting along the line of the motorway. Exactly how much is in dispute, partly because there is no clear baseline of the existing vegetation.

9.58 The proposed mitigation measures, which would be within the highway boundary, include engineered 'green-walling' together with some planting. The space available to undertake such work is extremely limited and the appellant accepts that it is not possible to assess precisely how much planting would be possible until a ground investigation has been carried out at the detailed design stage. The illustrations of landscaping and the environmental impact assessment of this element of the scheme must therefore be regarded as uncertain. Moreover, the planned mitigation measures are not secured by any condition or obligation and are not necessarily secured by any future S278 agreement with the HAg.

9.59 The widening proposals would result in the loss of most or all of the existing highway planting in order to construct the steeper side slopes or retaining structures. Moreover, the retaining structures could damage the rooting zone of hedges along the highway boundary and proposals for highway drainage could result in further vegetation loss.

9.60 The widening of the motorway would have an adverse impact on the character of the area and the loss of vegetation would make traffic on the motorway more visible from various locations including a number of highways and rights of way. The effects of the widening would also be visible from a number of groups of dwellings. The proposed additional gantry sign near the railway underbridge would add to the visual intrusion of the motorway.

9.61 A comparison with the landscaping proposals for the M42 widening assessment published in 1994 *(Document CD/K/2 Part2)* demonstrates the inadequacy of the landscaping associated with the proposed auxiliary lanes. The Warwickshire Landscapes Guidelines suggest that for new roads attention should be given to the landscaping along a corridor up to 0.5km either side of the carriageway *(Page 31 of Document CD/D/1)*. To confine landscaping within the existing highway boundary cannot be an appropriate way to proceed.

Ecology and the Impact on the River ***Blythe*** *SSSI*

9.62 The site lies at the head of a lateral valley to the River Blythe, drained by the Eastcote Brook. The existing drainage pattern relating to the site is shown at *Document* 4.2. *IO.* Existing flow rates in the watercourse indicate that discharge from the MSA would take 3 hours to reach the SSSI. Any contamination arising from the outfall would therefore reach the SSSI in a relatively short period. With the lack of side-streams into the Brook, the only diluting medium is the outflow from the Barston Water Treatment Works, which, with low oxygen concentrations and high ammonia and metal loadings, would not ameliorate additional pollution from the MSA. The existing water quality of the Brook is poor, particularly with respect to nutrients, ammonia and heavy metals, as can be seen from the water quality statistics at *Table3-2 of Document 4.2.2.*

9.63 The ability of the proposed vegetated wetland system to provide pollution control would depend on a number of factors. Increased flow rates would decrease efficiency as would reduce biological activity during the winter. The efficiency of the system would also be reduced if the cover of the plant community were reduced following maintenance or after a damaging flood or pollution event.

9.64 The Environment Agency considers that the appeal proposal would have a detrimental impact on the quality and ecology of the River Blythe SSSI *(Document 4.6.2).*

9.65 The presence of 3 tree-sparrow territories on the site justifies its assessment as being of local conservation importance. The tree sparrow population is rapidly declining and has been placed in the "red" category of the RSPB's list of Birds of Conservation Concern (1996). It is unlikely that the MSA site would be successfully managed so as to cater for the need of this bird species and it is probable that they would be lost from the site.

Walford Hall

9.66 Walford Hall, originally scheduled in November 1952, is one of 37 grade II* secular buildings within the borough and one of the earliest to be listed. The evolution of Walford Hall from the original fifteenth century hall house is apparent despite the subsequent alterations and overbuilding which reflect historical, economic, social and domestic changes. The building is set 250 m south of the road linking Catherine de Barnes and Hampton in Arden and commands a view over the surrounding land holding. The original farmstead buildings were replaced in the eighteenth and nineteenth centuries, enclosing the yard just north-west of Walford Hall and clearly within its curtilage at the date of listing. They provided a comprehensive set of agricultural buildings, but have been subjected to a number of alterations and extensions, and the more recent addition of 3 open barns outside the perimeter. The application site boundary shows an arbitrary division of this curtilage agricultural building group.

9.67 Both the setting of Walford Hall and its plan form were products of the later medieval change from the open field communal farming system to the privatised enclosure of land. The plan outline was a capital I, consisting of two cross wings joined by the hall part. The lower service wing, used for food processing and cooking, and the one and a half storey hall used for communal living and eating, were separated by a screens passage which both abated draughts and provided cross-ventilation. By contrast, the solar wing at the upper end of the hall was two storeys high with a chamber floor giving the owner more comfortable private accommodation.

9.68 By the late sixteenth century Walford Hall was in need of modernisation and the original structure underwent major reconstruction. A full chamber floor, level with the existing one in the solar wing, was inserted into the hall part by raising its roof by 1 metre. The service wing was rebuilt at the same time to a matching height and span, subsuming the original screens passage, and the resulting shortened west bay of the hall was filled with a massive masonry chimney stack serving two hearths. Some trusses and timbers were reused from the original structure and, whilst much of the layout, framing and workmanship was homespun, the main ceiling beam over the present kitchen is surprisingly refined in its moulding. Vertical circulation was probably located where the present two nineteenth century winder staircases were installed. Apart from the replacement by bricks of wattle and daub infilling panels to the timber framing in the eighteenth century and later, the last major intervention was the nineteenth century overbuilding in brick of the solar wing south bay, obscuring that part of the original fifteenth century timber framing. Walford Hall was most recently used as a dwelling, but by 1995 its condition was so poor that it was placed on the Buildings at Risk Register, from which it was removed following stabilising repairs in 1997 *(Document 4.4. 1).*

9.69 Walford Hall is set within an open landscape and the relationship between the building and the historic development of the area is clear. The surrounding fields indicate the original function of the building and the economic and social role of the farmstead. They provide the setting for the building. Walford Hall Farm seems historically to have formed part of Hampton in Arden, albeit on the edge of the parish. The buildings, the landscape, the historic features such as Aspbury's Copse, the hedgerows and field patterns and their inter-relationship form an historic assemblage which is readily accessible and understandable by the observer. *(Document 4. 1. 14)*

9.70 The appellant has to deal with the obvious inconvenience of having a grade II* listed building included within the proposals. The incongruity of siting a substantial modern urban form of development next to a handsome farmhouse which presently stands overlooking the land which, for many years, has been associated with it is not easily to be put aside by the creation of landscape features which cut the house off from its wider setting and prevent it being appreciated as a part of the attractive countryside in which it stands.

9.71 The application includes implicit proposals to make alterations to the listed building, consequent upon the making of a material change of use. While for a change of use there is no need for listed building consent, there will have to be repairs carried out to the building, and a scheme of conversion, including the installation of services, and modern facilities will have to be implemented. This is likely to have an impact on the character of the building. While the appellant says that this level of detail is not required at this stage and that any necessary listed building consent application can follow later, such an application will be necessary since the proposed alterations would affect the character of the building. This approach flies in the face of the advice in paragraph 2.12 of PPG15.

9.72 Paragraph 3.10 of PPG15 indicates that the best use of a listed building will very often be that for which the building was originally designed. This is so in the case of Walford Hall Farm. Given that the aim should be to keep the building in active use, the first assessment should be whether the building has a future as a residential dwelling. The appropriate way to achieve this assessment is to carry out a proper marketing exercise. This has not been done even though there has been ample time. If necessary the building should be further refurbished – to make good the consequences of the appellant's neglect – before it is placed on the market. The appellant asserts that the approximate minimum cost estimates for conversion to residential use are £850 - £950 per sq m as against £550 - £650 per sq m for commercial use. In the Council's experience, these figures should be reversed. The appellant's survey report *(Document 1.4. 1 1)* claims that

substantial sums may need to be spent on maintenance in the future. In the Council's view, expenditure on a timber-framed building of this age should not be excessive once the damage of the long-term neglect has been remedied.

9.73 There is conflicting evidence about whether in this part of Solihull the proximity of the motorway, the flight path and the electricity pylons effectively disqualify this building as having a future for residential use. The overhead power lines were erected in 1930 and the closest line is over 70 m from the north-west corner of Walford Hall. There are residential properties in the borough directly below power lines. With regard to residential use and the question of noise from aircraft and traffic, the flight path is approximately 0.5 km to the east of Walford Hall, beyond the motorway. There are numerous valuable residential properties, several of which are listed grade II* or grade II, which are closer to the flight path, at Hampton, Eastcote, Barston and Walsal End.

9.74 The illustrative plans show a facility that is designed for the training of up to 20 people. The floor plans show facilities in both storeys. There is no indication of what would be stored in the farmhouse stores. Whether the listed curtilage outbuildings would be used for the storage of grounds maintenance machinery must be open to serious doubt. The future for the active use of this building is highly questionable and its viability therefore seriously open to doubt. Support for the scheme is largely predicated on the future of the building as a training facility as part of the MSA development. That future is far from certain. Sporadic use of the building would not be active use. If the appeal were allowed, the most likely result is that the building would remain empty. The appellant is committed by its Section 106 Unilateral Obligation to carry out repair works, but there is no commitment to maintain or use the building beyond that. The building therefore has an uncertain future and the prospect of further decay to the fabric.

9.75 Although the appellant eventually provided details of the treatment of Walford Hall itself, definite details are still lacking for the nature of the training operation. Amendments may be needed to the proposals in order to meet building regulations requirements involved in a change of use. Statutory requirements for means of escape, provision of access and facilities for the Fire Service may require replanning, particularly of staircases in relation to the confirmed number of personnel to be accommodated. Full accessibility for disabled persons may be required (*Document* 4.4.2). These changes together with detailed services installations, and thermal and sound insulation would materially affect the building. There are no details of the use or treatment of the curtilage outbuildings and external areas of the site. There is therefore insufficient evidence to show that the character, appearance and setting of Walford Hall Farm would not be materially affected.

9.76 The statutory duty is also to have special regard to the desirability of preserving the setting of a listed building. The setting clearly stretches beyond the boundary of the farmhouse curtilage. Paragraph 2.16 of PPG15 indicates that the setting is often an essential part of a building's character, especially if a garden or grounds have been laid out to complement its design or function. Paragraph 2.17 makes it clear that the setting should not be construed too narrowly. It may include land some distance from a listed building or other buildings and land. The appellant acknowledges that the MSA would give rise to a loss of land and openness and that these changes would be perceptible from the farmhouse.

9.77 The proposals for development would sever the relationship between the historic buildings and their prominent and open landscape setting. This would conceal the original function of the building and introduce a modern, large scale and alien element into a largely traditional agricultural landscape. This would detract from the historic and visual nature of the location. The new development would sever the link between Aspbury's Copse and Walford Hall. As managed

coppiced woodland, the copse was probably an integral part of the historic agricultural economy of the area. The original economic function of the copse would be rendered unintelligible. The removal of historic field boundaries and the loss of ponds, which form part of the historic texture of the landscape, would be detrimental to the overall historic assemblage.

9.78 So far as the ground treatment closer to the house is concerned, the result would be to produce a setting that is closer to that associated with a business park and therefore artificial. The setting of the listed farmhouse would be adversely affected, although the proposed removal of the larger modern barns could benefit some aspects. The introduction of an extensive lighting scheme would have a major effect on the setting of the farmhouse, where general illumination has never existed.

9.79 The appellant only at a very late stage produced the information approaching that required for the proper assessment of the effects of the development on Walford Hall Farm. There are deficiencies that remain and it is thus not possible to assess the effect as Section (66)1 requires. The appellant's approach has been largely to attempt to ignore the effects on Walford Hall Farm. The proposal for a training centre is not a satisfactory long-term solution for the use of such an important building. It does not appear to be a genuine use, but rather a convenient way of trying to deal with the future of a building the best use for which, residential, would be untenable next to an MSA. The change of use, combined with the effects on the setting of the building, would substantially devalue the historic importance of Walford Hall.

Highway Issues

9.80 The analysis of accident data in the appellant's TIA shows that the accident rate between J5 and J6 of the M42 was considerably lower for the period between 1995 and 1997 than the nationally observed rates for 1996. Thus on the basis of total accidents there is no evidence to indicate an unusual trend in accident rates which might support the need to have an MSA at Catherine de Barnes.

9.81 However, the results of the analysis also show that there is a considerable disparity between the accident rates on the two sides of the carriageway between J5 and J6. The accident rate on the northbound carriageway is considerably higher than the national average (about 30% more). With the potential for additional queuing and vehicle conflict created by weaving movements introduced by the MSA traffic, it is likely that the number of accidents would increase.

9.82 Video surveys on the northbound carriageway of the M42 near J6 show a high incidence of vehicles moving from the middle lane to the nearside lane during the AM peak hour to exit the motorway. Vehicles leaving the MSA would conflict with these movements and increase the potential for accident at this location.

9.83 The appellant has not adequately dealt with the problem of weaving. The survey upon which the appellant's modelling is based is not robust. The video surveys were undertaken in December 1998, a time of year when peak hour conditions are usually lower than average peak hour conditions. Moreover, the results of the survey are inconclusive when assessing the cause of congestion at J6. Congestion was noted on a survey day when flows were lower than a day when there was no congestion. It appears that delays on the motorway are likely to be caused by congestion at J6 itself, possibly due to congestion on the A45.

9.84 The proposed widening of the motorway could result in through traffic on the inside lanes travelling faster than at present, thereby creating a greater hazard as it conflicts with queuing traffic seeking to leave the motorway at J6 and merging traffic from the MSA. Moreover, the design of the proposed widening involves departures, including a 2m wide emergency vehicle strip and narrow lanes at 4 locations. These are a cause for concern given the high traffic volumes and the higher than average accident rate on the northbound carriageway.

9.85 The proposal has been validated by use of a Paramics model *(Document CD/M/20)*. This is a relatively new model that is still under development. In seeking to validate the model the appellant has placed reliance on examples of its use on schemes involving signalised junctions *(Documents* 1. 1. 68 *and* 1.1.76). There is no evidence as to its performance or reliability for free flowing motorway junction traffic. The HAg have accepted the use of Paramics in some specific instances (for example the M4 bus lane – *Document 5.1.35*) but there is no evidence as to the part played by the model. The appellant's claim that Paramics output has been approved by the HAg for a case study at J3 of the M6 is incorrect *(Document 5.1.27)*.

The Proposed Lodge

9.86 The site is only 3km from the NEC and Birmingham International Airport and a lodge would therefore be well placed to serve these facilities. The lodge would add to the footprint of built development at the site and would be an unnecessary intrusion into the Green Belt.

The Proposed MSA at J5

Green Belt

9.87 The site lies in a narrow, vulnerable Green Belt gap between Solihull and Knowle. The gap contains ribbon and other development, but has been designated as Green Belt primarily to reinforce the separation of the settlements. The fact that there are some existing detractors to the visual amenity of area (such as the dual carriageway road, the Whale Tankers Buildings and the electricity sub-station) does not justify further large-scale development at this location. Such development would consolidate the existing unattractive features in this narrow Green Belt gap and could encourage development pressure in the locality.

9.88 Coalescence of the settlements has been successfully prevented by rigorous application of planning controls supported on appeal. Proposal for residential and hotel developments and lighting for sport pitches have been resisted as indicated in *Documents CD/P/4, 9, 10, and 11*. In his report to the SoS on an inquiry into a proposal for a hotel in the vicinity of J5, the Inspector concluded that there was considerable pressure for further development in the vicinity of that site and the proposal would contribute to the eventual coalescence of Solihull and Knowle *(Document CD/P/4)*. The MSA would similarly contribute to the merging and coalescence of Solihull and Knowle and harm the openness of this part of the Green Belt.

9.89 With regard to the other purposes of including land in Green Belts, the MSA with its associated traffic, lighting, highway improvements and other infrastructure, would be an urbanising feature that would conflict with the aim of checking the unrestricted sprawl of built up areas. Moreover, the development of the existing green fields at the site would clearly represent encroachment into the countryside.

Landscape

9.90 The site is at the main gateway to Solihull; the A41 providing access to the town centre from the motorway. The character of the town is dependent upon its open countryside approach. The surrounding landscape is described in *Document 4. 1. 19*. The gently rolling landform is divided by stream valleys, one of which crosses the site. The Warwickshire Landscapes Guidelines do not denote the site as being within an enhancement zone, which reflects the relatively good condition of most of the field and lane boundaries and the influence of estate plantations. The hedgerows within the site link physically and visually with nearby vegetation to form part of the attractive open setting at this important approach to Solihull. Parts of these hedgerows, including some lengths of mature hedgerow would be lost as a result of the proposed scheme. The sense of unity of the Arden countryside would be adversely affected.

9.91 Because of the constraints of available space within the highway boundaries, the provision of access to the MSA would necessitate various retaining structures. Retaining walls would have to be built facing the motorway and its slip roads and on the embankments at J5. However, the most significant retaining structures in terms of visual impact would be the approximately 270m length of new retaining wall along the south side of the A41 road, the majority of which would be between 2m and 3m high. This would have a strongly urbanising influence on this section of road. Much of the existing planting along the A41 would be removed. Photograph 3 at *Document* 4.1.23 shows the view along the A4 1 on leaving J5; all of the roadside planting in this view would be removed. Well established planting around the electricity sub-station would also be lost (shown as length CD on *Document 4.1.24)*; this presently forms an effective screen to the sub-station and would be the most serious loss of vegetation on any of the three proposed MSA sites.

9.92 Widening of the A41 to create 8 or 9 lanes where there are currently 4, together with a loss of roadside vegetation (which is considered to be the second most serious item of vegetation loss on any of the three schemes) would have a significant impact on the appearance and character of the area. The main areas where existing planting would be removed are shown on the drawing at *Document 4.1.24*. Although new planting is proposed along the A4 1, the effect would be to widen the appearance of the highway.

9.93 The proposed retaining wall at the end of Barston Lane would be up to 4.5m in height. This would have a significant adverse effect on the visual amenity of houses in the road and for users of the adjacent footpath. Moreover, the proposed loss of vegetation alongside the north facing slip roads at J5 would open up views of the M42 from footpath 10A.

9.94 The proposed mounding at the appeal site would be out of character in the Arden Parklands landscape. Moreover, it would not screen the facilities building from view. When travelling out of Solihull on the B4025, there would be a view of a series of unconnected mounds with steep, angular slopes, extending up and across the natural valley slope. Lighting on the MSA access road and roundabout would only be partially concealed. Although the mounds would eventually be partially masked by the large areas of proposed planting, such planting would complete the effect of blocking the existing open view.

9.95 At night the development would result in significantly greater lit area and an increase in sky glow. It would introduce an obvious and major source of light into a relatively dark part of the locality.

9.96 Although existing features such as the M42, the A41, transmission lines, industrial buildings and the electricity substation degrade the local landscape, they do not dominate the local scene. The proposed MSA would result in a substantial concentration of highways, lighting, signs and retaining structures on the approach to Solihull from J5. The cumulative effect of this and the existing detracting features would be the creation of an urban fringe, which would devalue the quality of the local landscape.

The Impact on the River Blythe SSSI

9.97 The appellant's assessment of the risk of an incident being 1 in 365 years (or 1 in 607 years with control valves) is not robust because it assesses the risk of an incident on a new road. The risk at an MSA would be greater because of the presence of a fuel station, parked cars, and vehicles taken or removed to an MSA by emergency or rescue services. Some indication of the risk at an MSA may be gained from the statistic of 13 significant pollution incidents at Corley MSA since 1994; a rate of 2 incidents per year. Moreover, the recently opened Oxford MSA has suffered a significant spillage of diesel which contaminated the balancing pond at the site.

9.98 The appeal site at J5, which is drained by Ravenshaw Brook, lies about 300m from the SSSI. Existing flow rates in the Brook suggest that discharge from the MSA would take just over 1 hour to reach the SSSI.. As there are no side-streams into the Brook, there would be no additional dilution to assist in the amelioration of pollution from the MSA. The outflow characteristics of the MSA would dominate the water environment within the Brook.

9.99 The length of the River Blythe into which the Brook discharges is close to the urban and suburban edges of Solihull and has suffered from lower water quality than more rural reaches. Attempts to improve water quality could be compromised by the MSA proposal. The pollution control systems associated with the MSA necessitate a considerable maintenance commitment. There are uncertainties over the long-term performance of infiltration systems such as the porous surface proposed for the car park, and the swales for dealing with water from internal roads. Both are liable to clogging from fine particles.

9.100 The appellant's estimate of pollutant reductions at *Document 2.3. 13* needs to be read with caution, as the input concentrations relate to run-off from highways. MSA run-off could include greater concentrations of pollutants because of the nature of vehicle braking, steering, exhaust emissions, clutch wear and leakages at such sites.

Ecology

9.101 The development would result in habit severance and a loss of foraging for the local badger population, which would probably cause a decline in badger numbers. The population could decline by one third as a result of the development. The landscaped areas would be of reduced value for a number of years until soil invertebrate populations recover and landscape planting matures. The levels of disturbance within a typical MSA from movements of traffic and people make it unlikely that badgers would use any but the most distant parts of the site.

9.102 Ravenshaw Brook flows through Terrets and Pools SINC. Noise, disturbance and the effects of lighting at the MSA could affect breeding birds within the SINC.

Highway Considerations

9.103 The proposed development would lead to some disbenefit to local traffic outside peak periods. It would result in the presence of stop lines and traffic signals for movements that are

currently free flow. For example traffic travelling from the A4 1 to the A4 14 1 would have to cross 4 signalised stop lines, whereas at present this traffic has to make only one give way movement at the J5 roundabout.

9.104 The proposed lodge would be the highest building on the appeal site. It would add to the impact of the scheme on the local landscape.

The Proposed MSA at J4

The Green Belt

9.105 The site lies in an area of Green Belt that is part of the Greater Meriden Gap and also part of the locally important gap between Dorridge and Solihull. At present the site makes an important contribution to the perception of openness of the Green Belt in the locality. It also helps provide a rural edge to the motorway. Although the gap between Solihull and Dorridge has been eroded in recent years by strategic housing and business park development, its fundamental purpose has remained intact. The restraints imposed by the Green Belt have been effective in retaining this gap. There is open land adjacent to all four quadrants at J4 as a result of the controls imposed by Green Belt policy. Being close to the urban fringe of the conurbation makes the area particularly vulnerable to development pressure. The MSA would significantly reduce the actual and apparent openness of the Green Belt gap between Solihull and Dorridge. Bearing in mind the large amount of development that has taken place to the west of the motorway, the appeal site is of primary importance in preventing further sprawl of the built up area.

9.106 The proposed scheme would conflict with a number of the purposes for including land in Green Belts. It would compromise the objectives of checking the unrestricted sprawl of large built up areas; of preventing the coalescence of settlements; and of safeguarding the countryside from encroachment.

9.107 In addition, the MSA would adversely affect an attractive landscape near to where people live, and remove land from agricultural or related use. As such, it would conflict with objectives for the use of land in the Green Belt as set out in paragraph 1.6 of PPG2.

The Impact on the Landscape

9.108 The appellant's Environmental Statement (ES) and Supplementary ES *(Documents CD/O/5 and CD/O/IS)* contain a number of deficiencies that prevent a proper assessment of the landscape and visual impact of the scheme. Consequently, these documents are inadequate for public consultation and must be read in conjunction with the drawings and documents issued on 2 1 January 2000 and listed in the schedule at *Document 3.4.8.* In general, many of the drawings and documents are incomplete, in that they do not have an appropriate contour base or fail to show other essential baseline information. A review of the appellant's drawings and documentation can be found at *Document 4. 1. 30.*

9.109 The appeal site lies on a gently rounded spur between two valleys on the south east side of the Blythe Valley. It is an attractive plot of land situated in open countryside. It is not a semi-rural area as suggested by the appellant. The rural character of the Green Belt to the east of the motorway can be seen in the aerial photograph at *Document 4.1.26.* The original rural pattern of lanes and tracks has been subsumed into the suburban pattern at Monkspath and Dorridge, but can still be found in the area around the site. Footpath 56, known as the Trans-Solihull Way, crosses

the site. This footpath, which links Monkspath and Dorridge, would be diverted to the south of the site.

9.110 The appeal site lies within the ' Arden Pastures' Landscape Type as defined in the Warwickshire Landscapes Guidelines *(Document CD/D/1)*. It is not denoted as being within an enhancement area, which reflects the relatively good condition of most of the field and lane boundaries in the area and the influence of areas of woodland. Much of the landscape has a wooded appearance with Monkspath Wood, Little Monkspath Wood and Moat Coppice all lying close to the site. This wooded appearance is reinforced by substantial hedges along field boundaries that create visual links between the areas of woodland.

9.111 However, in the vicinity of the M42, the removal or close trimming of hedges has weakened the sense of unity of the Arden Landscape. This is apparent at the appeal site where the relatively poor condition and size of the hedgerows gives the site an open appearance from the north and allows views across the valley to Monkspath and Junction 4. Accordingly the site is considered to lie within Open Pasture Farmland Local Landscape Type, as delineated on the M42 Corridor Landscape Plan at *Document 4.1.5*.

9.112 The appeal proposal would necessitate significant widening of some slip roads at J4, expansion of the junction as a whole, and the erection of new signs, including 5 new gantry signs. Existing planting would be lost adjacent to the existing southbound motorway off-slip. The proposal also involves some substantial changes to existing ground levels at the site.

9.113 The MSA would be visible from the upstairs windows of about 26 houses on the Monkspath Estate. In year 1 the views would be moderate from about 6 of these dwellings and slight from the other twenty. When viewed from Elmbridge Drive at Monkspath, the upper parts of the proposed facilities building and lighting columns would be clearly visible through an initially open gap in existing vegetation. The proposed lodge would also be visible from this location, with some limited filtering of the view by an existing hedgerow, but without the benefit of screening from the proposed mound. The introduction of off-site planting south east of Elmbridge Drive would eventually screen views of the proposed MSA but would also result in the loss of attractive views of open rural Green Belt east of the motorway.

9.114 Views from the main roundabout at J4 would be dominated by proposed gantries on the roundabout and slip roads, various signs, lighting, hard surfacing, the proposed petrol filling station, and queues of traffic in the MSA. The mitigating effect of new planting would be limited. The assessment of visual impact in the ES does not have proper regard for the visible consequences of the extensive highway works, lighting and gantries required to achieve access to the site from J4.

9.115 The siting of the proposed MSA on high ground would inevitably mean that there would be views of the MSA from surrounding areas up towards the new lighting installations. The site is also readily visible from Footpath 57 on the opposite side of the motorway. Although many of the views of the site from this footpath would be screened by the Provident Park development, a new footpath known as the Blythe Valley Walkway is to be constructed between Provident Park and the motorway. Views of the proposed MSA would be visible from this footway albeit that they may be filtered by landscape works.

9.116 The proposed storm water drainage would almost certainly result in the loss of trees covered by a Tree Preservation Order (TPO). The suggestion that thrust boring would be used to overcome this problem appears to be impractical.

9.117 Although there are a number of detracting features, including the M42, the nearby riding school, and various items of development to the west of the motorway, these elements are seen individually and do not dominate the local scene. The equestrian centre has little influence on the appearance of the landscape; the pasture and pattern of hedgerows and fields are retained. The golf driving range is small and relatively contained. These are discreet developments that are well contained by the landscape. The proposed development at Provident Park would leave a substantial undeveloped strip of land adjacent to the motorway, thereby creating a clear edge to the built up edge of Solihull. Even the motorway and its traffic are partially absorbed by the landform and vegetation pattern. In contrast the proposed MSA would impose a substantial concentration of highways, lighting, signs, buildings and hardstanding on the gently sloping side of the valley, creating what would be the most intrusive element in the landscape, both in extent and visibility. It would combine with existing development to create a substantial urbanised area that would devalue the existing landscape quality and tranquillity. At night, the scheme would extend the impact of lighting into an area of relatively dark landscape east of the motorway, notwithstanding the background effect of lighting from the nearby golf driving range.

9.118 The development would be detrimental to the setting of the BVBP, as J4, which provides the access to the Business Park, would become more urbanised and complex.

The Impact on the River Blythe SSSI

9.119 The site lies on the edge of the narrow floodplain of the River Blythe. It would be separated from the main channel of the river by a buffer zone of about 60m of marshy grassland. Run-off from the site would discharge via the proposed pollution control system directly into the river. The narrow river reach at the location is especially vulnerable to pollution.

Ecology

9.120 Although no badger setts are present on the site, badgers are active in the area with the nearest sett around 200m away. The effects of the MSA on the use of the area for foraging have not been adequately considered. Similarly the potential impacts of the scheme on amphibia in existing ponds have not been satisfactorily determined.

9.121 The development of the MSA would result in the loss of semi-improved grassland under the footprint of the MSA, and a section of riverside at the site of a proposed entry slip-road. The construction of the proposed surface water run-off outfall may also result in the loss of further riverside pasture.

The Proposed Lodge

9.122 The appeal site is at a prominent location on high ground overlooking land to the west. The deletion of the lodge from the proposal would provide some flexibility to redesign the scheme in an attempt to reduce the visual impact of the development as a whole.

Highway Issues

9.123 The BVBP and Provident Park developments, have projected floor areas of about 121,000m^2 and 18,600m^2 respectively. Significant alterations to the layout of J4 are currently being undertaken to accommodate these developments. In addition, as indicated in *Document* 4.6.36, planning applications have been received for a number of other developments that could

have a significant traffic impact at J4. Approval of the MSA scheme could prevent or seriously complicate the release of many of the sites referred to in this document.

9.124 The proposed alterations and improvements to the highway network associated with the BVBP, Provident Park and the proposed MSA are as follows:

Development	Alterations & Improvements to the Highway Network
Blythe Valley Business Park	• Signalisation of Junction 4 • Additional bridge adjacent to the existing southerly J4 roundabout bridge • Construction of the main entrance to BVBP site at the roundabout • Construction of the BVBP exit over the M42 south of J4 • New signalised junction south of Gate Lane • Signalisation of the A3400/Gate Lane Junction • New roundabout on the A34 to serve the Tesco/Notcutts development and other existing developments
Proposed MSA at M42 Junction 4	• Provision of additional lanes on the northern bridge of J4 • Provision of additional lanes at the A3400 approach to the roundabout • Additional lane on the eastern circulatory carriageway of the roundabout • Widening of the A34 approach to J4 from 3 to 4 lanes • Widening of the western circulatory carriageway of the roundabout from 3 to 4 lanes
Provident Park at J4	• New junction between Tesco and J4 • Signalisation of Tesco roundabout

9.125 The appellant seeks to rely on the argument that even without the MSA the junction will reach capacity before the end of the design period and that MSA proposal would help to alleviate the situation. However, the additional traffic associated with the MSA and the added complexity of the junction would make it more difficult to find a solution to the problems at J5. Moreover, there are other developments likely to take place in the area (as indicated in *Document 4.6.36)* which have the potential for significant impact on traffic conditions at J4.

9.126 The TRANSYT analysis contained in the appellant's Traffic Impact Assessment (TIA) has been revised to reflect the latest BVBP and Provident Park proposals including the signalisation of the Tesco Roundabout. It also takes account of the proposal to direct A3400 traffic from the M42 north through the main junction roundabout rather than via the MSA roundabout as indicated in the TIA. However, the analysis contains a number of errors. Moreover, it shows that queues would affect the operation of the proposed junction and probably lead to gridlock. This is unacceptable at such an important junction. The failure of the junction to operate efficiently would cause traffic problems over a wide area. Moreover, it would not be acceptable for traffic to be 'gated', whether deliberately or by default, to ensure that the gyratory flows are maintained. The result would be unacceptably lengthy queues and delays on the A34 and A3400 approach roads.

9.127 The appellant's analysis indicates that some links may be less stressed than others. However, the junction must be considered as a whole in the TRANSYT analysis and not assessed on a link by link basis.

9.128 When projecting local traffic flows for 2016, the TIA originally assumed a low growth factor based on the National Road Traffic Forecast (NRTF) published in 1997. This was considered acceptable by the Council, because traffic flows on the motorway would be

constrained to Congestion Reference Flows (CRF). However, the appellant's TRANSYT analysis now seeks to reduce these low growth flows by 10%, without providing any detailed justification for the reduction. It is possible that as the motorway becomes more congested, long-distance traffic passing through the area will use the M42 (south) and M5 rather than the Solihull section of the M42. This would allow more long distance traffic with a local origin or destination to use the Solihull section of the M42 including J4.

9.129 It is accepted that the junction, as currently being modified to accommodate the BVBP and Provident Park developments, will not operate efficiently in 2016. However, the MSA proposals would make an already complex junction considerably more complicated. It would also introduce more traffic. These changes would make it more difficult to achieve a satisfactory design that would result in acceptable operation of the junction in 2016. The complexity of movements at the junction after construction of the MSA is demonstrated in the 'trees' of movement shown in *Document* 4.3.38. As an example, northbound traffic on the A3400 traffic would be required to complete a 'U-Turn' type movement traversing the full length of the junction roundabout in order to gain access to Gate Lane.

9.130 The MSA proposals would result in traffic exiting the MSA having to give way to A3400 and Gate Lane traffic totalling 693 vph, 895vph, and 579 vph in the AM, PM and off-peak hours respectively. Such high volumes of passing traffic would cause substantial delays to traffic wishing to exit the MSA.

9.131 The MSA roundabout would generate additional accidents. The appellant has calculated that the roundabout would cause 1.53 PIAs per year. However, the MSA proposals also include two other new priority junctions, although no assessment of their possible effects on the current level of accidents has been made. The complexity of the junction is likely to lead to further accidents in addition to those calculated on the basis of traffic generated by the MSA.

9.132 The proposed layout for the southbound off-slip is potentially unsafe, because of the short distance between the end of the diverge taper and the start of the dedicated lane for the MSA.

9.133 Given the problems which are likely to occur on the gyrator-y system and the queues and delays resulting from the complexity of the junction, this is not an MSA that is likely to attract 'repeat visits'. It would not be an attractive facility for drivers and would not fulfil its intended function.

The Need for an MSA on the Solihull Section of the M42

9.134 It is clear from past Green Belt MSA decisions that the SoS has taken the view that the need for such facilities can represent the very special circumstances which might overcome the strong presumption against inappropriate development in the Green Belt. However, it will not do so in every case. It is important to strike a balance between the needs of motorists and the protection of the countryside. The weight to be given to need will vary from case to case as will the weight to factors militating against MSA provision.

Spacing of MSAs

9.135 Government guidance on the provision of MSAs is set out at *Document* 4.3.1. The guidance does not establish a maximum distance between service facilities. Spacing must take into account planning considerations including restraint policies such as Green Belt designations.

The 1998 MSA Policy Statement provides guidance as to the factors to be considered when assessing the need for an MSA. These factors apply to all proposals including those that would be sited within a gap in excess of 30 miles. The reference to a 30-mile network in the MSA Policy Statement does not mean that a balancing exercise has already been carried out for all cases. If that were the approach it would amount to a presumption in favour of an MSA in 30 mile gaps in the Green Belt, which is not the case.

9.136 The guidance indicates that the need for an MSA network is primarily safety related, and as such must be balanced against any safety implications arising from the provision of the MSA.

9.137 The fact that the HAg would sign an MSA that received planning permission and met minimum spacing policy requirements does not mean that the Agency has accepted that the need for such a facility has been established.

9.138 The appeal sites are located on a part of the Midlands motorway network forming a box around the West Midlands conurbation. The question of distance between existing MSAs is complex because of the considerable number of potential routes served by this section of the motorway. Furthermore, the BNRR will provide increased capacity in the southeast to northwest corridor. However, the extent to which the BNRR may affect traffic movements is unclear. The evidence presented to the BNRR inquiry related to a situation with the then proposed Western Orbital route in place and the Solihull section of the M42 widened to 4 lanes. The Western Orbital route has since been abandoned.

9.139 For movements using the Solihull section of the M42, other than those between the M40 and M6, the distance between MSAs is generally close to the desirable aim of not much more than 30 miles. Warwick MSA to Tamworth MSA is 38 miles, Warwick MSA to Corley MSA is 33 miles and Hopwood MSA to Norton Canes MSA will be 35 miles. Moreover, the volume of traffic on these routes is likely to be relatively small. The distances between MSAs are set out in *Table 4.1 of Document* 4.3.2. In written representations submitted at the time of consideration of the proposals for an MSA at Hopwood, Blue Boar Properties Ltd indicated that a distance of 39 miles had been accepted in some circumstances to be consistent with the DOT's highway safety aim to locate MSAs at intervals of not much more than *30* miles *(para 3.7 of Document 4.6.1).*

9.140 The only current movement that exceeds the "not much more than 30 mile" distance between MSAs is the M40 to M6/M54. However, the situation with regard to the M42 is very unusual in that there is an alternative route for through traffic making the M40 to M6/M54 movement that has ample MSA provision. The alternative route via the M42(S) and M5 is between 2 and 3 miles longer than the M42(E) and M6 route and is indicated on a sign erected in September 1999 on the northbound carriageway of the M40 in the vicinity of the Warwick MSA. The sign indicates the distance to the next available service area for the two alternative routes to the northwest. Therefore by taking the alternative route via the M42 (S) and M5, traffic travelling between Warwick MSA and Hilton park MSA has the 'opportunity to stop and rest' at Hopwood MSA (23 miles beyond Warwick) and Frankley MSA (a further 12 miles beyond Hopwood). At the point where the decision on the alternative routes needs to be taken, drivers are approximately 30 miles from Hilton Park. Drivers intending to take the M42(E) route but suddenly requiring the opportunity to stop are in a no worse position than they would be anywhere else on the network where there is a 30 mile gap between MSAs.

9.141 In response to a query as to whether traffic signing between the M40 and M6 northbound may be altered, the HAg pointed out that the outcome of the West Midlands Multi Modal Study

(WMMMS) cannot be prejudged *(Document 4.6., 12)*. The report on the implementation programme of the study is anticipated in April 2001 *(Document CD/K/6* p42). If the signing were to be changed the need for an MSA on the M42 (E) would be substantially altered. The type and nature of traffic using the M42(E) could change if the signing were altered. This length of the M42 provides the only motorway access to a number of important regional and national developments, such as the NEC, Birmingham International Airport and the Birmingham and Blythe Valley Business Parks. It would be inappropriate to create access difficulties for these developments and traffic that could use other parts of the motorway network may need to be diverted to alternative routes. An indication of the frequency of events and large number of visitors attending the NEC can be found in the Diary of Exhibitions at *Document 4.6.28*.

9.142 An MSA on the M42(E) could attract more traffic to this length of motorway. This would aggravate traffic problems and prejudice the outcome of the WMMMS.

9.143 The WMMMS may also recommend that the M42 (E) should be widened. If such widening were to occur, the proposed MSAs may be too small. The provision of additional car parking areas would have implications for the impact of such development on the landscape. For instance, the reduction of 100 parking spaces from that originally proposed at Catherine de Barnes enabled the MSA boundary to be drawn back from the listed building at Walford Hall Farm.

9. 144 The motorway box around Birmingham has some similarities with the M25. It is an orbital route, in the Green Belt, carrying high volumes of traffic with frequent junctions. These factors in the context of the M25 lead the Government to conclude that it may not be appropriate to apply general MSA policy in unmodified form to the M25.

9.145 The journey time taken between MSAs is not part of the SoS's policy or guidance in relation to the spacing of MSAs. Otherwise on congested motorways, the spacing between MSAs could arguably be reduced to very short distances. The SoS's policy is to provide the opportunity to stop every 30 minutes or so assuming normal motorway speeds.

9.146 Consideration should also be given to the possibility of expanding existing MSAs rather than building a new MSA. The possibility of a new site militates against the expansion of existing ones. This is demonstrated by the unimplemented permission for expansion at Hilton Park. It is said to be unimplemented because of the uncertainty over the future of the BNRR, along which a new MSA would be constructed. There is room for expansion at Warwick MSA.

Traffic Flows

9.147 The Solihull section of the M42 carries high volumes of local traffic and congestion occurs frequently. The weekday hourly flow profiles at *Documents 4.3. 12 and 13* show the presence of morning and evening peak periods corresponding to commuter travel periods. Moreover, a gradual flattening of the hourly flow profiles has taken place between 1993 and 1999 with peak periods showing little or no growth but continuing growth during the inter-peak period *(Documents 4.3, 14 and 15)*. Thus the inter peak periods, which have higher MSA turn-in rates (TIRs) than peak periods, may in future experience traffic levels similar to those currently occurring in peak periods.

9.148 In his report on the inquiry into a proposed MSA at Redbourn *(Document CD/Q/6)*, the Inspector concluded that a high traffic flow does not in itself indicate a high level of need for an MSA. This is reinforced by the 1998 Policy Statement, which notes that *'the need for services*

may, for example, be less on motorways used by high percentages of short distance or commuter traffic'.

9. 149 The 3 principal sources of data indicating origins and destinations for traffic using the Solihull section of the M42 are referred to in *Document* 4.3.3. The survey data for the West Midlands Traffic Model pre-dates the opening of the M40. However, using data from various sources to synthesise M40 traffic movements, the model suggests that around 15% of M42 traffic in the Solihull area is making the M40 to M6/M54 movement. Through traffic surveys for the West Midlands motorway network were undertaken in 1993 using registration plate matching techniques. These surveys indicate that about 11% of the M42 traffic in the Solihull area is travelling between the M40 and M6/M54. Therefore, a figure of between 10-15% appears to be a reasonable estimate for this movement.

9.150 Data for 1997 shows that traffic speeds on the M42 between J5 and J6 dropped below 30mph for a significant proportion of peak times. In the northbound direction, traffic speeds fell below 30mph during the pm peak on 8% of weekdays. In the southbound direction, low speeds were recorded in the same evening peak hour on 20% of weekdays. It is clear that traffic volumes often exceed design capacity, resulting in very low speeds, flow breakdown and driver frustration. The introduction of weaving manoeuvres would create additional vehicle conflicts.

9.15 1 The stress level maps published in 'A New Deal for Trunk Roads in England 1998' demonstrate that the M42 Solihull section and the urban section of the M6 are the most highly stressed sections of the Midlands motorway network *(Documents* 4.3. 17 *and 18).* In contrast, the M42(S) and M5 route between the M40 and M6 is shown to be 'generally operating satisfactorily' for most of its length in 1996 and is forecast to incur 'peak congestion half the days of the year' in 2016. Transferring traffic to this less stressed route would help to reduce congestion on the Solihull section of the M42 and would provide an opportunity for those travelling between the M40 and the M6 to use the existing MSAs at Hopwood on the M42 (S) and Frankley on the M5.

Safety Issues

9.152 A series of interview surveys were undertaken in June 1999 at existing MSAs at Hilton Park (M6), Tamworth (M42), Warwick (M40) and Frankley (M5). A copy of the questionnaire can be found at *Document* 4.3. *18* and the results of the survey at *Documents 4.3. 19 to* 29 *and* 4.6.34. The survey found that the principal reason for stopping at an MSA was to purchase fuel and that the majority of car drivers stop for 20 minutes or less. Professor Home, of the sleep research institute at Loughborough University, recommends a rest period of 30 minutes in order to offset the effects of driver fatigue. The majority of car drivers are therefore stopping for an insufficient time to reduce fatigue levels.

9.153 The principal reason for the provision of an MSA is safety. An MSA provides an opportunity for drivers to rest thus reducing accidents due to driver fatigue. Therefore one of the considerations with regard to need is whether there is a 'higher than normal incidence of accidents attributable to driver fatigue'. However, there is no national benchmark against which fatigue related accident rates can be measured. Accidents are usually caused by a set of contributory factors and in many cases it is impossible to identify a single cause.

9.154 A study undertaken by Professor Home et al found that up to 23% of accidents on motorways were sleep related *(Document CD/H/2 App B).* This is a smaller percentage than suggested by the appellants. Moreover, on the Midlands motorway network Professor Home estimates that around 20% of accidents are sleep related. Summaries of Professor Home's recent

research can be found at *Document 4.3.36*. In a paper entitled 'Road Audit of Sleep-Related Vehicle Accidents on a UK Motorway' *(Pages 8 and 9 of Document 4.3.36)*, Professor Home et al describe the results of a two year study into sleep related vehicle accidents (SRVAs) on a 40km section of the M40 motorway. The study concluded that the distribution of SRVAs and driver error accidents along the M40 were apparently not affected by the location of the existing MSA. It was suggested that fatigued drivers were not choosing to stop at the MSA. The study shows that the existence of an MSA may not always lead to the expected reductions in the number of SRVAs.

9.155 In a review of studies in to SRVAs *(Pages 5 and 6 of Document 4.3.36)*, Professor Home and Dr Reyner found that the 'time of day' is a more important factor underlying sleep related accidents than the duration of the drive. The peak times for fatigue related accidents are the early hours of the morning and mid afternoon. Many of these accidents are attributable to drivers travelling home from night shift work or travelling within one or two hours of an early start. However, shift workers in particular are unlikely to make use of an MSA.

9.156 Documents 4.3.31 to 34 show accident rates by time of day for the M5, M6, M40 and M42 within the Midlands motorway area. These show a clear peak in the early hours of the morning, but no equivalent peak in the afternoon. The early hours peak is lower for the M42 than the M40, suggesting that the M42 has a lower incidence of fatigue related accidents than the section of the M40 subject to analysis. This section of the M40 includes the Warwick services area, and the results therefore confirm Professor Home's findings that the presence of the MSA appears to have no impact upon fatigue related accidents.

9.157 Accident rates appear to increase where MSAs are close to junctions. *Table 6.1 at Document* 4.3.4 lists the accident rates within 2km of a number of existing MSAs. The table shows that accident rates are higher in the vicinity of those MSAs within 1.6km of a junction than for MSAs more remote from junctions.

9.158 Sleep related accidents are likely to be increased by the monotonous nature of some motorways, as suggested in the research by Professor Home et al at *Document 4.6.22*. The M42(E) has frequent junctions and is not a monotonous route. Fatigue or sleep related accidents are likely to be less common on such lengths of motorway.

9.159 A high accident rate does not necessarily justify a need for an MSA. The cause may not be related to fatigue. The appellants assume that all accidents in which the cause is attributed to 'inattention' should be considered as fatigue-related. This would lead to an over-estimate of fatigue-related accidents.

9.160 On the Solihull section of the M42 the average accident rate is lower than that for the national motorway network as a whole. *Document* 4.3.30 shows the accident rates on a link by link basis for the area. These show no correlation between the presence of an MSA and the accident rate. In fact on the M40 north of Warwick MSA, the northbound accident rate is almost double the southbound rate. There is no obvious explanation for this variation. It may be that some fatigued drivers are not stopping at the Warwick MSA. The M40 is relatively featureless at night, resulting in a tedious driving experience.

9.161 In seeking to demonstrate the contribution of an MSA to reducing accidents, the appellants compared the accident rates northbound on the M40 north of the Warwick MSA before and after the MSA opened. However, they failed to take account of the accident rate south of the services (northbound) before and after opening. These figures show a reduction south of the services after

opening which suggests that some other factors were involved, such as increased driver awareness or discipline *(Document 4.6.33)*.

Parking Facilities at Existing MSAs

9.162 The results of parking surveys at existing MSAs undertaken in May 1999 on behalf of the developer of the Catherine-de-Barnes proposal can be found at *Documents 4.3.7-11*. These show that existing MSAs adjacent to the proposed MSA were not experiencing car parking capacity difficulties. The maximum car parking utilisation varied between 52% and 68% at the on-line sites, and at the Tamworth MSA, the maximum utilisation was about 70%.

9.163 Although HGV parking was found to be operating at capacity at a number of sites, notably Warwick and Tamworth MSAs, it is likely that the situation has been eased by the provision of services at Hopwood on the M42 (the surveys were undertaken before the Hopwood site had opened). The photographs of a perceived HGV parking problem at Warwick MSA *(Document 3. I. 16)* were also taken before the Hopwood MSA was fully operational.

9.164 The surveys show that Warwick and Tamworth MSAs have spare coach parking facilities. The Hilton Park MSA has planning permission for a significant expansion of parking, although this has not yet been implemented. The proposed MSA at Norton Canes on the BNRR is likely to relieve pressure on the Hilton Park site.

9.165 Further surveys were conducted in August 1999. Hilton Park MSA was the only site where capacity was reached, when demand slightly exceeded capacity for two hours on one Friday. However, across the sites as a whole there was substantial spare car parking capacity, as shown in the table at *Document* 4.3.5. Moreover, the historic average hourly traffic flows for non bank holiday weekend Fridays in August for the M42 and M6 suggest that there is little or no opportunity for growth on these routes at times of peak MSA parking demand *(Document 4.6.35)*.

9.166 The relationship between spacing and parking requirements relied upon by the appellants in seeking to demonstrate inadequate parking facilities at existing MSAs is based on a 15 mile minimum spacing approach which predates the Government's 1998 MSA Policy Statement. Moreover, no such 'factoring' exercise has been carried out by the appellants when calculating the parking requirements at the proposed MSAs.

Conclusions on Need

9.167 There is no evidence of significant need for an MSA on the Solihull section of the M42. A gap of more than 30 miles between MSAs is not the only factor to be taken into account when assessing motorists' needs; all components of need must be examined and placed in the balance. Most movements using this section of the M42 are short distance or are adequately served by current MSAs. The one movement that is not adequately served has an alternative motorway route that contains two MSAs and is also less congested. Moreover, the weight to be given to need is materially affected by the uncertainty over the future role of the West Midlands motorway box, particularly in view of the WMMMS, the construction of the BNRR, and the possibility of widening of the M42.

Overall Conclusions

9.168 Despite the mitigation offered, all the MSA proposals would result in intrusive development taking place in vulnerable parts of the Green Belt and the ecology of the River

Blythe being threatened. In the case of the proposed MSA at Catherine de Barnes the setting of the listed building at Walford Hall Farm would be harmed.

9.169 As indicated at paragraph 9.56 above, the balancing exercise in relation to the Catherine de Barnes proposal cannot be completed, until the environmental effects of the proposed widening of the motorway are fully assessed. It is therefore not possible to fully compare the merits and harm of the 3 appeal proposals. Even if the SOS issued a 'minded to grant' letter in respect of the Catherine de Barnes proposal, the 'runner-up' proposal could not be refused until the final assessment of the Catherine de Barnes scheme had been undertaken.

Planning Conditions and S106 Obligations

9.170 The reasons for the suggested planning conditions at *Document* 4.6.44 are obvious from the wording of the conditions and a schedule of reasons has not been prepared. Conditions 5, 6 and 7 are intended to ensure that the development reflects the information found on the illustrative Masterplan. The conditions would not change the application, although "siting" has been deleted as a reserved matter. It is accepted that a "Note", such as that found after Condition 1, is not normally found in SoS decisions.

9.171 To comply with the Rochdale judgement, and enable an assessment of the likely significant environmental effects to be undertaken, a condition restricting the floor area of buildings to that shown on the respective Master-plans should be imposed.

9.172 The requirement in Condition 11 that at an MSA should not illuminate the motorway is similar to the condition imposed by the SoS in allowing development of an MSA adjacent to the M3 motorway between Itchen Wood and Shroner Wood, Kingsworthy *(Page 1354 Document CD/Q/18)*.

9.173 Conditions 15 and 16 are necessary and appropriate. It is accepted that the commercial viability of an MSA should not be harmed, but it is unacceptable to allow retail development in the Green Belt under the guise of it being necessary to meet the needs of motorway users. Some items are necessary during a journey, but clothes, fashion accessories and DIY goods are not. The items sold in the kiosk serving the fuel forecourt should also be restricted. In the past, such restrictions may not have been necessary, but recent developments at MSA sites show that such restrictions are required.

9.174 Condition 36 is necessary to ensure that appropriate works are undertaken to Walford Hall Farm. If the MSA was built before work was undertaken to the listed building, there could be pressure to open the motorway facilities to the public which would be difficult to resist. The Council would then have difficulty in ensuring that repairs to Walford Hall were undertaken.

9.175 Condition 37 should incorporate the advice of the Countryside Agency, contained in its letter dated 19 January 2000 *(Document CD/R/3)*, that care should be taken to minimise damage to existing hedgerows, hedgerow trees, areas of semi-improved grassland and wetland habitats etc by means of measures such as protective fencing and unworked boundary zones.

9.176 With regard to Appeal A' although Condition 38a is preferred to the corresponding condition suggested by the HAg, both conditions would conflict with the judgement set out in R v Rochdale Metropolitan Borough Council, ex parte Tew and others (1999) 3 PLR 74 *(Document I. 6. 1)*. This indicates that planning permission for such development should be granted in full knowledge of the project's likely significant effects on the environment.

9.177 Condition 38b is intended to ensure that the construction programme for access to the site is in accord with that put forward in the ES at paragraph 4.5 *(Page 30 of Document CD/M/7)*.

9.178 In relation to Appeal B, Condition 39a seeks to prevent development of the site prior to the construction of an access from the A41 and the diversion of Ravenshaw Lane. However, such work could undertaken on a phased basis allowing matters such as final surfacing to be undertaken after commencement of the development.

9.179 The S 106 undertaking submitted by Blue Boar et al does not prevent the development commencing before the various management plans referred to in the document have been approved by the Council. Such approval should be obtained before the development commences.

SECTION 10 – THE CASE FOR THE HIGHWAYS AGENCY

The material points are:

General

10.1 The section of M42 between J3a and J7 is one of the major strategic routes in the country's trunk road system. As part of the West Midlands motorway box it carries long distance southwest-northeast and southeast-northwest movements as well as distributing movements to/from and within the West Midlands. The traffic on this section of motorway therefore comprises a mix of long distance through traffic, regional traffic to and from the airport, NEC and other major local centres, and local traffic. Between J3a and J7, the M42 in 1996 carried about 125,000 vpd, which is second only to the most congested sections of the M6, which carry up to 160,000 vpd.

10.2 The maximum peak hour flows have shown little change in recent years, although the period of peak flows is becoming longer. This indicates that the stretch of motorway is incapable of carrying flows significantly in excess of the current peak and that any disturbance to the existing traffic pattern would be expected to cause a deterioration in operating conditions and a consequent reduction in throughput and safety. At J6, slip road flows are higher than any other motorway junction in the area. Average peak flows are around 1700 vph and extend over several hours each day when NEC activity levels are high. This results in slow moving traffic on the motorway as more than one third of the total motorway flow attempts to use the nearside lane prior to leaving at J6.

10.3 The need for widening this section of the M42 is to be addressed as part of the West Midlands Multi-Modal Study (WMMMS), the terms of reference for which are set out in the Government Office for the West Midlands News Release at *Document 51.28*. However, even if it were concluded that widening is required, it is unlikely that works would be completed before around 2010. It is therefore appropriate that the MSA proposals should be considered on the basis of a D3 motorway, as this would be the condition prevailing for the majority of the design period.

10.4 Figures given at the inquiry into the proposed BNRR suggest that traffic on the M42 south of the M6 would increase by about 6% with the BNRR in place. This remains the best estimate of the traffic effects of the BNRR, although the forecasts assumed the M42 would be widened

between the M40 and the M6. If the M42 is not widened, congestion can be expected to limit any increases resulting from the opening of the BNRR.

10.5 Currently there are no proposals to route traffic travelling in either direction between the M40 and the M6(N) via the M42(S) and M5 (the western route). It is not likely that traffic will be signed via this route in the foreseeable future although variable message signing (VMS) could route traffic this way in emergencies or at times of major roadworks *(Document* 5.3.2). If traffic were signed via the western route, traffic volumes could be such that there would be a need for the M5 to become the mainline at the M5/M6 junction rather than the M6. However, this would require a major alteration to the junction, as the present arrangement would result in M6 traffic joining the fast lane of the M5 if the M5 was allowed to run through the junction as the main line.

10.6 The HAg's primary concern in each of the appeal cases relates to the impact on the safe and efficient operation of the motorway. All the proposals have been assessed on the basis of the test set out in "A New Deal for Trunk Roads in England" which states that:

"The works specified for the point where development-related traffic first accesses the trunk road will be sufficient to accommodate all traffic 15 years after the development opens. Where further highway improvements are required upstream or downstream of this point, these will be to a standard capable of ensuring that conditions on the trunk road are no worse at any time during the 15 year assessment period than if the development had not taken place".

10.7 The extent of the benefits or disadvantages of each of the schemes in any other respects will be weighed by others. Government advice makes it clear that MSAs at 30-mile intervals are not an absolute requirement. Circular 1/94 indicates that a 30-mile spacing is a desirable aim from the transport point of view, but Annex A to PPG13 states that the Government does not have in mind any maximum interval beyond which there would be a presumption for the siting of an MSA. Although the HAg has confirmed that it would enter into a signing agreement for an MSA on the M42 between the M40 and the M6, this is on the assumption that there is a proven need for an MSA that results in a grant of planning permission. The Agency's willingness to enter a signing agreement does not imply a need for an MSA. The Agency expresses no view on the planning merits of the various development proposals.

10.8 Agreements have been reached with Blue Boar Ltd (Appeal A) and Swayfields Ltd (Appeal B) regarding the mitigation works necessary to deal with the traffic impact on the trunk road network associated with their developments. Accordingly the HAg has withdrawn its objection to these two proposals. The two schemes are acceptable to the HAg provided that the works that have been agreed are capable of being delivered and would be delivered. A secure mechanism would therefore be necessary to ensure that such works are delivered. Moreover, as the HAg has not assessed the environmental impacts of the mitigation works, the SoS should be cautious in granting planning permission for either of these schemes.

10.9 If any of the MSA proposals appear to have sufficient merit to warrant the granting of planning permission, it is recommended that a "minded to grant" letter be issued. The HAg has not carried out an appraisal of the proposed off-site highway works, and it is likely that further formal procedures would be necessary before a decision could be taken on the appropriateness of such work. By issuing a "minded to grant" letter, the SoS would retain jurisdiction over the merits of the package as a whole, including the associated off-site works. It would allow the merits and disbenefits of the whole package to be assessed when undertaking any exercise to determine whether the off-site works should proceed.

10.10 The proposed scheme for an MSA at J4 (Appeal C) is not acceptable because of its impact on the trunk road network. However, none of the MSA proposals are likely to significantly affect the HAg's ability to widen the motorway.

The Proposed MSA at Catherine de Barnes

10.11 The proposal is for an on-line MSA and therefore there is no additional motorway traffic to consider. The effects would be limited to the weaving, merging, and diverging associated with traffic wishing to use the MSA, on the section of M42 between J5 and J6.

10.12 Based on 1996 data, traffic flows on the M42 between J5 and J6 are 116,000 vpd (AADT) and 125,000 vpd (AAWT). Accident data for the 6-year period 1992/97 shows the accident rate on this section of motorway to have been 9.6 accidents per 100 million vehicle kilometres (mvk), which is below the 1996 average for all motorways of 10.4 per 100 mvk. However, the rate for the northbound carriageway was 13.5 per 100 mvk whilst the southbound rate was only 5.8 per 100 mvk. There was no particular clustering of accidents on this section of motorway and there are no clearly apparent reasons for the higher accident rate on the northbound carriageway. Accident rates around the motorway box are shown at *Documents 5.1.8 and 5.1.8a.*

10.13 The appropriate traffic growth rate for this section of motorway is the 1997 NRTF central estimate for rural motorways. However, it is agreed that traffic growth will be constrained by the capacity of the existing motorway and that the Congestion Reference Flow (CRF) for this section of the motorway should be taken as 140,000vpd (AADT) and 145,000vpd (AAWT). It is anticipated that the maximum practical average peak flow on the motorway will be 5400vph although sensitivity analysis should be conducted using a maximum sustainable hourly flow of 6,045vph.

10.14 The introduction of vehicle movements associated with the MSA would exacerbate congestion and the slow movement of traffic on the M42, if the motorway were not improved. This would have an adverse effect on safety. At J6, the variation in flows to and from the NEC and the airport result in wide variations in flow levels, with the diverge flow exceeding 1700 vph on occasions. This causes severe pressure on the northbound lane 1 of the motorway as demand exceeds capacity, thereby resulting in the slowing of traffic in that lane and an increasing differential in speed between lanes. The combination of these effects at the MSA merge would have a significant impact on the operation of the motorway. Similar variations in flow on the southbound carriageway often leads to traffic becoming stationary a few hundred metres south of the J6 merge. MSA users wishing to take up spaces in preparation to diverge would cause additional unstable flow conditions.

10.15 However, the mitigation measures now proposed by the appellant would overcome the problems associated with merge and diverge traffic at the MSA. The measures include an additional lane in each direction to be provided as a lane gain and lane drop between the proposed MSA and J6. If the proposed auxiliary lanes and other motorway works described in the Agreed Statement at *Document 5.1.9* are provided, the HAg's objection to the proposed MSA at Catherine de Barnes, on motorway safety and efficiency grounds would be overcome. The 2km lengths of 4-lane carriageway would allow the MSA traffic to merge and diverge without any worsening effect of the safety record of the motorway. In fact the proposed auxiliary lanes, which would be sited within the existing "land-take" of the motorway, would be likely to provide a benefit for the operation of the motorway, particularly in the vicinity of J6. Analysis suggests that they would assist in reducing incidents of flow breakdown caused by the high merge and diverge movements on the motorway south of J6.

10.16 The volume of MSA turn-in traffic for a flow of 5400vph would be between 260 and 400 vehicles in the peak hour. Consideration of the additional merge/diverge and weaving movements shows that the difference is not likely to be critical in relation to total motorway flow. The appellant has undertaken a weaving sensitivity analysis using a TIR of 454vph which indicates a requirement for an extra 0.45 lanes. However, it is usual to round down where the fractional part is less than a half and the minor weaving movement is small, as in this case.

10.17 The proposed weaving lengths between the MSA and J6 would be below the desirable minimum but substantially above the absolute minimum of 1km. Since the inner weaving flow would be comparatively small the motorway should continue to operate safely and at an acceptable level of service.

10.18 The Agreed Statement does not rely on the use of Paramics software. Nevertheless, as indicated in *Document* 5.1.35, the HAg has accepted the use of Paramics in some specific instances.

10.19 A list of departures, based on providing a 2m wide emergency vehicle access, has been approved by the HAg subject to further consideration at the detailed design stage. The departures were agreed on the basis that the benefits of the proposal outweighed the disadvantages. Nevertheless, the departure would necessitate appropriate additional signing and white lining, an example of which can be seen in photographs 7A and 7B at *Document 7.2.5*.

10.20 Lighting of this section of the motorway would not be required as a result of the proposed MSA.

10.21 The minimum parking requirements assessed in accordance with Roads Circular 1/94 are satisfied by the developers intended provision of 608 car spaces, 75 HGV spaces and 21 coach spaces.

10.22 As indicated in *Document* 5.1.33, planning permission for the auxiliary lanes would not be required as they would constitute 'Crown development' carried out on Crown land. However, bearing in mind the requirements of S 105A and S 105B of the Highways Act 1980, additional environmental assessment and consultation procedures, similar to those which would be necessary for a free-standing rapid widening scheme, may need to be undertaken before a decision on whether to construct such auxiliary lanes was taken. The procedures would mirror those contemplated at paragraph 157 of DETR Circular 2/99. The consultation process normally adopted for a free-standing improvement scheme is outlined in *Document* 5.1.29. This includes consultation with a wide range of parties on a preliminary design of the scheme (a list of prospective consultees can be found at *Document* 5.1.30), together with public exhibitions and a widespread distribution of a leaflet in the area describing the scheme (an example of such a leaflet is at *Document* 5.1.31). This would be followed by detailed design of the scheme and the preparation and publication of any necessary ES.

10.23 Parts of the slip roads associated with the MSA proposal would be within the motorway boundary. Moreover, it is common for the length of slip road between the motorway and the first junction to be considered as part of the motorway. The scheme is therefore likely to call for the promotion of a 'connecting roads scheme' pursuant to S 16 of the Highways Act and related provisions. The provision of Schedule 1 to the Act describe the necessary procedures, which include publicity, the opportunity to object, and for a public inquiry to consider unresolved objections.

10.24 The proposed bridge spanning the motorway would stand on and span across Crown land. Although planning permission would not be required for this structure, a similar process of assessing the need for further environmental assessment and consultation would be required in respect of this structure. Generally, features such as sliproads and over-bridges are retained and maintained by the HAg and it cannot be assumed that the HAg would require the appellant to take over responsibility for the maintenance of such items on Crown land.

10.25 If the SoS decides to grant planning permission for the MSA subject to a Grampian condition, that condition should preserve the HAg's ability to decline to proceed with the highway and bridge works, if after consultation the HAg concludes that those works should not proceed. Moreover, a cautious approach adopting an 'unless' rather than an 'until' form of words should be adopted. However, as indicated above, a "minded to grant" letter would be preferable.

The Proposed MSA at Junction 5

10.26 The existing junction is a 4-arm grade separated roundabout, operating as a conventional give-way on all approaches. However, the junction is operating at or near capacity with queues occurring in the AM peak on the northbound diverge. The circulatory roundabout is also at or near capacity.

10.27 As indicated in *Document* 5.1, *10*, traffic using the proposed MSA would introduce additional lane changing manoeuvres, which would reduce the capacity of the junction and potentially increase the likelihood of accidents. Congestion presently occurs at the junction during peak periods. As flows increase over time the peak period flows will extend over a longer period. The accident rate is therefore likely to increase at a greater rate than the overall growth in traffic.

10.28 The proposed mitigation measures include signalisation of the roundabout at J5, the signals being co-ordinated with a signal controlled access to the MSA off the A41. The northbound and southbound merges to the M42 would also be improved. These measures would improve the capacity of the junction and reduce the potential for accidents to occur from vehicles queuing back onto the motorway. The proposals would result in the junction operating more efficiently in 2016 than would have been the case if the MSA were not constructed. An agreed statement relating to the traffic and highway related aspects of the MSA proposal at J5 can be found at *Document 5. 1. 18.*

10.29 The statement indicates that a traffic growth rate for the period 1998 to 2016 of 1.177 is agreed, with a sensitivity test having been undertaken in the inter-peak period using a growth rate of 1.32. An analysis of the existing personal-injury accident record at the junction shows clusters on the southbound M42 off-slip and the A414 I approaches to the roundabout. The proposed improvements to the junction associated with the MSA scheme could lead to an improvement in road safety by reducing queue lengths and duration. Calculations show that the junction would be seriously over-capacity by 2016 without the MSA and its associated highway improvements. A weaving assessment indicates that the MSA would have no significant impact on the capacity of the M42 mainline.

10.30 The parking requirements for the MSA assessed in accordance with Circular 1/94 are 611 car spaces, 62 HGV spaces and 18 coach spaces.

10.31 A pelican crossing on the westbound A4 1 in the vicinity of the MSA access would operate in a satisfactory manner with relatively short queues that would not affect the operation of the trunk road.

10.32 TRANSYT calculations confirm that the MSA access would operate satisfactorily and conditions on the J5 roundabout would be acceptable with improvements to the M42(N), M42(S) and A4 1 approaches in the critical peaks. Conditions on the A4141 approach would be similar with or without the MSA.

10.33 The proposals would result in some departures from standard but these are acceptable.

The Proposed MSA at Junction 4

10.34 The existing junction at this location is being altered at present to accommodate other committed development. It is to be signalised and the southern over bridge is to be supplemented by a second parallel bridge. A new access is being constructed off the junction to the BVBP and extensive carriageway widening is being undertaken on all approaches to the roundabout.

10.35 Peak hour flows in 1997 on the sliproads at J4 are given in *Document* 5.2.2. Existing flows on the motorway are close to the Congestion Reference Flow (CRF) and at peak periods flow conditions are at the capacity threshold when flow breakdown occurs and traffic speeds are highly variable. For the purpose of analysing the circulatory carriageway at J4 it has been assumed that existing flows will increase up to 2016 in line with National Road Traffic Forecasts low growth factors. In addition, account has been taken of additional traffic that would be generated by the BVBP and Provident Park developments. It is assumed that motorway flows would be restricted to the CRF. Although the appellant now claims the estimates of traffic growth are excessive, it should be remembered that they were agreed with the appellant prior to the analysis.

10.36 A TRANSYT assessment of the operation of the junction in 20 16 based on the improvements currently being undertaken (the 'do nothing' scenario in terms of the MSA proposal) shows that unacceptable queues would occur. In fact it is anticipated that the junction improvements currently being undertaken will result in the junction reaching capacity by approximately 20 11. As a result drivers would probably seek alternative routes to avoid the junction during peak hours.

10.37 To accommodate the MSA, the appellant proposes mitigation measures which include an elongated section be added to this already complex junction to remove some trips from the roundabout and increase the capacity of the junction. The proposed scheme would result in a particularly complex layout at J4, with insufficient capacity to deal with traffic particularly on the circulatory roundabout and the northbound on-ramp. The level of complexity is such that it could lead to drivers being confused and thereby create safety problems. The impact of the development on traffic conditions is described at *Document* 5.2.3 and an analysis of the many decisions which drivers would be required to make when leaving the MSA to return to the motorway can be found at *Document* 5.2.12. To rejoin the motorway northbound a driver would have to make 22 conscious decisions and read 14 signs over a short distance. Moreover, there are 10 locations where uncertainty could arise. The complexity of the proposals is reinforced by the need to have 4 gantry signs within the gyratory system. A TRANSYT analysis of the junction taking account of the appellant's proposals showed that congestion at J4 would remain at unacceptable levels in 20 16.

10.38 The test for new development as set out in a "New Deal for Trunk Roads in England" is stated in paragraph 10.6 above. For an off-line site such as the proposal at J4, the motorway junction represents the first point of access to the trunk road network and therefore any mitigating measures should cater for all traffic 15 years after the development opens. In contrast, the appellant has adopted a test that the junction should be no worse off as a result of the MSA development. In other words, as long as the proposal does not make traffic conditions at J4 worse than they would otherwise have been, it does not matter if the junction does not work in 2016.

10.39 As indicated in *Document* 5.1.34 the appellant did not submit a TIA until about 3 months after the submission of the planning application for the MSA at J4. The HAg has had considerable difficulty in assessing the highway proposals associated with this scheme because of conflicting data on the various plans supplied *(Documents 3.1.33, 3.1.34 and* 3.2.42). There are inconsistencies between the various plans put forward by the appellant and the data used in its TRANSYT analysis. These are referred to in *Document 5.2.4a* and shown on the plan at *Document 5.2.18*. They could have serious implications for the validity of the appellant's TRANSYT analysis and have caused difficulties in assessing the analysis. As an example, one of the matters concerns the number of lanes to be provided at the egress from the proposed MSA which would be a priority junction. The appellant's TRANSYT analysis is fundamentally flawed. A review of this analysis can be found at *Document* 5.2.4. The assumed saturation flows of 1800 pcu/hr on the gyratory section of J4 are unlikely to be achieved with lane widths of only 3.0m, yet that is the width now proposed for much of the gyrator-y system. Most of the circulatory lanes associated with the scheme presently under construction at J4 will have lane widths of 3.65m; none will be as narrow as 3.0m. The saturation flow for a standard width lane is about 1800 pcu/hr.

10.40 The appellant's comparison between the saturation flows obtained at circulatory stop lines with those obtained at conventional stop lines is irrelevant. Gyrator-y stop lines operate in a different manner and at a lower level of efficiency. Similarly, TRL Research Report 67 cannot be used to ascertain saturation flows at gyratory stop lines. The recommendations of the report are based on empirical data collected at conventional 4-way traffic signal sites.

10.41 Queue limits on the appellant's TRANSYT analysis have been set to high. Queue limits should have been set such that queues in excess of the Mean Maximum Queue (MMQ) would not block exits or reduce the capacity available downstream. The appellant has adopted queue limits of 75% of the available space. *Document* 5.2.21 considers the TRANSYT output for link 12, which indicates that the MMQ is in excess of the queue limit. Such a queue would cause blocking of the junction. This would lead to gridlock and queuing onto the motorway unless traffic on the non-motorway approaches was 'gated' . Gating of these approaches would lead to unacceptable queues on the non-motorway road network. Other links in the TRANSYT analysis also suffer from excess queues and would result in blockages as indicated in section 6.4 *of Document* 5.2.4. The advice in the TRL publication 'Traffic Software *News' (Document* 5.2.15) indicates that a queue limit of two thirds or half the actual available storage area is often used, rather than the 75% adopted by the appellant. Adopting this advice would result in the analysis predicting even greater problems at the junction.

10.42 A TRANSYT analysis must be considered as a whole. Every element has a 'knock-on' effect somewhere.

10.43 The appellant's reference to MMQs in excess of queue lengths being accepted by the HAg in relation to the TRANSYT output associated with the proposals at J5 is misleading. The original TIA for that scheme was rejected by the HAg, partly because of excess queue lengths.

Further TRANSYT calculations were submitted which, as indicated in *Document 5.1.18*, were subsequently accepted.

10.44 The lane widths proposed for both the northbound and southbound off-slip roads would require a relaxation of standards. This would be unacceptable, particularly on the heavily trafficked southbound slip road where it is proposed that the lane widths would initially be reduced from 3.65m to 3.0m and then widen to 3.5m over a relatively short distance. Varying the lane width over a short distance would confuse drivers and create a hazard when used by HGVs.

10.45 In conclusion, the HAg is not satisfied on both traffic and road safety grounds with the mitigation proposals associated with this scheme. The HAg is so concerned about the impact of the scheme on traffic flows and road safety that, in the event of planning permission being granted for the proposal, consideration would need to be given as to whether or not the MSA should be signed from the motorway.

10.46 The proposed mitigation works contemplate the widening of one of the bridges carrying the elevated roundabout over the motorway. This spans, and stands on, Crown land and therefore planning permission would not be required for the alterations to the structure. However, further environmental assessment and consultation may be necessary in respect of this element of the scheme, in accordance with the requirements of S105A and S105B of the Highways Act 1980. Treasury approval would also be required if the proposal involves a new bridge, although this would be unlikely to be withheld if a S278 agreement incorporating the necessary terms of funding was in place.

10.47 As indicated above, the HAg's TRANSYT analysis suggests that the capacity of the junction would be exceeded before 2016 without the construction of the proposed MSA. However, a number of highway improvements could be undertaken, including the widening of the northern bridge, an additional lane on the A34 approach and an additional lane on a section of the circulatory carriageway. These potential improvements have been input to a further TRANSYT analysis, the results of which suggest that a solution can be found to overcome the problems identified in the 'do nothing' scenario. The proposed mitigation measures associated with the MSA proposal are not only unacceptable, but would thwart the obvious path for a solution to rejuvenate the junction. It would make it far more difficult to achieve an acceptable solution to the problems of J4.

Conditions and S106 Agreements

10.48 Suggested conditions to be imposed in the event of either Appeal A or Appeal B being allowed can be found at *Documents 5. 1. 6 and* 5. *1.* 14 respectively. Further comments and amendments to these suggested conditions are set out in *Document* 5.3.4. With regard to Conditions suggested by SMBC *(Document 4.6.44)*, it should be made clear that approval of details of means of access does not relate to motorway land. The phrase "save for works to or in connection with the motorway" should be added to the appropriate conditions. Moreover, the presently proposed access for an MSA at J4 (Appeal C) is so unsatisfactory that the text of Condition 8 should be worded "in accordance with a scheme to be approved".

10.49 Lighting from any of the proposed developments should not cause glare on the motorway or distract drivers. The lpa should therefore consult the HAg before approving a lighting scheme. This could be added to the text of Condition 11. Alternatively, the last line of Condition 11 should be retained. A similar condition was imposed by the SoS in granting permission for an MSA at New Barn Farm adjacent to the M25 *(Page 1835 Document CD/Q/23)*.

10.50 Condition 13A is necessary to ensure that the agreed parking spaces are available at all times when the MSA is open to the public. The goods sold at an MSA should be restricted to ensure that the development does not become a destination in its own right.

10.51 Conditions 26,28,29, 38b and 40b would not apply to associated development that may need to be undertaken on Crown land. However, a condition should be imposed which prevents any of the MSAs being opened for use by the public until appropriate highways works have been completed. The appropriate highway works would be that set out in *Documents* 5.1.9 in relation to Appeal A and *Document* 5.1.18 in relation to Appeal B.

10.52 With regard to the other conditions suggested by the HAg, Condition 4 seeks to protect land for possible future widening of the motorway. As indicated in *Document* 5.3.4, the land in question is that which lies within 67m of the centre line on either side of the motorway. This would provide a reasonable degree of flexibility in the design of such widening.

SECTION 11 - THE CASE FOR THE WARWICKSHIRE BRANCH OF CPRE

The CPRE and a total of 17 local groups, including Parish Councils, Civic Societies, Residents Associations and the Solihull Branch of the Ramblers' Association joined together to present a united case against the proposed MSAs. In addition to the particular cases for each cluster group, set out in Sections 12-14 below, the material points are:

Green Belt

11.1 The protection and maintenance of the Green Belt, particularly the strategically important Meriden Gap, is a fundamental objective of the Solihull UDP. The importance of the Meriden Gap has been recognised in various appeal decisions, examples of which are at *Documents* **7. I. 15** *to 17.* There is considerable pressure for development in the area, which has excellent transport links and is at the centre of the motorway network.

11.2 A description of the appeal sites can be found at *Document 7.1.1.* All three of the sites lie within vulnerable Green Belt and the proposals represent inappropriate development that would conflict with the purposes of the Green Belt. Each scheme would result in a substantial loss of openness and contribute to urban sprawl. There would be encroachment of built development into the countryside and damage to the setting of Solihull and its rural villages. The schemes would contribute to coalescence of settlements and result in light pollution and increased clutter of highway signs. They would create increased pressure for development in the Green Belt.

11.3 The developments would also conflict with the use of land in Green Belts as set out in PPG2 paragraph 1.6. Each of the MSA proposals would result in the loss of attractive landscape near to where people live and would affect opportunities for local residents to enjoy quiet recreation in the countryside.

Ecology and the River Blythe SSSI

11.4 Policy ENV1 of the UDP seeks to protect areas of importance for nature conservation and recognises the importance of SSSIs at local and national level. All the appeal sites lie within the catchment area of the River Blythe SSSI. The river is the finest clay based lowland river in the country. Its flow, quality and status are already threatened by the amount of built development

that has occurred in Solihull. The increase in built development and hard standing, and the human activity associated with each of the schemes would increase the risk of pollution and flooding of the river. The River is already prone to flash flooding. The ability of the proposed MSA drainage schemes to handle unusually heavy rainfall so that no pollution enters the river is not guaranteed

Need

11.5 The appellants argue that the need for an MSA is primarily because of the gap between existing MSAs on the M40/M6(N) route via the Solihull section of the M42. However, this could be overcome by signing to inform drivers of the availability of the two existing MSAs at Hopwood and Frankley on the alternative western route around Birmingham namely the M40/M42(S)/M5/M6(N). Although this route is marginally longer than the 'eastern' route, traffic conditions usually result in journeys via the western route taking less time.

11.6 If the BNRR is built it will be tolled and its effect on the routing of traffic through the area cannot be assessed at present. If necessary, traffic travelling between the BNRR and M40 could make a small detour to the MSA at Hopwood on the M42 (S). This would satisfy the approximate 30 mile spacing criterion.

11.7 An MSA on the Solihull section of the M42 would also serve as an infill site, for example between MSAs at Hopwood and Tamworth, which are 27.5 miles apart. However, a clear and compelling need and safety case, as required by the Government's 1998 MSA Policy Statement, has not been established.

11.8 There is no evidence of a serious lack of capacity at existing MSAs. Moreover, extant planning permissions for expansion at both Warwick and Hilton Park MSAs would allow additional facilities to be provided at these sites if necessary. Expansion of existing sites is preferable to new MSAs in areas of planning restraint such as the Green Belt.

11.9 With regard to traffic flows, there is no reliable and up to date statistical information about the nature of the traffic passing the appeal sites. However, many of the journeys undertaken on the motorway are local trips. Moreover, the area around J6 is the origin or destination of large volumes of traffic passing the appeal sites. The NEC, Birmingham International Airport and the International Station attract large volumes of traffic. The Blythe Valley Business Park (BVBP) and the Provident Park developments will attract more traffic to the area. At paragraph 3.18, the UDP recognises that the orbital motorway network can help to provide an alternative route for local traffic by acting as a distributor road.

11.10 The high volume of local traffic does not need MSA facilities. The 1998 MSA Policy Statement indicates that the need for services may be less on motorways used by high percentages of short distance or commuter traffic than on those carrying large volumes of long distance movements. The additional merging and diverging movements associated with an MSA would further reduce the capacity of this section of the M42. This would result in some drivers using local roads rather than the motorway, thereby adding to congestion on the local road network.

11.11 Accidents have not been proven to be associated with a lack of MSAs on the eastern section of the M42. The higher than normal rate of accidents between J5 and J6 northbound can be explained by slow moving and queuing traffic attempting to leave the motorway at J6. The introduction of weaving traffic, which would result from the Catherine de Barnes proposal, would increase the potential for accidents. Existing congestion and safety issues are primarily related to

the frequency of junctions on this section of the M42, and the amount of major development served by these junctions. An MSA on this length of the M42 would exacerbate such problems.

11.12 Research at Loughborough University indicates that monotonous driving conditions are a major contributory factor to sleep related accidents. It has not been suggested that the M42 passing Solihull is monotonous.

11.13 The West Midlands Multi-Modal Study (WMMMS) is to consider how to address problems of congestion on the motorway box around the West Midlands conurbation *(Document* 7.2.2). The possibility of the study resulting in the signing of the 'western route' for traffic travelling between the M40 and M6(N) cannot be dismissed. The existing merge of the M5 with the M6 is a problematic whichever route is taken and cannot be considered a particular disadvantage on the 'western route'.

11.14 The HAg agreement to sign any of the proposed MSAs does not indicate that there would be a benefit to motorists. It merely indicates that the motorway would be capable of handling the additional traffic movements without undue harm. The MSA proposals would be detrimental to motorists on the local road network, particularly those at J4 and J5 where signalised junctions and more complex traffic management systems would be introduced.

Lodge Development

11.15 Policy E4 of the UDP seeks to prevent hotel development in the Green Belt. The provision of a lodge at any of the appeal sites would be likely to undermine this policy and increase pressure for hotel development in the Green Belt.

11.16 A lodge offering good quality cheap accommodation in the Solihull area would be likely to be used by visitors to the NEC and Birmingham International Airport. The MSAs at J5 and J6 would be readily accessible to non-motorway traffic and the access arrangements for the Catherine de Barnes proposal would allow vehicles to return in the opposite direction along the motorway. A lodge at any of the sites would therefore become a destination in its own right rather than meet the needs of drivers travelling long distances on the motorway. It would not be possible to ensure that a lodge was reserved for bona fide travellers on the motorway by means of a planning condition.

Other Issues

11.17 The proximity of the NEC could result in any of the proposed MSAs becoming a 'park and share' facility for visitors to the NEC. The possibility of parking spaces being taken up for this purpose could create parking capacity problems at the MSAs with vehicles wishing to gain access to the MSA queuing on the motorway.

I 1.18 Despite the advice in PPG13 Annex A that service facilities should not become a destination in their own right, MSA operators have recently been using their sites for more general retailing activity. For example, clothing is sold at the Hopwood MSA which could not be described as essential to the needs of motorway users. Because of the proximity of the appeal sites to the urban conurbation there is concern regarding the potential of the sites to become destinations in their own right.

11.19 The lack of a policy specifically relating to MSAs in the UDP does not make the adopted plan irrelevant. As indicated in *Document* 7.2.4, it was reasonable for the lpa to conclude that no

feasible proposal would arise for an MSA on the Solihull section of the M42 as the DoT had directed refusal in 1993 for the only proposal that had been put forward at that time.

The Proposed MSA at Catherine de Barnes

11.20 The site lies in the heart of the Meriden Gap. The aerial photograph at *Document* 7.1.19 demonstrates the rural location of the proposed MSA It is situated close to the settlement of Catherine de Barnes and forms part of the setting of the village of Hampton in Arden. Policy GB4 of the UDP specifically recognises the importance of the rural setting of Hampton in Arden. The area has been subject to pressure for development in recent years as demonstrated by the list of applications from the records of the Hampton in Arden Society at *Document 7.1.18*. The development would harm the setting of the settlement.

11.21 The planning history of the site at *Document* 7.1.2 indicates that a proposal by the then DoE to develop an MSA at this location in 1973 was not pursued following a resolution by Warwickshire County Council to object to the scheme. This precedent provides a strong presumption against development of the site for an MSA.

11.22 Policy ENV4 seeks to safeguard important trees and woodlands. A TPO made by Solihull DC in 1971 was intended to secure a harmonious relationship between the motorway and its surrounding landscape between J4 and J7. However, following an appeal by the landowner, woodland and groups of trees on the present appeal site were removed from the Order as a result of an assurance there was no intention to fell any of the trees except where necessary to a limited degree for agricultural or silvicultural purposes *(Document* 7.1.4)

11.23 The effect of the proposed development on the landscape would be particularly damaging. The high quality of the Arden Parklands landscape, as defined in the Warwickshire Landscapes Guidelines, would be severely damaged by the construction of buildings, car parks, signs, a motorway overbridge and terracing of the site. The proposal to allow hedging to grow taller in order to provide greater screening of the site would result in a discordant element in the landscape. Hedges in the locality are flailed annually and kept to a level that allows views across fields. Allowing the hedges to grow could result in their decline.

11.24 The scheme has been amended to include proposals for auxiliary lanes on the M42. Comments on the supplementary ES can be found at *Document* 7.1.12. The red line indicating the extent of the application site should have been amended to reflect this change. Moreover, the number of parking spaces included in the scheme has been reduced from that originally proposed. As a result the MSA would have insufficient parking space if the motorway were eventually widened. Such widening could occur as a result of the WMMMR.

11.25 The provision of another motorway junction and auxiliary lanes would make the motorway more complex, more urban and less attractive. The auxiliary lane proposal necessitates narrow lanes on the motorway under bridges and the construction of steeply sloping 'green walls'. 'Green walls' can dry out and look bare. Moreover, there would be insufficient room for landscape planting to properly mitigate the impact of the auxiliary lanes. The deficiency in the landscaping proposals is highlighted when compared to the substantial woodland planting associated with proposals for widening the motorway put forward by the Government in 1994, but subsequently withdrawn. The motorway is situated in a relatively narrow band of highway land because, as explained in *Document* 7.2.3, the compulsory purchase of land for this stretch of motorway preceded the 1973 Land Compensation Act, which gave powers to highway authorities to acquire land beyond that needed solely for essential engineering works. The construction of

auxiliary lanes and the consequent loss of existing soft landscaping along the motorway would significantly add to the impact of the development on the landscape.

11.26 There has been no opportunity for public involvement in the consideration of alternatives to this element of the scheme. It has not been subject to the consultation that would normally be undertaken for a motorway widening scheme. There have been no exhibitions, meetings with local residents, or pamphlets explaining the proposals. The scheme would amount to highway widening without proper public consultation. If permitted, the widening could compromise the outcome of the WMMMS. It is doubtful if the widening of the motorway as previously proposed in 1994 could be accommodated within the span of the motorway overbridge proposed at the Catherine de Barnes MSA.

11.27 Bearing in mind the judgement in R v Warwickshire CC ex parte Powergen plc *(Document 7.1.20)*, if planning permission were granted for the MSA at Catherine de Barnes the HAg would be required to co-operate in the implementation of the scheme. To do so, the HAg would have to override local objections to the proposal. The result would be that the motorway would be widened without full and proper public consultation. A similar situation would arise in relation to the construction of slip roads to serve the new MSA.

11.28 The proposal conflicts with Policies ENV1 and ENV4 of the UDP. Nature conservation would be compromised through loss of trees, hedges and farmland as well as by increased human activity. Moreover, the MSA proposal would result in a substantial amount of lit development in a currently unlit area of countryside. The provision of auxiliary lanes may eventually create a need for lighting of the motorway between the MSA and J6.

11.29 The introduction of weaving movements on this busy length of motorway would not be in interests of the safety and free flow of traffic.

11.30 Walford Hall Farmhouse is an important Grade II* listed building of fifteenth century origins, although the site may have been in occupation since the tenth century. *(Document 7.3.1)*. Until 1919, Walford Hall was part of the Hampton in Arden estate. The building is listed grade II* which places Walford Hall in the top 6% of listed buildings. It was last used as a dwelling but has been unoccupied for about 10 years. PPG15 makes the point that the best way of securing the upkeep of a historic building is to keep it in active use. Although the house lacks modern amenities, it appears to be structurally sound, relatively watertight and in a reasonable state of repair, although some of the recent repair techniques are questionable.

11.31 The reason for the property lying vacant for 10 years has more to do with the owner's desire to benefit from the sale of land for an MSA than from lack of market interest in the building as a dwelling. There are a number of other large historic houses in the vicinity of the M42 and M6 which continue as dwellings despite noise intrusion. If the property were to be placed on the market, the sale price would have to reflect the drawbacks of proximity to the motorway and the airport flight path. Paragraph 3.9 of PPG15 advises that the economic viability of possible uses should be balanced against the effect of any changes they entail in the special architectural and historic interest of the building. The optimum viable use that is compatible with the fabric, interior and setting of the historic building may not necessarily be the most profitable use. The optimum use would be continuation as a dwelling.

11.32 Walford Hall stands on a hill overlooking the motorway. Although the motorway is only 0.3 km away, the house is surrounded by fields and is close to a large pond, providing an attractive setting. As PPG15 indicates, the setting is often an essential part of a building's

character; its economic viability may suffer if a building is isolated from its surroundings by car parks, traffic routes or other development. The building has already suffered some damage to its setting and ambience due to the presence of the motorway. The farmhouse's current setting within farmland is part of its intrinsic historic value, which would be considerably harmed. The proposed MSA would have a significant impact. What remains of Walford Hall's setting should be retained.

11.33 The appellant suggests that the best option for Walford Hall is to convert it to commercial use as offices or training facilities. It is doubtful if such a change of use could be achieved without serious damage to the fabric of the building. The ceilings of the ground floor are low and the ground floor level may need to be lowered; fire doors would need to be inserted and secure fire exits made; it is unlikely that the upper floor could be used without alteration to staircases; fire insulation may be required. While some flexibility within the Building Regulations and Fire Precautions Act would be appropriate, where health and safety is at issue it is unlikely that the regulations could be relaxed sufficiently to allow the building to remain unaltered.

11.34 If the building remains in residential use, none of these changes will be necessary. Noise insulation would be a priority, but this could be readily achieved without damaging alterations. CPRE disagree with the appellant's view that the building is unlikely to appeal to a private buyer because of the expense necessary to bring it up to a useable standard and the commitment required for its upkeep. The building is in an area, well served by national transport links, where there are a number of prestigious international businesses. It is likely that a business executive with an interest in English vernacular architecture would be attracted by the convenient location at a realistic purchase price. Refusal of planning permission for the MSA is justified to save the setting of this grade II* listed building.

11.35 The issues surrounding the impact of development on the grade II* listed building have not been satisfactorily addressed. The detail presented leaves too many matters unresolved. The description of the training usage is unconvincing. Most of the necessary training needed for staff could not safely or practically take place in such a building. The continued use as a dwelling, the best option in PPG15 terms, has not been give sufficient consideration and there has been no attempt to market the building at a price reflecting its current condition. No listed building application has been made for the alterations proposed. It would be quite unprecedented for a planning permission to be granted for the change of use of this important listed building, as part of a permission for an MSA, without securing the sensitive works necessary through a listed building consent. The listed building is of material significance and a building of this calibre should not be handled as part of an outline planning permission.

11.36 The SoS's decision on Gitson Hall *(Document* 7.3.2) noted that no attempt had been made to market that property for 10 years. Given the presumption against inappropriate development in the Green Belt, he considered that the potential to avoid the need for the enabling development in that case should be explored as part of the assessment of whether there were very special circumstances to outweigh that presumption. The same consideration of exploring the domestic use potential through marketing must apply to Walford Hall Farm.

11.37 Should the scheme be adequate to address the listed building issues arising from the MSA application, a Grampian type condition would be essential to secure restoration of the listed building. It might also be necessary to restrict vehicular access on the farm track to limit the impact on visual amenity and the setting of the farmhouse.

11.38 The MSA proposal could have an adverse impact on two farming enterprises, contrary to the aims of Policy ENV3.

11.39 If the proposed single sided MSA is established at this site there is a likelihood of further MSA development taking place on the opposite side of the motorway in due course. The proposed access road layout would permit such development and the expansion of existing facilities would probably be favoured rather than the provision of a new MSA in an area of planning restraint.

The Proposed MSA at J5

11.40 This site lies in a particularly narrow section of Green belt, separating Solihull from the inset area of Knowle and Dorridge. The site also forms part of a buffer of open countryside between the motorway and housing on the edge of Solihull and contributes to the attractive approach to the town. This narrow strip of open countryside would be substantially reduced as a result of the proposal. The site is visible from nearby and well-used public footpaths and bridleways. Moreover, it is overlooked from a development of apartments at Riverside Drive. Although extensions to the Whale Tankers business have been permitted, *Document 7.1.2* indicates that appeals against refusal of planning permission for an hotel and a floodlit 'astro-turfo' pitch at other quadrants of the junction have been refused.

11.41 The impact of lighting at the site is of considerable concern because of the important contribution that this site makes to the undeveloped gap between settlements. The development would extend lit development from the edge of the urbanised area of Solihull up to the motorway. The MSA would result in a significant loss of open countryside to built development. The development would be readily visible to traffic leaving Solihull on the overbridge above the Solihull by-pass. Moreover, existing landscape planting alongside the A41 would be lost. The proposed roadworks associated with the scheme would urbanise the appearance of the local road network and its surroundings. The scheme would result in traffic signals on the roundabout at J5 and on the A41 at the access to the proposed MSA. Widening of the slip roads would necessitate the construction of retaining walls. The motorway junction would change from a rural motorway interchange to a signalised urban motorway junction. Moreover, a section of the A41 would be widened to 9 lanes. The rural character of the approach to Solihull would be destroyed. The development would conflict with the aims of UDP Policy ENV2. The loss of this element of rural landscape close to the urban area of Solihull would deprive residents of valuable open countryside on their doorstep.

11.42 Local roads are already congested and the additional traffic movements associated with the scheme would lead to increased congestion and a greater risk of accidents. The development would cause increased delays for local traffic for much of the day. Journeys between Knowle and Solihull would take longer during off-peak hours because of signals at the roundabout at J5. Moreover, at present, queues of traffic travelling into Solihull town centre can extend as far back as the A41 during the AM peak. Additional traffic seeking to access the MSA could exacerbate this problem.

The Proposed MSA at J4

11.43 The site lies in a narrow section of Green Belt, which separates the developed area of Monkspath from the inset settlements of Dorridge and Hockley Heath. The MSA would be situated on the eastern undeveloped side of the motorway, visible from dwellings in Monkspath

and from the motorway itself. It would also be seen from public footpaths on both sides of the motorway.

11.44 A highly visible and attractive element of countryside landscape would be lost to hardstanding and built development. The scheme would result in a serious encroachment into a section of the Green Belt that is already subject to great pressure from development. Moreover, the complex roadworks and additional signage associated with the scheme would urbanise the appearance of the local road network and its surroundings.

11.45 The BVBP and Provident Park developments have already resulted in a need for extensive alterations to J4. The proposed further alterations associated with the MSA would result in an over-complex junction which would lead to confusion and delays. Local roads are already congested and the additional traffic movements associated with the scheme would lead to increased congestion and a greater risk of accidents.

Conclusions

11.46 There are no very special circumstances that justify the provision of these inappropriate forms of development in the Green Belt. In all three cases, any benefits to motorway users are far outweighed by the harm to the Green Belt and the local landscape.

Conditions and S106 Obligations

11.47 Condition 11 should state that the fascia of the fuel forecourt canopy should not be lit. With regard to Conditions 15 and 16, it is accepted that the list of items may be excessively restrictive. For example, it would be reasonable to sell car repair items at the fuel forecourt kiosk, and stationery may well be a legitimate requirement for those engaged on motorway journeys. However, the sale of clothes is inappropriate at such a location.

SECTION 12 – THE CASE FOR CLUSTER GROUP 1 OF OBJECTORS (Hampton in Arden Parish Council et al)

(Inspector's Note: The case put forward by this Group is primarily related to the proposal for an MSA at Catherine de Barnes (Appeal A). The bodies comprising Cluster Group 1 can be found in the list of Appearances)

In addition to the wider case put forward on behalf of all the cluster groups by the CPRE, the main points put forward by Cluster Group 1 are:

Need

12.1 With appropriate signing to inform drivers of the location of existing facilities, there are sufficient MSAs on the West Midlands network to meet the needs of motorway travellers. Large numbers of commuters use the M42 and many journeys originate or terminate in the area at sites such as the NEC, Birmingham International Airport, Birmingham Business Park and more recently the BVBP. There is no need for additional MSA facilities in the area.

12.2 The UDP does not identify any need for an MSA. Such a development would conflict with the objectives of policies in UDP, which seeks to protect this sensitive area of Green Belt

and the strategically important Meriden Gap. The Government's MSA Policy Statement recognises the need to limit development alongside motorways and at motorway junctions, particularly in areas of planning restraint such as the Green Belt or where such development may affect SSSIs.

The Proposal for an MSA at Catherine de Barnes

12.3 The distance between the proposed access to the MSA and J6 is too short to allow the amount of weaving which would take place on this section of motorway. The scheme would exacerbate problems of queuing on the motorway, which regularly affects northbound traffic from J6 as far back as J3A and beyond.

12.4 The MSA would harm the rural landscape and erode the Meriden Gap. The site is at a prominent location and the development would detract from the openness of the countryside. At night, lighting at the MSA would create a significant light source in an otherwise unlit area of countryside. Moreover, if the scheme proceeds there could be pressure to expand the development to provide facilities on the eastern side of the motorway.

12.5 Noise from the development would add to that already generated by the motorway. In addition, the development would aggravate problems of air quality, which are caused by slow moving queues originating at J6. The development would also lead to increasing instances of flash flooding because of the inability of balancing ponds to adequately control storm water flows. At times of very heavy rainfall pollutants are likely to be washed out into the nearest watercourse, to the detriment of the River Blythe SSSI.

12.6 The appeal site lies close to the newly defined public safety zone (PSZ) for Birmingham International Airport. The dimensions of the zone are set out in a letter dated 29 September 1999 from the Airports Policy Division of the DETR *(Document* 8.2. 1), and the appeal site is about 650m from the apex of the zone. PSZs are based on a statistical assessment of the risk of an airport-related accident and correspond essentially to the 1 in 100,000 individual risk contour. However, the draft Circular on PSZs *(Document* 8.2.2) indicates that LPAs may wish to consider restricting certain types of development within a wider area contained by the 1 in 1,000,000 individual risk contour. The appeal site would fall within such a contour. An MSA should not be built within such an area because it would attract large numbers of people and large quantities of fuel would be stored on the site.

12.7 The Master Plan and Development Strategy to 2005 for the *Airport (Document CD/D/8)* proposes a 1 km extension to the main runway. If this were to take place, the PSZ would need to be enlarged. It is almost certain that the appeal site would fall within a revised PSZ if it were enlarged to take account of the proposed runway extension.

12.8 Departures using runway 15 at Birmingham Airport do not follow a straight line. The noise preferential route (NPR) is such that aircraft are expected to make a 20-degree turn. The plan of NPR corridors at Appendix B of the Report by Birmingham International Airport (Document 8.2.3) shows that the appeal site lies under an NPR. For this reason a large number of aircraft fly directly over the site.

Other Matters

12.9 The construction of the proposed MSA would have a severe impact on the living conditions of local residents because of noise and dust pollution.

12.10 Notwithstanding the above, if the MSA proposal at Catherine de Barnes were to proceed, a footway and cycle track should be provided on the B4102 road between Catherine de Barnes and Hampton in Arden. The B4102 Solihull Road is a busy highway and any additional use providing pedestrian or cycle access to the site should be offset by the provision of such a track.

SECTION 13 - THE CASE FOR CLUSTER GROUP 2 OF OBJECTORS

(Inspector's Note: The case put forward by this Group is primarily related to the proposal for an MSA at J5 of the M42 (Appeal B). The list of bodies comprising Cluster Group 2 can be found in the list of Appearances)

In addition to the wider case put forward on behalf of all the cluster groups by the CPRE, the main points put forward by Cluster Group 2 are:

Need

13.1 Much of the traffic on the M42 is attributable to local commuters who have no need for the proposed MSA. There is adequate provision of MSAs on the Midlands motorway network. For those people travelling between the M40 and M6(N) via the Solihull section of the M42, there is an alternative and quicker route via the M42(S) and M5, which is served by two existing MSAs. An assessment of the two routes by Professor Sheldon of Derek Sheldon and Associates suggests that the use of this route would be advantageous to travellers at almost all times of the day in respect of travelling time, passenger convenience, fuel consumption and reduced emissions *(Documents* 9.1.9 *and* 9. 1. 15). The results of travel surveys undertaken by local residents along these two routes *(Document 9.1.13)* demonstrate that traffic speeds are generally higher on the 'western' route and journey times between the M40 and M6(N) are likely to be *less (Document* 9.1.14).

13.2 At present, traffic is directed via the M42(S) and M5 route only when there is serious congestion or a blockage on the 'eastern' route. However, the Solihull section of the M42 is predicted to get even more congested as Birmingham Airport and the NEC expand, it would therefore be logical to sign M40/M6(N) traffic via the western route. There is no exceptional need for an MSA on the Solihull section of the M42.

Highway Implications of the Proposed MSA at J5

13.3 The Solihull section of the M42 is regularly subject to congestion at peak times and during major events at the NEC. Photographs of congestion on the M42 in the vicinity of J5, and on the slip roads at the junction, can be found at *Document* 9.1.2. Additional traffic movements associated with the proposed MSA would increase the propensity for accidents on the motorway.

13.4 Heavy traffic flows are also experienced on the A41 and A4141. At peaks times queues into Solihull town centre extend along the A41 beyond the site of the proposed access to the MSA, as can be seen from Photograph P4 of the above document.

13.5 Traffic associated with the MSA would exacerbate these problems of congestion and the provision of traffic signals at J5 would introduce new delays. Additional congestion on the A41 raises concern about possible delays to emergency services, which regularly use this road. Other

MSAs have caused congestion, an example being the opening of the new Cherwell Valley MSA which created problems at J10 of the M40.

13.6 The appellant envisages traffic flows of 16 vehicles per minute (vpm) to and from the proposed MSA, 10% of which would be HGVs. Given that traffic flows on the A41 are more than 30 vpm in each direction, queuing is likely to occur at the proposed traffic lights. The appellant's TIA assumes that traffic growth will be limited on the M42. However, if motorway traffic flows increase as a result of speed restrictions or widening of the M42 there would be corresponding increases on the local road network and at the proposed signalised junction, adding to delays for local traffic.

Visual Impact

13.7 The narrow width of Green Belt between Solihull and Knowle is valuable as a visual amenity and a recreational resource. The footpaths in the area are well used. The proposed MSA would detract from the rural character of the area and establish a precedent for further development. Moreover, the appeal site is situated at the most important entry to Solihull town centre. The proposed widening of the A41, signalisation of the junction and alterations to motorway slip roads would be highly obtrusive and detrimental to the appearance of this approach to Solihull.

13.8 The proposed MSA would be visible from the A41, from the gyrator-y at J5, and from the overbridge carrying the link road from the town centre over the bypass, as demonstrated by the photograph at *Document 9.1.3*. Although the landscaping proposals associated with the scheme would help to screen the MSA it would not screen all the buildings and lighting columns on the site. The MSA would have a harmful impact on the surrounding area both during the day and at night. The concentration of lights at the MSA would inevitably lead to skyglow. Observations by a local resident indicate that the existing Whale Tankers buildings near the appeal site are illuminated only for a limited time each weekday morning and evening *(Document 9. 1. 12)*.

13.9 The site would also be visible from residential flats at Riverside Drive, particularly during winter when the screening effect of trees would be reduced. The existing Whale Tanker buildings can be seen from these flats as shown in the photographs at *Document 9.1.3a and 9.1.10*.

The Impact on the Environment

13.10 Air pollution from the development, in the form of carbon monoxide, PM_{10}, and nitrogen dioxide would add to levels that are already close to acceptable limits. The first stage of a review undertaken as part of the National Air Quality Strategy can be found at *Document 9.1. II*. The document points out that heavily trafficked or congested roads are a significant source of air pollution.

13.11 There is also concern that the surface water run-off from the site would not be adequately controlled and would exacerbate flooding problems associated with the River Blythe. The photograph at *Document 9.1.4* shows recent flooding in nearby Brueton Park and the extent of the impact of theoretical 100 year flood levels are shown on the drawings at *Documents 9.1.5 and 6*. The River Blythe SSSI would be vulnerable to pollution from any fuel or oil spillages at the site.

13.12 Local residents are concerned that the MSA could attract criminals. The Warwickshire Constabulary have issued a press release encouraging visitors to MSAs to be more security conscious *(Document 9. 1. 16)*.

Other Issues

13.13 The MSA could become a destination in its own right. The retail element of MSAs frequently extends beyond that necessary to serve the essential needs of motorway users. Moreover, as an off-line site, the proposed lodge would be readily accessible to non-motorway users. The advertisement for 'Travelodge' at *Document* 9.1.7 lists a number of lodges at MSAs and suggests that they be used as a location for a 'great value break'.

13.14 The proximity of the site to the NEC could result in the MSA being used as a 'park and share' facility with a number of drivers leaving their vehicles at the MSA and continuing their journey to the NEC in one vehicle.

SECTION 14 – THE CASE FOR HOCKLEY HEATH PARISH COUNCIL

(Inspector's Note: The case put forward by the Parish Council encompasses the representations of the Cheswick Green, Hockley Heath, and Tidbury Green Residents Associations. It is primarily concerned with the proposal for an MSA at J4 of the M42 (Appeal C).

The material points are:

The Green Belt

14.1 The appeal site lies in a particularly narrow wedge of Green Belt that separates the settlements of Dorridge, Bentley Heath and Knowle from the main built up area of Solihull. The proposed MSA does not accord with the development plan in terms of Green Belt policy and is therefore inappropriate development in the Green Belt. For very special circumstances to be demonstrated and such development to be permitted the benefits must outweigh the harm. In addition to the harm caused by reason of its inappropriateness, the development would cause harm in a number of ways. The proposal would involve a significant development of buildings and hardstanding on land that is presently open. The loss of openness would be exacerbated by the prominent nature of the site when viewed from a number of directions.

14.2 The fact that other development is taking place in the vicinity of J4 does not justify further development in the form of the MSA. The remaining open land in the area has become an even more precious commodity and should be protected from inappropriate development. Proposals to extend and covert the nearby Moat Manor Hotel to office use were dismissed on appeal in June 1999 *(Document II. 1.10)*.

14.3 Over the past 30 years, Solihull MBC has developed a policy of maintaining an open corridor of land along the M42 motorway. Such a corridor is particularly important as other lengths of motorway passing the conurbation on the M5 and M6 give a view of urban and industrial sprawl which projects a poor visual image. The maintenance of an open corridor along the motorway was supported by the Inspector in her 1984 report to the SoS on a number of appeals relating to retail development in the vicinity of J4. The SoS endorsed the Inspector's support for the buffer zone *(Document II. 1. 7)*. The MSA would harm the openness of the undeveloped corridor along the M42.

14.4 In terms of harm to the Green Belt purposes set out in paragraph 1.5 of PPG2, the MSA would conflict with the aim of checking the unrestricted sprawl of urban areas. A ribbon of

development extends along the A34 almost as far as the motorway at J4. The appeal proposal would continue this ribbon of development southwards along the A3400. Significantly, it would extend development beyond J4 and into a predominantly rural area. The inner edges of the Green Belt are particularly vulnerable to pressure from development.

14.5 The proposal would also cause harm to the Green Belt purpose of preventing coalescence of settlements. Although paragraph 1.5 of PPG2 refers to the merging of 'towns', it has generally been held that this purpose relates to freestanding settlements. For example, the first Solihull UDP Inspector's report suggests that it would be good practice in this area to extend the definition of the purpose so that it applies to villages and substantial settlements and not just towns *(Paragraph 2.311 of Document CD/B/1)*. The gap between the urban area of Solihull and the built development of Dorridge, Bentley Heath and Knowle is only about 1.5km and the Provident Park office development to the west of the motorway will further erode the gap. The integrity of the Green Belt is fragile at this point. The proposed MSA would significantly reduce the gap and result in a degree of coalescence, which would be particularly noticeable at night-time. It would be close to the golf driving range, which is illuminated in the evening and lighting at the appeal site would reinforce the impression of coalescence between Dorridge and Solihull.

14.6 With regard to the third purpose of including land in Green Belts, the proposed MSA would represent significant encroachment into an area of open countryside.

14.7 The scheme would also conflict with Green Belt land use objectives. The amount of open countryside to which the urban population presently has access, via the footpath, which crosses the site, would be reduced. Accordingly, opportunities for outdoor recreation would be adversely affected. An area of attractive rural landscape near to where people live would be lost to the MSA development and land would be taken out of agricultural use. The development of the site would lead to a loss of natural habitat for wildlife and there is concern about the effect of the proposal on the River Blythe SSSI.

14.8 In summary, it is clear that the scheme would cause serious harm to the Green Belt.

The Impact on the Character and Appearance of the Area

14.9 Notwithstanding the presence of the nearby M42, the appeal site is rural in character. The development of an MSA at this location would harm the pleasant rural character of the area, contrary to the aims of UDP Policy ENV2.

14.10 The ES understates the visual impact of the development. Views from dwellings at Monkspath would be significant and the site would be visible, in part, through the hedgerows which flank Gate Lane north of Botts Coppice. There would also be a limited view of the site from the Birmingham to Learnington railway line.

14.11 The MSA would necessitate alterations to the motorway junction resulting in an extensive new road layout and a large number of signs. The proposed new gantry signs would be particularly prominent in the landscape and would detract from the openness of this part of the Green Belt.

14.12 The pleasant rural character of the western end of Gate Lane would be compromised. Access to Gate Lane would be taken directly from the circulatory system at J4, encouraging more motorists to use the lane as a shortcut to Dorridge. The lane would become less attractive to pedestrians, especially ramblers using the two public footpaths that lead from the lane.

The Need for an MSA

14.13 Government policy is that MSAs should be provided approximately every 30 miles. For many of the flows passing J4, this spacing is already met. Only in the case of two particular flows, namely between the MSAs at Warwick on the M40 and Hilton Park on the M6 and between Warwick MSA and the projected MSA on the M54, is there a significant deviation from the 30 mile gap. Long distance traffic passing J4 between these MSAs amounts to about 19,200 vehicles each weekday. This is only 14.4% of the total flow of 132,000 vehicles passing J4. Therefore for the vast majority of motorists on this section of the M42 the provision of MSAs is adequate. Moreover, for those routes that are deficient in MSA provision there is an alternative route to the west of the Birmingham served by the two existing MSAs at Hopwood on the M42 and Frankley on the M5. There is therefore only a limited need for an MSA because of the spacing between existing services.

14.14 None of the accident data referred to in the appellant's analysis relates specifically to the M42. It is questionable how an MSA at J4 of the M42 would help with any problems of sleep related accidents on the northbound section of the M40, since such accidents would have occurred before traffic reached the MSA. Any problems of fatigue on this part of the motorway network as a result of the gap between services at Hilton Park and Warwick ought to have become manifest on the M40 in terms of a higher sleep-related accident rate on the southbound stretch between the M42 and the Warwick MSA, yet the appellant's analysis suggests that there is a greater incidence of accident on the northbound rather than the southbound carriageway of this length of motorway.

14.15 Furthermore, the opening of the Hopwood MSA at J2 of the M42 would have significantly reduced any safety benefit that may have been provided by an MSA on the Solihull section of the M42. The evidence of a safety need for the MSA is inconclusive.

Job Creation

14.16 The appellant claims that the MSA would provide benefits in terms of job creation. However, this is a weak argument as it could be applied to many forms of inappropriate development in the Green Belt.

The Provision of a Lodge

14.17 The proposed lodge would add to the bulk of the appeal proposal and exacerbate the impact of the development on the openness of the Green Belt. There is a strong demand for budget accommodation in the area associated with the NEC and Birmingham Airport. Moreover, visitors to the Blythe Valley and Provident Business Parks may well wish to use such a lodge. In view of the proximity of the site to these developments, a lodge would become a destination in its own right, rather than predominantly serving the needs of motorway users.

14.18 Recent advertisements in the national press have highlighted 'value break' offers at various lodges, including some at MSAs. The offers require customers to pre-book a room and stay for a minimum of two nights. This is a clear attempt to market lodges as destinations, not just as 'stopovers'. The risk of the proposed lodge at J4 becoming a destination in its own right would be exacerbated by its off-line location where it could be accessed from the local road network.

Conclusions on Very Special Circumstances

14.19 The proposed MSA would cause significant harm to the Green Belt, particularly because of the prominent location of the site in a vulnerable gap between settlements. This harm is not outweighed by the limited benefits that would be provided by the MSA and there are no very special circumstances which would justify such inappropriate development at this location.

Other Issues

14.20 This is a bare outline application with all matters reserved. The position of the ES must be considered in the light of the decision in R v Rochdale MBC *ex* parte Tew (1999)(*Document* 11.1.5). The Court concluded that a bare outline application could not comply with the requirements of Schedule 3 to the Assessment Regulations. It is questionable whether any outline planning permission that might be granted in relation to the proposed MSA at J4 would be valid. It is inappropriate to reserve matters for subsequent approval that would affect the environmental impact of the scheme. Schedule 3 of the 1998 Environmental Assessment Regulations, which apply to this proposal, require that the ES should include a description of the development proposed, comprising information about the site and the design and size or scale of the development. However, the detailed master-plan is only indicative and therefore does not comply with the ES regulations. All matters of detail have been reserved for subsequent approval.

14.21 Only if planning permission were tied to the masterplan by precise and enforceable conditions would the situation be acceptable. However, this in turn could lead to further dispute if there was disagreement as to whether detailed proposals were in accord with the master-plan and ES. Rather than imposing conditions restricting the position, height, floor area and extent of hardstanding, these matters should have formed part of the application.

SECTION 15 – THE CASE FOR DORRIDGE AND DISTRICT RESIDENTS' ASSOCIATION IN RELATION TO THE PROPOSAL FOR AN MSA AT J4 (APPEAL 'C')

The material points are:

Need

15.1 The motorway network around Birmingham is already well provided with MSAs. Improved signing on motorways approaching the orbital system could ensure that drivers were made aware of the availability of existing MSA facilities. For journeys between the M40 and M6(N), there is little difference in journey time or distance between the western and eastern motorway routes around the Birmingham. If anything, the western route via the M42(S) and M5 is less congested and journey times are shorter.

15.2 Much of the traffic on the orbital system is engaged on commuting or short distance journeys and these drivers are well aware of the availability of existing facilities. Moreover, the proximity of junctions on the Solihull section of the M42 provides ample opportunity for drivers to leave the motorway if suffering from fatigue.

15.3 There is no need for an MSA on the Solihull section of the M42.

Green Belt and Countryside Issues

15.4 The appeal site lies in the Green Belt and should be protected from inappropriate development. Considerable development has taken place in recent years to the south east of Shirley . However, the M42 has remained a barrier against further encroachment into the countryside. Development in the Green Belt to the east of the motorway should be resisted, although there is pressure for development in this area as demonstrated by the list of applications at *Document 10.1.8*, the locations of which are shown on the plan at *Document 10. 1.4*. The proposed MSA would set a precedent and be totally out of keeping with the Green Belt.

15.5 The proposed MSA at J4 would be at an elevated location and visible for some distance. Footpath SL56, which currently crosses the site, would be diverted and its use and enjoyment largely lost to local people.

15.6 There would be significant light spillage from the proposed development at this elevated location.

River Blythe SSSI

15.7 The River Blythe is subject to regular flooding. During abnormal weather conditions or periods of prolonged rainfall, pollutants could be washed through or even bypass the proposed drainage system on the site causing pollution of the river.

Highway Issues

15.8 The Solihull section of the M42 regularly suffers from congestion in both directions at peak times, and when major events take place at the NEC. Slips road are often subject to serious tailbacks onto the motorway. In addition the accident record on the M42 is unsatisfactory. The additional traffic movements introduced by an MSA at J4 would increase the risk of accidents on the short length of motorway between J3a and J4. Northbound drivers often have difficulty in changing lanes to exit the motorway at J4 after having negotiated J3a where cars and lorries intermingle at the merge of the M40 and M42.

15.9 J4 is already busy and suffers from tailbacks. New development such as the BVBP and Dickens Heath Village will exacerbate problems at the junction. Alterations to the junction associated with the MSA proposal would extend the circulatory system to such an extent that travel distances and delays would become excessive. This would discourage traffic from using the junction and result in traffic diverting to local roads. It is likely that additional traffic would use J16 on the M40 causing larger flows on the A3400 through Hockley Heath village.

Other Issues

15.10 The Government's 1998 MSA Policy Statement confirms that MSAs should provide only facilities needed to serve those using the motorway in the course of a journey and should not become destinations in their own right. However, the main amenity building at the recently opened MSA at Hopwood appears to be unnecessarily large for its purpose and location. It contains a shop selling designer label clothes. This conflicts with Government guidance as it encourages people to make specific journeys to the MSA.

15.11 *Document* IO. 1.5 confirms the presence of 'Tandy Express' stores at some MSAs. It is inconceivable that items such as a television or CD audio units, as referred to in the advert, could

be classed as necessary for the motorway traveller to purchase during the course of a journey. The press information published by Granada *(Document 10.1.9)* demonstrates the company's intention to significantly expand their retail facilities so as to make a visit to its MSAs a 'shopping experience'. Other MSA operators may well consider it necessary to follow if their sites are to remain competitive. There is concern that such facilities could be provided at the proposed MSA at J4. As an off-line site it would be readily accessible to non-motorway traffic and could eventually be developed by stealth to become an out-of-town shopping area. The recently opened MSA at Hopwood is signed to non-motorway traffic from the A441 as shown in the photograph at *Document 10.1.7.*

15.12 The high cost of parking at the NEC is likely to encourage NEC visitors to park their cars at the MSA and then continue as a group in one car to the NEC. It is doubtful whether parking controls would be adequate to prevent the MSA being used as a parking area for other attractions in the locality.

15.13 There is ample hotel and motel accommodation in the area, and no need for a lodge at the site. There are 3 motels near the appeal site on the main Birmingham to Stratford Road.

15.14 As indicated in the copies of Travelodge advertisements at *Documents 10.1.3, 6 and 11,* accommodation can be booked in advance at lodges at attractive rates. Some of the lodges in the advertisements are sited at MSAs. The advertisements refer to 2-night breaks and appear to ignore the purpose of providing such facilities at MSAs. The lodges are clearly destinations in their own right. Such facilities would be used by visitors to the BVBP, NEC and other attractions in the area, with the result that motorway travellers expecting to find accommodation at the site would be unable to do so.

SECTION 16 – THE CASE FOR WELCOME BREAK GROUP LIMITED

The material points are:

Background to the Appeals

16.1 In his report on the inquiry into proposals for an MSA at Hopwood, the Inspector concluded that the MSA would meet the needs of M42 traffic in substantial measure *(Document 6.1.9)*. Now that the Hopwood MSA exists, it is only the degree of residual need that is relevant to the current appeals.

16.2 The current proposals do not accord with the development plan and are all situated in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and the SoS has indicated that he will attach substantial weight to such harm. MSA proposals are subject to the same stringent Green Belt test as any other form of inappropriate development. The Government's 1998 MSA Policy Statement indicates that the 30-mile spacing guideline does not represent a threshold at which there is a presumption in favour of MSAs. The clear implication of the advice is that spacing is not in itself sufficient to outweigh objections based upon a national restraint policy such as Green Belt, unless reinforced by other factors when undertaking the balancing exercise required by paragraph 3.2 of PPG2. The other factors to be included in the balancing exercise should include those set out in paragraph 5 of the 1998 MSA Policy Statement.

16.3 In relation to a series of MSA proposals on the western section of the M25 and on certain radial motorways connecting with it, representations were made on behalf of Welcome Break to

the SoS seeking to ensure that the 30 mile criterion was not treated as an absolute threshold *(Document 6.1.12)*. The SoS has subsequently issued decisions in relation to the appeals for MSAs on the M25 and M4 and has adopted a similar approach to that advocated in the representations. The SoS gave weight to the degree of need by taking account of spacing and then going on to consider other factors including the amount of long distance traffic passing each site and evidence of road safety problems which an MSA might help to resolve. Only one MSA was allowed. Copies of the 8 decision letters *are* at *Document* 6.1.1. The similarities between the circumstances on the M25 and those on the M42 are sufficient for a similar approach to be adopted in deciding the appeals.

16.4 The M25 and M4 MSA decisions demonstrate that various factors, such as the volume of long distance traffic travelling along a particular gap, qualify the amount of need presented by spacing and determine whether or not need is overriding.

Spacing of MSAs

16.5 The key gaps in relation to the current appeals are the 48 miles between Warwick and Hilton Park MSAs and the 68 miles between Warwick MSA and the end of the M54. All other gaps comply with the Government's objective of MSA provision at intervals of about 30 miles. The construction of the BNRR will not create a new gap in MSA provision; the purpose of the road is to carry traffic that currently uses the M6 for long distance journeys. Moreover, a proposal for an MSA on the M54, which has planning permission, would reduce the relevant gap to 62 miles.

16.6 Since Government spacing objectives are satisfied in relation to all but two of the existing gaps between MSAs, the appeal proposals are primarily 'infill' schemes and the requirement to demonstrate exceptional circumstances as described in the 1998 MSA Policy Statement applies. The M25 and M4 MSA decisions illustrate that even where some need has been shown for an infill proposal which also serves a wider function in relation to traffic using an orbital motorway, it will not automatically outweigh objections on Green Belt and other grounds. In order to outweigh the harm by reason of inappropriateness, the onus is on the appellants to demonstrate that factors other than spacing alone tell in favour of the proposals.

Traffic Characteristics

16.7 The characteristics of the journeys of motorway traffic passing the appeal sites are considered at *Document* 6.1.1. Such characteristics can directly affect the need for services. For example low TIRs are experienced at MSAs such as Heston on the M4 because the MSA is sited close to the end of the motorway and to the origin or destination of many journeys.

16.8 The traffic passing between J3a and J7 on the M42 is engaged in a wide variety of journeys. The diagram at *Document* 6.1.24 is based on evidence provided by the appellants. It shows that of the total flow passing J5 only around 25% or 31,400 vehicles per day (vpd) (AADT) is not already served by a 30 mile MSA. The figure of 31,400 includes flows between Tamworth and Warwick MSAs, which at 38 miles is not a significantly greater gap than 30 miles. Moreover, the flows are less than the long distance flows of 37,000 vpd and 38,000 vehicles per 16 hour day which justified the need for MSAs at Hopwood on the M42 and New Barn Farm on the M25 respectively *(Documents 1.1.44 and CD/Q/3 para 7.11)*.

16.9 The Council considers that the total flow between Warwick and Hilton Park MSAs and Warwick MSA and the M54 (ie excluding the Warwick/Tamworth flows) is 19,000vpd. This

figure is less than the range of 19,050vpd to *25,400* vpd on the M4 *(see calculations at Document* 6.2.2) which the SoS found to be insufficient to warrant the various MSA proposals on that length of motorway.

16.10 The appellants figure of 143 km as an estimate of the average trip length for traffic on the M42(E) suggests that the motorway carries a high proportion of short distance trips, as well as catering for long distance journeys.

16.11 These figures do not suggest that there is an exceptional case of need for an MSA on the M42 (E). The below average TIRs found at Hopwood MSA *(Document 1.1.22)* do not suggest a particular pent up demand for services in the locality.

Road Safety

16.12 The appellants' evidence in relation to road safety shows that the overall PIA rate on the Midlands motorway network is at or below the national average for motorways *(Document CD/H/2)*. Moreover, there is no factual evidence of a high incidence of fatigue related accidents in the area. A report by Reyner, Flatley and Horne on sleep-related accidents on the M40 in Warwickshire did not show a high rate of such accidents in either direction. Interestingly, the assessed rate was higher for northbound traffic (i.e traffic that had had the opportunity to stop at Cherwell Valley and Warwick MSAs) than for southbound traffic, which had negotiated long gaps between MSAs. This demonstrates the difficulty in drawing any meaningful conclusion about MSA provision from such data.

Adequacy of Existing MSAs

16.13 The survey undertaken by the appellants on parking capacity at existing MSAs found that Hilton Park and, to a lesser extent, Tamworth were the only locations where there is any evidence of pressure on car parking. However, at Hilton Park this is a temporary phenomenon since construction of the BNRR will divert much long distance traffic from the site. Moreover, the site has planning permission for expansion.

16.14 The appellants' forecasts of future use are of little relevance. In his report on an inquiry into various proposals for MSAs on the M25 in Epping Forest District, the Inspector did not agree with the appellants that one should calculate demand based on predictions of traffic growth over 15 years and apply that to existing MSA facilities *(para 19.31 Document 6.1.20)*.

16.15 Even if there were some substance to the suggestion that traffic growth will place existing MSAs under pressure in the future, it does not inevitably follow that the only practical solution is an MSA on the M42(E). There is potential for substantial expansion of capacity at Warwick and Hopwood MSAs. Permitted parking at Hopwood has only been partially provided to date. The Inspector dealing with proposals for an infill MSA at Redbourn noted the advantages of undertaking improvements at existing MSAs, even when they were in the Green Belt, compared with allowing new MSA development that would be harmful in Green Belt and countryside terms *(Document 6. 1. 2 1 para 10. 60 and SoS decision at para* 51). Such an approach would be commensurate with the limited degree of need that can be demonstrated in the cases presently under consideration.

Conclusion on Need

16.16 There appears to be no need for an infill MSA; there is nothing to suggest that exceptional circumstances apply now or will do so in the foreseeable future. The traffic travelling between Warwick MSA and Hilton Park MSA/M54 accounts for a minority of traffic passing the appeal sites (perhaps 15%). Any limited need that may exist is not sufficient to outweigh the harm by reason of inappropriateness to the Green Belt that any of the MSA proposals would cause.

The Treatment of Development Omitted from the Present Applications

16.17 The red line defining the area of the site relating to the proposed MSA at Catherine de Barnes excludes the motorway and consequently excludes the proposed auxiliary lanes, parts of the slip roads and vehicular access bridge over the motorway. No application has been made for permission to undertake these items of work. Similarly, the application for an MSA at J4 excludes the works to widen the existing road over the M42. The ES relating to the proposal does not include a description of the proposed bridge over the motorway or its construction.

16.18 The procedures for undertaking development on Crown land are reviewed in *Document* 6.2.1. It is unclear as to how the proposals for slip roads, the access bridge and the auxiliary lanes on the M42 are to be dealt with. They are all items of development and until the terms of any agreement between the HAg and the developer are finalised it is not possible to decide whether the works would be carried out by the HAg on behalf of the SoS or the MSA operator, albeit on Crown land. It appears that the work may be undertaken on behalf of the MSA operator and that further planning permission may be needed for these elements of the proposal.

16.19 Even if no planning permission were required, there is an obligation and expectation that formal consultation takes place when Crown land is developed. The procedures for development by Government Departments are set out in Circular 18/84 and apply to all bodies entitled to Crown exemption from the provisions of the Town and Country Planning Acts.

16.20 A similar problem arose on the proposal for an MSA at New Barn Farm on the M25. In his report on the inquiry into that proposal the Inspector did not come to a conclusion as to how the planning 'permission' or 'clearance' for development on Crown land should be dealt with *(paras 12.46-12.49 of Document CD/Q/3)*. An agreement under section 278 of the Highways Act 1980 does not grant the planning 'permission' or 'clearance' envisaged in the guidance of Circular 18/84. At the very least, the advice in the Circular dictates that some form of consultation is undertaken in relation to development on Crown land. It is submitted that this consultation procedure should be undertaken at the same time that the remainder of the MSA proposal is assessed, not at some later stage. Planning permission cannot be granted for the MSA and associated roadworks at present. The SoS has no discretion to grant permission for more than is before him.

16.21 Paragraph 157 of DETR Circular 2/99 indicates that where development by a Crown body would require planning permission and an EIA if carried out by another person, the Crown body will submit an ES to the local planning authority when consulting them under the arrangements set out in Circular 18/84. The works to be carried out under any section 278 agreement would, subject to scoping, require an ES from the HAg.

16.22 In the case of SoS for the Environment v Edwards (PG) 1994 (69 P&CR 607), the Court of Appeal determined that where there are multiple roadside service applications the relative merits of the different sites are material considerations in the determination of each application. The impact of the associated roadworks could tip the balance for or against one of the sites or contribute to a finding by the SoS that not one of the schemes presently under consideration

outweighs the harm that it would cause. The balancing exercise cannot be undertaken by means of a 'Grampian style' condition. It would be incompatible with the approach in the Rochdale judgement (R v Rochdale MBC, ex parte Tew and others *(Document 1. 6. 1)*). The same criticism would apply if a 'minded to grant' letter was issued.

16.23 If the deck of the proposed overbridge at Catherine de Barnes is to be maintained by the operator, as suggested by the appellant at *Document 1.6.4*, then planning permission would be required for that element of the scheme. The HAg suggest that the auxiliary lanes fall within the definition of a project for constructing or improving a highway and exceed 1 hectare (the requirements of s. 105A(1) and (2) of the 1980 Act), and the HAg would therefore have to determine what consultation procedures were necessary. However, the proposed bridge works and slip roads do not fall under this definition. These would require the HAg to promote a s16 Highways Act Order and publicise the order, with the provision of an inquiry into objections. An ES would be required. There is no provision for the area of land involved to be classed as de minimis. The access bridge should be treated as an extension to the MSA and therefore requires an EIA as indicated in the advice at Circular 2/99.

16.24 The proposed motorway bridge widening associated with the proposal for an MSA at J4 would probably be promoted by the HAg. This would necessitate the preparation of an ES by the HAg.

SECTION 17 - THE CASE FOR OTHER INTERESTED PERSONS AND PARTIES

The main points are:

17.1 **Caroline Spelman MP** is opposed to the building of an MSA on this length of the M42. The development of the Blythe Valley Business Park will lead to a large number of additional vehicle movements on the Solihull section of the M42, thereby adding to existing congestion. If facilities are required for long distance traffic passing to the east of Birmingham, it would be preferable to change existing signing to direct traffic travelling between the M40 and the M6 to follow the M42(S) and the M5 to the west of Birmingham. Alternatively the existing Tesco petrol station near J4 of the M42 could be enlarged to provide facilities for motorway travellers.

17.2 Mrs Spelman is concerned that the HAg is attracted to the scheme for an MSA at Catherine de Barnes because the proposal would include some widening of the M42 motorway *(Document 7.2.14)*.

17.3 **John Taylor MP** is the Member of Parliament for Solihull and has lived in the locality all his life. The boundaries of the Parliamentary Constituencies in the area are marked on the plan at *Document 12.1.2*. Mr Taylor objects to all 3 MSA proposals. He points out that Solihull is an attractive town that has been carefully developed. The Council has sought to protect the Green Belt and the Meriden Gap in particular, which is crucial to the setting of Solihull and of strategic importance to the West Midlands. To allow any of the MSA proposals to proceed would make a mockery of Solihull's long established Green Belt policy.

17.4 The proposed MSAs would be harmful to the local environment by creating light pollution at night, and increasing traffic movements, noise and air pollution.

17.5 **Councillor P Hogarth** is the Deputy Mayor of the Borough. He referred to the pleasant verdant character of the town and its proximity to open countryside. He is particularly concerned about the harmful impact that the proposed MSA at J5 would have upon the gateway to the town. The pleasingly landscaped A41 has helped to attract development to Solihull.

17.6 **Mr Geoffrey Dean**, on behalf of the **Solihull Group of the Ramblers Association**, points out that the remaining Green Belt is of considerable importance having already been put under severe pressure as a result of the building of the motorway, the NEC, extensions to Birmingham Airport, and BVBP. The existing MSA network in the area is sufficient to meet the needs of motorway users, particularly when bearing in mind that a high proportion of the trips on the Solihull section of the M42 is generated locally.

17.7 The proposed MSAs would adversely affect the enjoyment of users of the local footpath network. The BVBP has already had a serious effect on nearby footpaths, although hopefully this will be mitigated by the creation of new paths along the River Blythe. The MSA proposals would not provide any mitigating benefits to the local environment. Each of the schemes would cause noise and light pollution at night.

17.8 **Mr W H Peters** has lived in Catherine de Barnes for 30 years. He points out that there is widespread local opposition to the proposed MSA at Catherine de Barnes. The site lies in the Green belt and the important Meriden Gap. There are no very special circumstances to justify such development at this location. There is no need for the proposed MSA because there are sufficient facilities within a reasonable distance along the motorway and near junctions. The 1998 MSA Policy Statement does state that 30 miles, or any other length, should be the maximum distance between MSAs. Moreover, commuters travelling short distances make many of the journeys on the motorway network in this area.

17.9 The MSA would be harmful to the local environment because of the noise, fumes, lighting and additional traffic movements which would be generated. Moreover, the appeal site is too close to J6. The weaving length between the MSA and J6 would be too short and the proposed widening of the motorway would result in unacceptably narrow lanes, particularly at bridges where the hard shoulder width of 2m would be insufficient to allow the passage of fire service appliances. There has been no public consultation by the HAg in relation to the proposed widening. Three busy junctions within the space of 3 miles would be too many. The distances between various features along the motorway from J5 to J6 are set out in the table at *Document 12.3. 1.*

17.10 The provision of a lodge at this site would make it more difficult in future for the Council to resist proposals for hotel development in the Green Belt.

17.11 **Mr G Goodall** of Hampton in Arden also objects to the proposed MSA at Catherine de Barnes. He submits that the development would be contrary to Green Belt policy at both local and national levels. He is also concerned about the risks associated with aircraft landing at Birmingham International airport. There is a proposal to extend runway 15/33 at the airport towards Catherine-de Barnes. The public safety zones (PSZs) at airports have been revised recently and the DETR draft Circular issued in 1999 indicates that LPAs may wish to prevent certain forms of development being undertaken within areas up to 3 times the size of a PSZ. If the LPA were to adopt this advice, the north east corner of the appeal site would fall within the restricted area.

17.12 Safety considerations in relation to nearby airports or airfields have been material considerations in previous decisions relating to MSAs. Moreover, aircraft have crashed in close proximity to both East Midlands and Coventry airports when attempting to land as described in the summaries of these events in *Annex 2 of Document 12.4.1.*

17.13 Mr P Cottle is also a resident of Hampton in Arden. He considers that the MSA at Catherine de Barnes would have a harmful urbanising effect on the Green Belt. There is no need for such a facility and if the appeal is upheld it will be followed by further applications for development.

17.14 Mr Cottle is concerned about the impact of each of the MSA proposals on air quality. The Second Report of the Quality Air Review Group *(Document 12.5.2)* refers to the major impact of motor vehicle emissions upon urban air quality. Because of the introduction of catalytic converters to new petrol cars, diesel emissions will play a proportionately greater role in urban air pollution in future. Diesel engines emit large quantities of particulate matter, which is harmful to human health and the environment. At each of the proposed MSAs the use of overnight heaters in the cabs of lorries and the running of refrigeration systems would add to the amount of pollutants in the air.

17.15 Mr G Juniper has lived in Hampton in Arden for 26 years. He objects to the proposed MSA at Catherine de Barnes because of its location in the Green Belt and the nationally important Meriden Gap. A proposal for sports facilities to serve Hampton in Arden was recently turned down by the SoS following a public inquiry because it was considered inappropriate development in the Green Belt. The site of the proposed MSA is only about 1 mile from that of the proposed sports facilities.

17.16 The MSA would create a road safety hazard. Weaving lengths would be inadequate between the MSA and J6. A direction to refuse a similar proposal was made in 1993 because the average weaving length of 1.75 km between that proposal and junctions 5 and 6 was below the desirable minimum *set* out in TD22/92. Since that time the motorway has become more congested and weaving traffic would prevent an even greater hazard.

17.17 The MSA would be close to the PSZ associated with Birmingham International Airport. An aircraft crash similar to that which occurred recently at Stanstead Airport could have devastating consequences. An MSA should not be sited so close to such a busy airport.

17.18 The local environment would be seriously affected by light, noise and air pollution. The starting of vehicle engines would generate fumes and there would be long-term consequences arising from the discharge of pollutants into the River Blythe after heavy rainfall.

17.19 The proposed lodge would be used by visitors to the NEC rather than as a facility for motorists.

17.20 Mr L Creswell has lived in Hockley Heath for 30 years. He objects to the proposed MSA at J4 and points that the Green Belt in the locality has been eroded by successive developments. The MSA would have a serious impact on the local environment. It would cause significant light pollution because of its elevated location and prominence when viewed from the Monkspath area. The large numbers of vehicles using the site would cause noise pollution and despite the proposed measures to deal with surface run-off the scheme would cause pollution of the River Blythe SSSI. Reed beds would take years to establish before being capable of dealing adequately with the various pollutants that would be contained in surface water run-off from the site.

17.2 1 The development would also increase air pollution. Engines produce far more pollutants when running cold after starting than when running at normal operating temperatures. After having parked at the MSA, vehicles would be producing high levels of pollutants when leaving the site. Moreover, the refrigeration units on HGVs are often left running in parking areas. The Blythe Valley is well known for pockets of low-lying fog. Pollution from the MSA would exacerbate the problem.

17.22 The proposed lodge would become a destination in its own right. Moreover, the MSA would be used for shopping and purchasing refreshments at night.

17.23 The MSA would add to problems of congestion in the area. Traffic volumes are likely to increase substantially as a result of developments such as the BVBP and Provident Park. Traffic leaving the MSA would use local roads if the motorway was congested.

17.24 Mrs S Jarman has lived in Knowle for over 40 years. She is a founder member of the Knowle Society and is the chairperson of its Nature Conservation Committee. She objects to all three MSA proposals and the effect that each would have on the Meriden Gap. However, she is particularly concerned that the proposed MSA at J5 would result in additional traffic passing through the Knowle Conservation Area causing vibration damage to buildings and additional air pollution. Aircraft in the locality already causes air pollution. The emissions from vehicles using the MSA would add to the problem.

17.25 The River Blythe already suffers from pollution. Pollutants leaching from the MSA development could eventually result in the River losing its SSSI status. The proposed measures to deal with surface water drainage at the site are not foolproof and would not guarantee that pollution of the river would not occur.

17.26 At present the A41 provides an attractively landscaped access to Solihull. The MSA proposals would result in existing planting being stripped away and the shallow banks at the edge of the road replaced with steep sided structures which would not lend themselves to similar planting. The proposal would be harmful to the existing gateway to the town.

17.27 The letter and attached petition from the Warwickshire Wildlife Trust *(Document 12.8.2)* expresses concern about the impact of each of the MSA proposals on the Green Belt and the environment. The alternative route between the MSAs at Warwick and Hilton Park via the M42(S) and M5 removes the need for an MSA on the Solihull section of the M42. The alternative route is well served by MSA facilities and motorists travelling north on the M40 are informed of the availability of existing MSAs.

17.28 The Wildlife Trust considers that night-time activity, extra pollution and noise generated by an MSA at J5 would be inappropriate in the Arden Parkland setting of the site. Badgers on the site may become road casualties if they seek new foraging areas or cross internal roads on the development .

17.29 **Mr A Wood** of Hampton in Arden considers that there is little independent evidence of the need for MSA facilities from road users and road organisations. Moreover, there is no exceptional gap between MSAs particularly when considering that there are alternative motorway routes around the Birmingham conurbation. There are no very special circumstances which justify the harm which the MSA at Catherine de Barnes would cause to the openness of the Green Belt.

17.30 The proposed MSA would harm the setting of the Conservation Area at Hampton in Arden. The development would be visually intrusive and would create noise and air pollution. It would also have an adverse impact on road safety. A significant amount of lane changing takes place on the motorway because of the large number of commuters using it. Moreover, traffic seeking to access the NEC causes congestion on the motorway on various occasions throughout the year. The proposal for auxiliary lanes would result in narrow hard shoulders and could cause confusion, as the number of lanes on the motorway would increase from 3 to 4 in each direction over a short length.

SECTION 18 – WRITTEN REPRESENTATIONS

The main points are:

18.1 A petition submitted in the name of the **Youth of Solihull** forms part of *Document 13.2.1* and is accompanied by a video film of the River Blythe entitled 'The Beauty and the Beast – A Journey Down the Blythe' *(Document 13.2.2)*. The film follows the river from its source to its confluence with the River Tame and emphasises the vital contribution that the River Blythe makes to the sensitive ecosystem of species in the region. The river also provides a pleasant local amenity and contributes to the recreational and leisure facilities of the area.

18.2 There is concern that the proposed measures for dealing with pollutants from each of the MSAs would be inadequate to protect the River Blythe SSSI. The efficiency of oil traps, reed beds and balancing ponds is based on speculative theory and the effectiveness of such methods in this situation is unproven. There is a danger that severe rainfall would result in the filtration systems being by-passed. Moreover, inadequate maintenance could result in pollution incidents.

18.3 The MSA proposals would result in harm to the environment, the landscape and local amenities. Moreover, to allow such development would set a precedent for further development to the detriment of the River Blythe. The MSA proposals would result in additional air pollution and light pollution at night. In addition, the proposals would result in increased traffic congestion. Such development is not sustainable.

18.4 The Green Belt between Monkspath and Dorridge is an important gap between the two communities and must be protected.

18.5 Granada Hospitality Limited *(Document 13.3.1)* submits that there is no need for an MSA on the Solihull section of the M42 arising from alleged inadequacies at any of the Granada MSAs at Hilton Park, Tamworth and Frankley. Reference has been made to the parking capacity of the Hilton Park and Tamworth MSAs. However, there is no shortfall of parking provision at these sites.

18.6 The appellants refer to a parking survey for a Friday in August when it was found that demand exceeded capacity at Hilton Park. However, this was a period of peak demand and was not typical of the reminder of the week, month or year. Moreover planning permission has been granted to increase parking on the northbound site from 256 to 355 spaces and the southbound site from 301 to 394 spaces. The permission will be implemented if it is shown that there is sufficient demand for car and other parking spaces. Outline planning permission has also been granted for expansion of the existing facilities on both the northbound and southbound sites at Hilton Park.

18.7 It has also been claimed that the demand for HGV parking exceeds capacity at Tamworth MSA. However, there is more than adequate provision for coach parking at this site and a section of the coach parking area is currently used as an overflow parking area for HGVs at peak times. Granada intends to formalise this into a permanent arrangement. The HGV parking area at Tamworth is currently configured to provide 56 places. The coach park can be adjusted to provide a further 6 to 10 spaces for HGVs without affecting the operation of the coach park. Subject to planning permission, the HGV parking area could be extended into adjacent areas that are flat and free from structural planting. This would provide a further 20 HGV spaces and was identified as a potential expansion area when the site was originally designed.

18.8 It is preferable to extend existing MSAs than to provide new and unnecessary development in previously undeveloped areas of the Green Belt.

18.9 Correspondence from **other organisations, individuals and local residents** can be found at *Document 13.1.1*. In addition, representations made to Solihull MBC in respect of all three proposals at the time of consideration of planning applications *are* at *Document CD/R/4*. These contain a wide range of objections to the MSA proposals, most of which were raised at the inquiry. It is pointed out that each of the three MSAs would represent inappropriate development in a vulnerable part of the Green Belt and the strategically important Meriden Gap. The proposals would erode this gap and harm the openness of the Green Belt. Moreover, the schemes would reduce opportunities for enjoyment of the countryside and outdoor recreation.

18.10 The Solihull UDP makes no provision for such development and the construction of an MSA would make it more difficult to resist further development in the Green Belt. There is no need for an MSA on the Solihull section of the M42 because the existing network of motorway facilities is sufficient to meet the needs of motorists, particularly in view of the fact that a new MSA was recently opened at Hopwood on the M42. Moreover, commuters or other people on local journeys undertake a large proportion of the trips on this section of the motorway.

18.11 The schemes would have a harmful impact on the landscape and lead to additional noise, air and light pollution. The loss of agricultural land, hedgerows and trees in each case would be harmful to the ecology of the area. Many natural habitats would be destroyed.

18.12 There is also concern that each of the proposed MSAs would lead to pollution of the River Blythe SSSI.

18.13 The proposed lodges would become destinations in their own right because of the proximity of the NEC, Birmingham International Airport and other developments such as the Birmingham Business Park and BVBP.

18.14 It is submitted that the proposed MSA at Catherine de Barnes would create a hazard to motorway users because of the short weaving length along the congested length of motorway between the site and the busy J6, which provides access to the NEC. The weaving movements, which would be generated as a result of the scheme, would add to congestion on the motorway. Weaving traffic would conflict with the queue of vehicles that often extends back onto the motorway from J6. These queues could prevent traffic from leaving the MSA. There is concern that the HAg's decision to withdraw its original objection to the scheme has been influenced by the potential for the motorway to be widened at the expense of the developer. The site is close to the public safety zone of Birmingham Airport. Users of the MSA would be subject to risk from aircraft landing and taking off nearby.

18.15 The MSA would have a serious impact on the landscape. The rural character of the small villages in the surrounding area would be harmed. The MSA would be visible from various locations in and around Hampton in Arden, particularly at night. Traffic crossing the proposed access bridge would be particularly noticeable. Moreover, as the proposal at Catherine de Barnes is for a one-sided MSA, it would only be a matter of time before proposals were put forward to extend the facilities by developing on the opposite side of the motorway. The proposed widening of the motorway would result in the loss of existing planting which helps to screen the motorway.

18.16 With regard to the proposed MSA at J5, it is submitted that the roadworks associated with the proposal, and in particular the widening of the A41, would seriously harm the present attractive, semi-rural gateway to Solihull town centre. Moreover the development would erode the narrow undeveloped gap between Knowle and Solihull and be readily visible from the motorway sliproad as it joins the A41.

18.17 Congestion occurs on the Solihull bypass, particularly during the AM peak. The MSA proposal would exacerbate this problem causing greater delays for traffic using the local road network. The development would also harm local wildlife and vegetation and cause increased noise, air and light pollution.

18.18 In relation to the proposed MSA at J4, it is pointed out that the junction is already being enlarged to accommodate the BVBP and other development. The MSA proposal would result in an even more complicated arrangement at the junction. It would add to traffic congestion and make the junction more hazardous. The development would attract traffic to the junction and discourage the use of the local road network by more sustainable means of transport such as cyclists.

18.19 The development would seriously erode the narrow undeveloped gap between Monkspath and Bentley Heath/Dorridge and establish a precedent for building on Green Belt land south of the M42. The scheme would also have a significant adverse impact on the landscape and the ecology of the area. Existing hedgerows and trees would be lost.

18.20 There is no need for further facilities at this junction. A petrol filling station, supermarket and other facilities exist nearby.

SECTION 19 – INSPECTOR'S CONCLUSIONS

Note: Source references to earlier paragraphs of this report are shown in brackets thus [ ].

General Considerations

19.1 This report deals with three separate appeals relating to proposals for the development of MSAs along the eastern section of the M42 between its junctions with the M40 and M6 motorways. There is no dispute that planning permission should not be granted for more than one MSA along this length of the M42, assuming that such development served both directions of travel on the motorway. Although each of the proposals would cause harm to matters of acknowledged importance, it seems to me that they would also provide some benefits to the public (the extent of which is discussed below) that would need to be balanced against the adverse effects. In such circumstances, the judgement in the case of P J Edwards v SoS for the Environment, Roadside Developments Ltd and Breckland District Council establishes that the relative merits of an alternative scheme is a material consideration. Therefore the schemes must be compared to ensure that each appeal is determined having full regard to the alternative proposals. [7.96, 16.221

19.2 Bearing in mind the decision in R v Rochdale MBC, ex parte Tew [1999] 3 PLR 74, it is clear that any decision to grant planning permission for a development listed under Schedule 2 of the environmental assessment regulations, should be taken in full knowledge of the project's likely significant effect on the environment. Each of the 3 appeals being considered relates to an outline application for planning permission with all matters reserved for subsequent approval, except in the case of the Blue Boar proposal (appeal A), where means of access is not a reserved matter. Nevertheless, details of each proposal have been provided, primarily in the form of illustrative master-plans. As the environmental assessments in each case have been based on these masterplans, it seems to me that if planning permission were to be granted in any of these cases, it should be tied by appropriate conditions to those elements of the master-plan which are essential to the assessment of the environmental impact of the scheme. In my judgement these items include, the height and floor space of the proposed buildings and structures and the area of hardstandings. [6.8, 8.51, 9.171, 14.20, 16.221

19.3 With regard to any associated development to be undertaken on Crown land as a mitigation measure for an appeal proposal, I agree with the arguments put forward by the Welcome Break Group and the HAg that the impact of such development should be assessed at the same time as the remainder of the scheme and not at some later date. This would ensure that the relative merits or otherwise of the various MSA proposals are fully taken into account and compared. It would also allow a more comprehensive assessment to be made as to whether the benefits of a particular scheme outweigh the harm it would cause. It seems to me that such an approach would not preclude the HAg from undertaking any further assessment or consultation that it considered to be necessary.

19.4 It is not for me to assess the law on this matter, but I understand that even if a S278 agreement is entered into, the power to carry out the construction of the auxiliary lanes and other works is not conferred by S278 but by more general powers such as those contained in S24 or S62 of the Highways Act 1980. Nevertheless, because of the implications arising from the judgement in R v Warwickshire County Council ex parte Powergen [1997]3 PLR 13 1 and [1997]2 PLR 60, it is clearly essential that the environmental impact of mitigation work, such as the proposed auxiliary lanes associated with the proposal at Catherine de Barnes, is properly addressed before a decision is made on the planning merits of that scheme. [6.7, 7.108, 8.44, 11.271

19.5 The question therefore arises as to whether the various Environmental Assessments and consultation procedures associated with each scheme have been adequate and reasonable. In relation to the proposal for an MSA at Catherine de Barnes (Appeal A), the proposed auxiliary lanes, the access bridge and the slip roads are essential elements of the scheme which have to be considered in any meaningful assessment of the effects of the overall proposal.

19.6 Details of the precise form and construction of the access bridge are not available. Nevertheless, the proposed location, span and approximate deck level of the bridge can be ascertained from the illustrative drawings and I am satisfied that the environmental impact of such a structure can be assessed from the information provided. Furthermore, the location, design and general levels of the slip roads are available and the impact of the slip roads and access bridge have been assessed in the original ES. Under the circumstances I consider that sufficient information has been provided and adequate consultation undertaken to ensure a proper and reasonable assessment of the environmental impact of these elements of the proposal thereby enabling them to be included in an assessment of the overall balance of harm against the benefits of the scheme as a whole. [1.2, 3.2, 6.9, 6.12]

19.7 The proposed auxiliary lanes were not an element of the original scheme and were not assessed in the original ES. Moreover, detailed drawings of this element of the scheme have not been prepared. Nevertheless, 1: 1250 scale drawings showing the extent of the proposed auxiliary lanes and associated signage have been provided together with initial proposals for landscaping, and the construction of the proposed green retaining walls. Details of lane widths, volumes of earthworks and the impact on traffic flows have also been provided. Moreover, the environmental impact of the auxiliary lanes has been assessed in the updated ES and consultations on this document were undertaken during the course of the inquiry. The consultation process has not been as wide ranging as that normally undertaken by the HAg for a free standing motorway improvement scheme. For example, public exhibitions were not undertaken and leaflets were not widely distributed in the locality. Nevertheless, notices regarding the updated ES were published in the local press and those bodies consulted on the original ES were also consulted in respect of the updated information. I consider that sufficient information has been provided to the inquiry and adequate consultations have been undertaken to evaluate the environmental impact of this element of the scheme. [1.4, 1.10, 1.11, 3.4, 6.5, 6.7, 6.18-20, 6.41-45, 6.78-80, 7.108, 9.56-61, 10.15, 11.25, 16.17, 16.18]

19.8 Nevertheless, if the detailed design of the proposed auxiliary lanes reveals that significant changes are necessary for the highway proposals to be acceptable to the HAg, further consultation may need to be undertaken and a revised ES prepared and published by or on behalf of the HAg. Moreover, the HAg may legitimately decide that further consultation is necessary for the existing scheme before the auxiliary lanes could be built. In either of these circumstances, such consultation could result in the widening proposals proving to be unacceptable. In that case, whatever conclusions may have been reached on the merits of the proposal for an MSA at Catherine de Barnes, it seems to me that the scheme should not proceed because, as I conclude below, the proposal for auxiliary lanes is an essential element of the overall scheme. [10.22]

19.9 In relation to the proposed MSA at J5, I am satisfied that the information contained in the updated ES and the procedures adopted for advertising and consulting appropriate bodies, enable a conclusion to be drawn on the environmental impact of the overall scheme. [1.6, 1.10, 1.11]

19.10 Turning to the proposals for an MSA at J4, I am again satisfied that the environmental impact of the proposed widening of the bridge over the motorway has been sufficiently assessed

to allow a conclusion to be drawn on the balance between the harm and benefits of the overall scheme. However, this assumes that significant alterations would not be required to the proposed highway works associated with that scheme to overcome any problems of highway safety and the free flow of traffic. [1.10, 1.11]

19.11 With regard to the CPRE's concern about its inability to cross-examine the HAg's witness following the written response of the HAg to written questions put by myself and other parties, I am satisfied that sufficient opportunity was given to all parties at the inquiry to seek clarification of the answers given by the HAg. All those present at the inquiry were given the opportunity to ask supplementary questions of the HAg. [1.14]

The Main Issues

19.12 Section 54A of the Town and Country Planning Act 1990 requires that the determination of these appeals should be made in accordance with the development plan unless material considerations indicate otherwise. As each of the schemes lies within the Green Belt, the proposals conflict with Policy GB2 of the Solihull Unitary Development Plan (UDP), unless very special circumstances can be demonstrated. The general presumption against inappropriate development in the Green Belt, as set out in PPG2, is reflected in the development plan. There is no dispute that an MSA is an inappropriate form of development in the Green Belt, and I am mindful that Annex A of PPG13 states that approval should not be given for an MSA within the Green Belt except in very special circumstances. In order to determine whether there are very special circumstances in each case which would outweigh the harm caused by reason of inappropriateness, together with any other harm, it seems to me that the following issues must be considered:

the impacts on the Green Belt;
the impacts on the landscape;
the need for an MSA on this section of the M42;
the suitability and impacts of the proposed highway and access arrangements;
the impacts on the ecology of the area;
the implications for the River Blythe SSSI;
the effects on the character, appearance and setting of listed buildings;
the loss of agricultural land;
the need for a lodge and the effects of the various lodge proposals;
the merits or otherwise of alternative proposals;

19.13 Not all the issues are directly relevant to each case, although they may all be relevant when considering the merits of alternative proposals. Firstly, I shall deal with the issue of the need for an MSA, which has been treated as a common issue in all three appeals. I shall then consider the other impacts and effects of each proposal in turn, on an individual basis, before comparing the merits or otherwise of alternative proposals.

The Need for Further MSA Provision

General

19.14 I am mindful of the statement in Circular 1/94 that for safety and traffic management reasons, drivers should not have to travel long distances without finding services on the motorway. The July 1998 MSA Policy Statement indicates that the Government wishes to concentrate on the completion of a network of MSAs at 30 mile intervals although this does not amount to a presumption in favour of MSA proposals which would contribute to a 30-mile

network. The appellants argue that a new MSA between junctions 3A and 7 on the M42 would primarily serve as a '30-mile site' and therefore consideration of matters such as the volume of long distance traffic is unnecessary in relation to this function of the proposals. On the other hand, it is also submitted that the appeal would satisfy a secondary infill need between existing MSAs on some routes and therefore such factors are relevant when considering the proposals. [5.42, 7.18]

19.15 I agree with the argument put forward on behalf of Swaytields that the Government's 1998 MSA Policy Statement does not suggest that the tests applied to proposals for infill sites (set out in paragraph 5 of the policy) must be satisfied in order that a "30-mile" site may be permitted in the Green Belt. Nevertheless, the three appeal sites under consideration are in sensitive Green Belt locations and, as indicated above, there is no presumption in favour of MSA proposals that would contribute to the 30-mile network, despite the fact that the Policy Statement indicates an intention to return to a policy based on the provision of MSAs at approximately every 30 miles.

19.16 The HAg's Press Notice HA 269 of July 1998 pointed out that MSAs exist to meet a road safety need. Therefore, even if the appeal proposals were to contribute to a 30-mile network of MSAs, the weight to be given to the fact that there is a large gap between existing services depends not only on the length of the gap but also on all other factors that make the gap relevant to road safety. In my opinion, factors such as the ability of nearby MSAs to cope with demand, the incidence of accidents attributable to driver fatigue, and the amount of long distance traffic on the route in question can add to or reduce the weight which should be attributed to the gap between MSAs, whatever that gap may be. I therefore consider that such matters should be taken into account when deciding on the merits or otherwise of a proposal which would fit into a gap of well over 30 miles between existing MSAs, particularly when such sites are in sensitive locations. This approach has been adopted by the SoS in the past when considering MSA proposals. In some cases such factors may be of little weight, in others they may be sufficient to tip the balance in favour of, or against, the proposal. [9.135, 10.7, 16.2]

The Gap between Existing MSAs

19.17 The question of distance between MSAs is complex in these appeals because of the variety of potential routes served by the Solihull section of the M42. This section forms the eastern part of the West Midlands motorway box around the Birmingham conurbation. As such it carries a large amount of commuting traffic and is also close to the origin and destination of many motorway journeys. However, it also acts as a funnel for a variety of long distance routes because it links the M42/M40 junction with the M42/M6 junction. There are 6 long distance motorway routes that utilise this length of the M42. These are:

M40 to M6 north (via M6 junctions 4 to 8)
M40 to M54 (via M6 junctions 4 to 8)
M40 to M42 north
M40 to M6 east
M5 to M42 north
M5 to M6 east

In addition, the construction of the proposed Birmingham Northern Relief Road (BNRR) would create an alternative route between the M40 and M6 north via the Solihull section of the M42 and the BNRR. [5.7, 9.139]

19.18 The gaps between existing MSAs on the M40/M6(E), M5/M42(N) and M5/M6(E) are either below or close to the desirable aim of not much more than 30 miles. However, the 38 mile gap between the MSAs at Warwick and Tamworth on the M40/M42(N) route is of some

significance, in my judgement, despite the fact that gaps of up to 39 miles have been accepted in some circumstances in the past as being consistent with a desirable spacing of about 30 miles. Nevertheless, of far greater significance are the gaps of about 49 miles between the MSAs at Warwick and Hilton Park on the M40/M6(N) route and 68 miles between Warwick MSA and J4 of the M54. Although the 68 mile gap between Warwick MSA and the end of the M54 would be reduced if the proposed MSA on the M54 is constructed, the remaining gap of 62 miles would still be far greater than that sought by Government policy. The gap of 45 miles, which would exist between the proposed MSA at Norton Canes on the proposed BNRR and the existing MSA at Warwick, is also of particular concern. [5.8, 9.139]

19.19 Objectors to the MSA proposals point to the alternative 'western' route between the M40 and the M6 via the M42(S) and the M5. This route is served by two MSAs, one at Hopwood on the M42(S) and one at Frankley on the M5. This alternative route is only marginally longer than the eastern route, via the M42(E), and journey times are usually shorter on the western route. The Council and others suggest that traffic between the M40 and M6(N) could be signed via this route, and indeed argue that the West Midlands Multi Modal Study (WMMMS) may well recommend that this would provide an opportunity to reduce congestion on the West Midlands motorway box. However, I am mindful that the HAg points out that there is no intention to sign M40/M6(N) traffic via this route. Although the HAg agrees that the conclusions of the WMMMS should not be prejudged, the agency considers it unlikely that the traffic travelling between the M40 and M6 would be signed via the western route in the foreseeable future. [9.140, 10.5, 11.13, 14.13]

19.20 As indicated by the HAg, one of the problems associated with changing the signing of this route is the arrangement at the M5/M6 junction. At present the junction is designed such that traffic on the M5 gives way to traffic on the M6. If M40/M6(N) traffic was diverted to follow the M5, the flows on the M5 would be increased to such an extent that the junction would probably have to be redesigned and constructed so that M6 traffic gave way to the greater flow from the M5. Furthermore, the HAg considers that the opening of the BNRR will tend to retain the attractiveness of the M42(E) for traffic travelling between the M40 and M6(N). [10.5]

19.21 I appreciate that there is a range of possibilities that may be adopted in order to overcome traffic problems on the Midlands motorway network. Matters such as the redirecting of traffic, widening of the Solihull section of the M42, and the construction of the BNRR could all have an impact on traffic movements. At present I have no firm evidence as to which combination of measures will eventually be adopted. However, whatever solution is adopted it seems to me that it is likely that a significant proportion of traffic travelling between the M40 and the M6(N) would continue to use the Solihull section of the M42 particularly in view of the proposed construction of the BNRR. Moreover, at present the evidence of the HAg is clear that traffic travelling on this route will continue in the foreseeable future to use the Solihull section of the M42.

19.22 Another alternative put forward by the CPRE is that drivers on the M6 and M40 should be better informed of the presence of the MSAs at Hopwood and Frankley. At present a sign for northbound drivers on the M40 indicates the presence of these MSAs on the western route. However, the sign is about 9 miles from the M40/M42 junction and there is no similar sign on the M6 for southbound drivers. Improved signing, informing drivers of the presence of the MSAs on the western route would be of some benefit. However, this assumes that drivers plan their journeys in advance with a view to visiting a particular MSA. In many instances this may be the case, but there is no evidence that the majority of drivers plan their routes in this way. The survey undertaken on behalf of the Council in June 1999 did not address this point. Moreover, research into fatigue related accidents suggests that tiredness can come on very quickly. By the time drivers become aware of drowsiness at the wheel, sleep can quickly follow. I agree with the

appellants that there are dangers in relying on drivers pre-planning their rest periods if fatigue creeps in before a planned stop. [5.11, 5.12, 5.38, 5.52, 11.5]

19.23 It seems to me that additional signing to make drivers aware of the presence of MSAs on the western route would not overcome the problem where drivers following the eastern route decide during the journey that they need to make use of MSA facilities. I accept that northbound drivers would have little more than 30 miles to reach an MSA after having passed the M40/M42 junction and decided to follow the eastern route. However, southbound drivers would have considerably more than 30 miles before reaching an MSA after having committed themselves to the eastern route after passing the M6/M5 junction. [9.140]

19.24 Clearly the existing arrangements do not provide drivers with the 'opportunity to stop about every 30 miles. The suggestions put forward by the objectors, in terms of signing to make drivers aware of the facilities on the western route would help to meet this deficiency, but in my judgement, the deficiency would by no means be adequately overcome by such an arrangement. Moreover, a large part of a countrywide 30-mile MSA network has now been completed and it seems to me that drivers increasingly expect to find MSA facilities at a spacing of not much more than 30 miles. In my opinion, the existing gap between facilities represents a significant unmet need, and I do not agree with those objectors such as the Welcome Break Group who claim that the appeal proposals are primarily 'infill' schemes. [16.6]

Traffic Flows

19.25 There is no doubt that a large proportion of the traffic on the Solihull section of the M42 is engaged on local or commuter trips and many journeys have their origin or destination in the locality. However, this section of motorway has one of the highest motorway flows in the country and although only a proportion of the traffic is engaged on long distance journeys the number of such journeys is substantial. [5.28]

19.26 There is no readily available database which gives an accurate break down of the various types of journey undertaken on this section of the M42. The appellants claim that historic data and traffic models indicate that about 20,000 vehicles per day pass both the Hilton Park MSA (or the adjacent M54 J4) and Warwick MSA. Within the design life of an MSA these trips would be expected to increase to between 23,000 and 31,000 per day. The Council considers that a figure of between 10% and 15% of the traffic on the Solihull section of the M42 travels between the M40 and the M6/M54, giving a figure of between 12,000 and 19,500 vpd depending upon the volume of current flows. However, as SMBCs lower percentage relies on traffic surveys which sought to match registration plate characters from video cameras, I have some sympathy with the appellants' argument that the number of through trips were probably under-reported. In my judgement, a figure close to 20,000 vpd following this route does not appear to be unreasonable. Moreover, as the M1 is likely to suffer even greater stress levels from congestion in 2016 than the M40, there is likely to be a greater trend towards growth in long distance traffic on the M40. [5.30, 9.149, 14.131]

19.27 In addition to the above figure of about 20,000vpd on the M40 to M6(N)/M54 route, a further 5000 to 10,000vpd travel the length of the gap between Tamworth and Warwick MSAs. This results in a total of 25,000 to 30,000 vpd travelling between excessive gaps in motorway services, which in my judgement demonstrates a substantial amount of unsatisfied need. [5.31]

19.28 I am mindful of the argument put forward by the Welcome break Group that these flows are less than those on the Maidenhead section of M4, which the SoS found to be insufficient to

warrant the various MSA proposals on that length of motorway. However, those decisions were made in the light of circumstances associated with the M25, which the 1998 MSA Policy Statement describes as 'unique'. Moreover they related to schemes that were not sited near the midpoint of the important gaps in MSA provision. In the case of the proposed MSA at Great Wood, the scheme would have served only one side of the motorway and the flows of traffic between MSAs spaced at more than 30 miles would have been substantially less than those which would be served by the proposed MSAs on the Solihull section of the M42. [5.32, 16.8, 16.9]

19.29 It has been suggested by some parties that the number of long distance trips on the Solihull section of the M42 will decrease in future because the motorway has reached its capacity and there will be a need to accommodate increasing flows generated by development such as the NEC, Birmingham International Airport, and the Birmingham and Blythe Valley Business Parks. Although there is some logic to this argument, there is a strong counter argument that the construction of the BNRR is likely to increase the amount of long distance traffic using this route. Clearly some measures will need to be taken to accommodate the increasing demand for travel in the area. I note that the Inception Report on the WMMMS does not suggest that this section of motorway should not remain an integral part of the national motorway network. Transferring traffic to the western side of the Birmingham motorway box would merely result in more congestion on that part of the network. [10.4, 11.9, 11.10]

19.30 The WMMMS will no doubt resolve to maximise the use of existing infrastructure. This could involve measures such as speed restrictions on the motorway in an attempt to boost capacity. Whatever measures are adopted, I consider that there is no firm evidence to suggest that the number of long distance traffic movements on this section of the motorway will decrease in the future. On the contrary, it is likely that the number of such trips will increase.

19.31 The West Midlands Regional Traffic Model indicated that 23% of the traffic travelling the 49 mile gap between Hilton Park and Warwick MSAs are HGVs. This is above the national average and of some significance bearing in mind the need for HGV drivers to stop and rest to meet regulations requiring HGV drivers to limit their driving hours. [5.40, 5.41]

Safety Issues

19.32 Research undertaken on behalf of the DETR recognises that driver fatigue is a major cause of accidents. Government advice encourages drivers to recognise the onset of fatigue and take appropriate action. Drivers must therefore be given opportunities to stop and rest.

19.33 The appellants' analysis of accident data for the motorway network around Birmingham shows that the personal injury accident (PIA) rate is close to the national rate. However, the percentage of accidents that are fatigue related is less certain. From an analysis of causation codes and by including all accidents where 'inattention' or 'lost control' featured as the sole identified cause, the appellants claim that 25% of accidents in the area were fatigue related. This figure is slightly higher than the national average but similar to the figure of 23% reported in a study of Midlands motorways by Professor Home of Loughborough University. However, the appellants argue that even this figure is unrealistically low and that fatigue is likely to be the cause of most accidents where there is no mechanical defect, driver error, unusual weather or other outside interference. On this basis, it is concluded that the true percentage of fatigue related accidents is somewhere between 25% and 40 % of all accidents. [5.47-49, 9.146]

19.34 It seems to me that this analysis has demonstrated the difficulty of determining the precise cause of accidents, particularly as it relies on accurate reporting of the reasons for an accident and

subsequent allocation of causation codes. Although the analysis suggests that fatigue may be underestimated as a cause of many accidents, the precise figure is uncertain. Moreover, the analysis does not show that the Midlands motorways suffer from an unusually high degree of fatigue related accidents. If the appellants' method of determining the percentage of fatigue related accidents were applied throughout the country, the national figure would presumably rise. The overall accident rate for both sides of the carriageway between J5 and J6 of the M42 is lower than the national average. The higher figure on the northbound carriageway appears to be related to the queuing of traffic at J6 and the conflicting movements of traffic seeking to leave the motorway at this junction. [9.80, 9.81]

19.35 There is some dispute as to the contribution the Warwick MSA has made to a reduction in fatigue related accidents. Although there was a reduction in the number of northbound accidents following the opening of the MSA, the Council submits that the signalisation of J15 of the M40 contributed to that reduction. Moreover, there appears to be a higher incidence of accidents on the northbound carriageway than the southbound carriageway on the length of motorway immediately to the north of Warwick MSA. It seems to me that the limited amount of data and the small number of accidents involved makes it difficult to determine with any precision the impact of the MSA on the frequency of fatigue related accidents. For this reason the number of accidents which the appellants claim would be saved by the opening of an MSA is open to doubt. Nevertheless, Government advice makes it clear that MSAs exist to meet a road safety need by giving drivers an opportunity to stop and rest. Even if such facilities only prevent a small number of accidents, their contribution to road safety should not be under-estimated. Just one accident can have enormous personal consequences for those involved. Moreover, the speed and volume of traffic on a motorway means that a motorway accident can often result in serious personal, social and economic costs to a large number of people and society as a whole. [9.161, 14.14]

19.36 I am not convinced that the M42(E) has any less need for an MSA because it is less monotonous than sections of the M40. As the appellants point out, the often congested conditions on the M42 require drivers to be particularly alert. Moreover, the Council's argument that a study of sleep related accidents has shown that the existence of an MSA may not always lead to the expected reduction in such accidents does not, in my judgement, significantly reduce the need for an MSA on the Solihull section of the M42. I consider that such a facility would make a contribution to road safety by providing an opportunity for drivers to stop on journeys which involve an excessive gap between existing MSAs. As such it would be in accord with the Provisional Local Transport Plan for the West Midlands which seeks to improve safety for all travellers. [5.52, 5.54, 11.121

Facilities at Existing nearby MSAs

19.37 Surveys undertaken on behalf of the appellants showed that the parking facilities at a number of nearby MSAs were operating close to or at capacity on the days of the survey. At Hilton Park MSA, parking facilities were found to have reached or even exceeded their capacity for each category of vehicle and at Warwick MSA HGV parking was found to be at capacity. During my site visits I saw HGV parking facilities close to or at capacity at Warwick, Hilton Park and Tamworth MSAs. However, I am mindful that planning permission has been granted for expansion of parking facilities at Hilton Park and there is potential for expansion at a number of other MSAs including Warwick and Hopwood. [5.15, 11.8, 9.162, 16.15, 18.6, 18.7, A2, A4, A6]

19.38 The figures put forward by the appellants in relation to the deficiency of parking facilities at adjacent MSAs suggest that there will be a significant shortfall by the year 2016. However, I

am not convinced that a calculation of a shortfall in 2016 provides substantial evidence in favour of additional MSA facilities being provided at present. [5.17-5.14].

19.39 The Council suggests that the potential to expand existing MSAs should be considered before permission for a new MSA is granted. It is argued that the provision of a new MSA would discourage development at existing sites, as demonstrated by the unimplemented permission for expansion of Hilton Park MSA. I agree that this solution should be examined, and it appears that there is potential to expand both Hilton Park and Warwick MSAs. However, such expansion would not overcome the problem of the excessive gap between these facilities and the lack of opportunity for travellers to stop and rest at approximately every 30 miles.

19.40 Bearing in mind the high usage of existing MSAs in the locality, I am not convinced that the deficiencies in the design of existing MSAs identified by the appellants are so serious that they significantly discourage the use of those facilities. [5.21-26]

Conclusion on Need

19.41 Whatever the true position is in relation to the level of fatigue related accidents on this length of motorway, there is no doubt that the provision of the opportunity to rest about every half hour, assuming normal motorway speeds, is a central feature of Government policy. In this case it is necessary to determine whether sufficient opportunity for motorists to stop and rest when travelling in either direction between the M6 (north of Birmingham) and the M40 is provided by the existing MSAs at Hopwood on the M42 and Frankley on the M5

19.42 If all motorway journeys were planned in advance, it could be assumed that the majority of drivers travelling between the M40 and M6 (north) who wished to stop at an MSA in the Birmingham area would choose the western route around Birmingham. However, a pressing need to stop because of tiredness, personal comfort, or some other reason can arise in a short space of time. Those drivers who have taken the decision to travel on the eastern route would not have the opportunity to stop and rest if a pressing need arose. Moreover, many drivers expect there to be opportunities to stop at reasonable intervals and it seems to me likely that a large number, if not the majority of drivers, do not choose their route on the basis of MSA spacing along the route.

19.43 Furthermore, I am not satisfied that the problem could be overcome by re-signing the M40/M6(north) route so that it followed the M42(S) and M5. As the HAg point out, such a change in signing could alter the motorway flows to such an extent that the M5/M6 junction would need re-configuration. Whether that would be necessary is not an overriding consideration in my deliberation. The evidence presented to the inquiry makes it clear that the HAg have no intention of changing the present signing of the M40/M6 route, and any decision on the need for an MSA must therefore be made on that basis.

19.44 The journey between the M6 and M40 can be subject to considerable delay as a result of congestion. There is some justification in the argument that delays increase the need for facilities because a journey of 30 miles could take considerably more than 30 minutes. The 1998 MSA Policy Statement indicates that the opportunity to rest should be provided every half hour or so. Where congestion increases travel time consideration should therefore be given to increasing the weight to be given to need. However, this must be tempered by the advice in the 1998 Statement that the road safety benefits of allowing drivers frequent access to services should be balanced against the implications of safety and the free flow of traffic resulting from the introduction of new merge and diverge movements created by MSAs. In areas of severe congestion MSAs could be spaced much too close to one another if spacing was determined to a large extent on the

journey time between facilities. It seems to me that regular congestion is of more concern where the existing gap between facilities is significantly more than 30 miles and drivers have co travel for more than half an hour between facilities even in free flow conditions. In such cases traffic congestion exacerbates an already unsatisfactory situation. 15.451

19.45 An MSA on the Solihull section of the M42 would also serve as an infill site on those routes that are already provided with MSAs at a spacing of about 30 miles. However, there is insufficient evidence, in my opinion, of existing MSA facilities being unable to cope with demand to such an extent that infill facilities would be justified in their own right. Similarly, the evidence on fatigue related accidents is not sufficiently conclusive to provide any substantial justification for an 'infill' facility at this location.

19.46 However, the gap between existing facilities for journeys between the southeast and the northwest is such that there is a considerable need for additional facilities given the volume of traffic that follows this route and travels via the Solihull section of the M42. The section of the M42 that would be served by the appeal proposals carries flows in excess of 120,000 vpd AADT; one of the highest flows in the country. Although a large percentage of the traffic is engaged on relatively short journeys, flows of long distance traffic are substantial.

19.47 I concludethat there is a significant need for the provision of an MSA on the length of the M42 between J3A and 7. However, when considering any proposal to satisfy this need, the benefits that such a scheme would provide must be balanced against any harm that it may cause. As previously indicated, it is clear that one MSA (serving both directions of travel) on this section of motorway would satisfy the need for such facilities. There has been no suggestion that more than one MSA should be provided in the area.

The Blue Boar Proposal at Catherine de Barnes (Appeal A)

Green Belt

19.48 Planning permission is not being sought for the proposed auxiliary lanes on the motorway, because they would be situated on Crown land. However, as there is no dispute that such lanes would be necessary if the proposed MSA were to be developed, the impact of the lanes and other associated roadworks should be taken into account when considering the proposed scheme. [10.22]

19.49 The appeal site is situated in a relatively undeveloped area of countryside where robust control of development has preserved the openness of this part of the Green Belt. PPG2 makes it clear that the most important attribute of Green Belts is their openness. The proposed scheme would result in a major incursion of built development into the Green Belt that would be harmful to this openness.

19.50 With regard to the purposes of including land in the Green Belt, as set out in PPG2, there is no dispute that the MSA would represent encroachment into the countryside. Moreover, I agree with the Council that whilst not leading to a merge of neighbouring towns the development would reduce, to some extent, the effectiveness of the Meriden Gap, which separates Coventry from the Birmingham conurbation. However, the Meriden Gap is approximately 10 km wide at this point and as the proposal is for an on-line MSA which would be situated in relatively open countryside, it would be clearly perceived as a motorway related development and, in my judgement, would not set a precedent for further development. An expansion of the proposed facility would require further planning permission and the demonstration of very special circumstances to justify such development. I have seen no convincing evidence to support the fears of local residents that there

would be pressure in future to develop the MSA on the eastern side of the motorway. For these reasons, I conclude that it would not cause serious harm to the effectiveness of the Meriden Gap. [12.4,18.15]

19.51 Furthermore, I am not convinced that the development would have a significant effect on the setting or the special character of the historic core of Hampton in Arden. The centre of the village is well over 1km from the site and although the Conservation Area extends westwards towards the motorway, any views of the site from that area are largely screened by existing vegetation, not least by hedging along Solihull Road and woodland at Aspbury's copse. Some minor intermittent views of the site are possible but the extensive additional planting which would be provided as part of the scheme would substantially reduce these views. The proposed facilities would be sited on the opposite side of the motorway from Hampton in Arden, although it is likely that vehicles on the proposed sliproads and roundabout serving southbound motorway traffic would be visible from some viewpoints to the east, including possibly some areas within the Conservation Area. It seems to me that the greatest visual impact of the development from this location would be as a result of the lights from such vehicles and lighting on the roundabout. [2.4, 2.12, 2.15, 2.16, 9.44, 11.20, 12.4, 17.30]

19.52 UDP Policy GB4 recognises that the setting of Hampton in Arden in the Meriden Gap contributes to the special character of the settlement. However, bearing in mind the substantial distance between the appeal site and viewpoints in, near or of the village; the fact that vehicles on the motorway can already be seen to some extent from many of these viewpoints; and that further screening would be provided by landscaping associated with the scheme, I consider that the MSA would not have a serious impact on the setting or special character of the village. [4.6]

19.53 The proposed auxiliary lanes would result in a loss of some existing vegetation within the motorway boundary. However, the motorway is in a slight cutting immediately to the north of Solihull Road and it seems to me that the widening of the carriageways would have a negligible impact in any views from Hampton in Arden or its Conservation Area. The HAg confirmed that the provision of the auxiliary lanes would not necessitate the lighting of the motorway. [10.20]

19.54 To the west of the site lies the settlement of Catherine de Barnes. However, the site is separated from the settlement by fields bordering onto Friday Lane and Solihull Road and, in my judgement, the development would not add to or consolidate any finger of development extending eastwards from the conurbation, as suggested by the Council. As such it would not conflict with the purpose of checking the unrestricted sprawl of large built up areas. Moreover, the MSA would be screened from the west by the ridgeline on which Walford Hall Farm is sited. I consider that the MSA would have no material impact in any views from Catherine de Barnes. Bearing in mind the substantial and mostly undeveloped gap of about 2km between Catherine de Barnes and Hampton in Arden, and the relatively minor visual impact which the development would have when viewed from either of these settlements, I conclude that the development would not make a significant contribution to any merging or loss of identity of these settlements.

19.55 As the auxiliary lane construction would be kept to within the highway boundary and the main structures associated with their construction would be green walling, it seems to me that the lanes would not have any significant impact on the main purposes of including land in Green Belts. They would have little impact in terms of encroachment into the countryside and would not extend the sprawl of built up areas or contribute to the merging of neighbouring towns. As indicated above, I consider the lanes would not have a significant impact on the setting or character of Hampton in Arden.

19.56 With regard to the objectives associated with the use of land in the Green Belt, the MSA would have some detrimental impact on attractive landscape near to where people live. The open rural character of the landscape would be harmed. Built development would be seen from some viewpoints and the area would become more enclosed. Moreover, as indicated below, I consider that the proposed auxiliary lanes would have an urbanising impact, albeit limited. These changes would have some adverse effect on the enjoyment which people presently gain from the countryside.

Landscape

19.57 The proposed MSA would lie within an area defined in the Warwickshire Landscapes Guidelines as Arden Parklands. The appeal site is visually contained to the southwest, northwest and northeast by the existing landform, Aspbury's Copse, and a number of shelter belts of trees and hedgerows. These features would help to limit the impact of the development on the landscape. However, additional planting together with the strengthening and growing of existing hedges would be necessary to ensure that the site was adequately screened from certain locations particularly along Solihull Road, parts of Friday Lane and more distant locations to the east. Such measures would result in a loss of existing views over open countryside.

19.58 It seems to me that one of the greatest impacts of the development would be in views from a section of Friday Lane near the motorway. Existing views across the site would be lost because of a substantial area of landraising designed to screen the development. Although this area of landraising has been designed to marry into the existing topography, the open character of the local landscape when viewed from this location would be harmed. Intermittent long distance views of the site from the east would also be lost as a result of additional planting designed to maximise the screening of the site, although these would be relatively minor, in my opinion, when compared to the impact at Friday Lane. From the motorway, the proposed new slip roads and overbridge would be prominent. However, most of the proposed development on the appeal site would be screened from motorway users, and the new overbridge and sliproads would not be an unexpected feature on a motorway such as the M42. [6.74]

19.59 Parts of the development would be visible from a number of dwellings, particularly in the early years following development. During this time, views of the tops of buildings and lighting columns would be visible from the first floor of 'The Woodlands' in Friday Lane and 'Hampton Lane Farm' in Solihull Road. However, these views would be screened as vegetation matured. [9.53]

19.60 The appeal site is not crossed by a footpath and views of it from existing footpaths are limited. There are no open or close views of the MSA site from public footpaths or bridleways. Moreover, the landscaping associated with the proposal would help to ameliorate its impact by screening the development from the majority of viewpoints. [6.76,11.31]

19.61 The Council considers that the development would lead to a closing of many views that are typical of Arden Parklands. It points to the clipped nature of many of the hedges in the locality, which allows views across the rolling landform, and argues that the site lies within a local landscape type described as 'open arable farmland'. [9.53]

19.62 I agree that by allowing hedges to grow, in order to assist in the screening of the site, the open character of the area would be harmed to some extent. However, the general management strategy for the Arden Parklands Landscape Type, within which the site lies, is to retain and

enhance the effect of wooded enclosure, strengthen hedgerows and restore former parklands. Such a strategy includes the planting of new woodland. UDP Policy ENV4 encourages the planting of new trees and the retention of woodland. It seems to me that the planting and management proposals associated with the MSA development with be in accord with the aims of this policy and, although out of character with farmland in the immediate locality, would nevertheless be in accord with the general management strategy for the wider area. The loss of more distant views would be offset to some extent by substantial on and off-site planting associated with the scheme. [6.77]

19.63 The Council considers that the proposed earthworks associated with the scheme would be out of character with the gently rising topography of the area. Mounding along the northbound entry sliproad would be 7.5m in height. It is argued that the sense of unity of the Arden countryside would be adversely affected. I am mindful, however, of the sloping nature of the site and the substantial height of the ridge on which Walford Hall Farm is sited. It seems to me that the height and gradients of the proposed earthworks are not significantly different to many of the slopes and variations in height along the site at present. The proposed false cuttings would obviously conflict to some extent with the natural contours of the area, but, it seems to me that the proposed earthworks would blend into the existing slopes of the site in a way that would not be unduly obtrusive in the landscape or seriously harmful to the unity of the Arden Parklands countryside. I agree with the appellant that the well-contained nature of the site would ensure that the loss of landscape resource would not be significant in the context of the perception of the countryside as a whole. [6.75, 9.54]

19.64 The development would result in approximately 100 new lighting columns being sited in area where there are few lighting columns at present. However, the topography of the area and the screening effect of the proposed landscaping in the form of mounding and planting would help to ameliorate the impact of lighting. Moreover, the area already suffers to some extent from the lights of vehicles on the motorway. Nevertheless, I have no doubt that the siting of an MSA in this relatively undeveloped part of the Green Belt would have a detrimental impact on the rural character of the area at night. [9.55]

19.65 The proposed auxiliary lanes would be particularly prominent when viewed from existing bridges crossing the motorway. Moreover, motorway users would be readily aware of the alterations to the motorway. The steep sided green walling would give the motorway a more enclosed and urbanised appearance. The softening effect of the existing grass embankments would be partially lost. A detailed survey of existing vegetation along the motorway has not be undertaken. However, there appears to be only a limited amount of planting within the motorway boundary at present, and all boundary hedges would be retained along the length of the motorway to be widened. I appreciate the Council's concern that the proposed retaining structures could damage the root of hedges along the highway boundary. However, although detailed proposals for the auxiliary lanes have not yet been completed, it appears that the 'green walls' would be limited to 3m in height and in most cases would be of the order of only 1800mm high. With care, it should be possible to construct these structures without causing unacceptable harm to hedging on the boundaries of the motorway. [6.80, 9.57, 9.58, 9.59]

19.66 By keeping the alterations to the motorway to within the existing highway boundary, the impact of the auxiliary lanes on the wider landscape would be restricted. Furthermore, the proposed planting on the embankment near Bickenhill should help to ameliorate and soften the impact of that section of the motorway on the landscape. Nevertheless, there is no doubt that it would have been preferable if a wider strip was available to allow greater landscaping of the

motorway. The amount of land within the highway boundary that would be available for landscaping purposes between the MSA and J6 is limited and I consider that the construction of the auxiliary lanes would have some detrimental impact on the Arden landscape. [6.79, 9.61]

River Blythe SSSI

19.67 The River Sly-the SSSI is a nationally important resource and the small but real risk which each of the three MSA proposals present to the River Blythe is a material consideration. Nevertheless, it seems to me that the proposed sequential system of pollution traps, ponds and reed beds would provide a high degree of protection for the river against pollution and also maintain reasonable control over surface water flows. Moreover, the risk to the River Blythe would be further reduced by the fact that the outlet from the MSA surface water system would flow into the Eastcote Brook rather than the river itself. Eastcote Brook passes through some 2km of agricultural land before flowing into the Blythe and also receives the outflow from the Barston Waste Treatment Works. Although flows from the treatment works would have low oxygen concentrations and high ammonia and metal loading, it seems to me that the presence of the Brook would help to attenuate fluctuations in the flow regime from the MSA. Discharges from the MSA would take 3 hours to reach the SSSI. Although this is a relatively short period, it should allow some emergency action to be taken in the event of a pollution incident. [6.65, 9.62]

19.68 The objections of English Nature (EN) and the Environment Agency (EA) appear to be primarily 'in principle' objections rather than specific objections to the proposal. Although the EA consider that the scheme would have a detrimental impact on the quality and ecology of the SSSI, the appellant's point out that the agency has accepted that if planning permission were granted for the MSA it should be possible to design a scheme which would satisfy EA requirements. I am also mindful of the evidence of Dr Box who was responsible for notifying the River Blythe SSSI in 1989 during his employment with the EN. He considers that the potential adverse effects of surface water discharges from the MSA on the water quality and ecology of the river would not be significant. It seems to me that the risks to the SSSI presented by the MSA could be kept at an acceptably low level. [6.64, 6.65, 6.67]

Ecology

19.69 The Council refers to the presence of a colony of tree sparrows on the site. It points out that the species is rapidly declining and it is unlikely that the colony would remain on the site. I agree that the noise and disturbance that would arise from the construction of the development and the operation of the MSA may well result in the loss of this species from the site. However, a large proportion of the trees and hedges on the site would be retained, including the hedgerows that support the tree sparrow colony. Moreover, new habitats would be created and the proposed mitigation measures would improve the ecological value of woodland areas such as Aspbury's Copse, which is listed in the EN's Ancient Woodland Inventory. [6.84-88, 9.65]

19.70 There is no evidence that the proposal would result in the loss of any particularly valuable habitat. The only hedgerows on the site considered to be of sufficient diversity to be notifiable under the Hedgerow Regulations are to be retained. Moreover, EN considers that proposals for mitigating the impact of the development on the badger population are acceptable. As many of the existing wildlife habitats on the site would be retained and new habitats created, I conclude that the development would not cause any serious harm to the ecology of the area. [6.85, 6.87]

Walford Hall

19.71 The appellant considers that listed building consent is not required for the proposed work in connection with the listed farmhouse. Listed building consent is not required for the proposed change of use as part of the overall outline planning application. However, I consider that the alterations which would need to be made to the building, as a consequence of the change of use, may well require consent. Paragraph 2.12 of PPG15 points out that it is unlikely that the special regard required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 can effectively be given unless the planning application is accompanied by at least an equivalent amount of information to that required for a listed building consent application. By the end of the inquiry, fairly detailed plans had been submitted. In order to fulfil the duty under Section 66(1) I shall consider the appellant's detailed proposals for the re-use of the farmhouse against the guidelines set out in PPG15 for listed building consent applications.

19.72 Walford Hall farmhouse, of fifteenth century origins, is without question an architecturally and historically valuable building. Listed at grade II*, it is a particularly significant example of the local area's, and indeed the nation's, built heritage. The farmhouse's particular form, siting, materials and method of construction contribute significantly to the sense of local distinctiveness which is so important an aspect of the character and appearance of the countryside around Solihull. The grade II* listing, which puts the farmhouse among the 6% of the country's most important buildings, is a material consideration in assessing the proposals.

19.73 The farmhouse has undergone considerable alterations and upgrading, particularly in its early years. The cumulative changes reflect a history of the social and functional development of the farm and are themselves an aspect of the special interest of the building. The farmhouse seems to have been relatively little altered over the past 100 years or so and, although having stood empty for a considerable time, it retains a distinctive domestic character, related to its original function and purpose. The recent repairs, although clumsy, in essence do not detract from the building's special interest. It is likely that similar repairs have been carried out throughout the life of the building, and I consider that the current shortcomings can easily be remedied. [6.94, 9.68]

19.74 The listing of the farmhouse also confers protection on other structures within its curtilage. The principal tests of whether a structure is within the curtilage of a listed building are set out in paragraphs 3.34 and 3.3 5 of PPG15. The associated group of farm buildings lies just to the north-west of the farmhouse. These mainly eighteenth and nineteenth century buildings form an enclosed yard and probably replaced earlier, less durable farm structures. The farmhouse served as the centre of the farming operation and it is clear that the farmyard buildings were essential to that purpose and ancillary to the farmhouse. I consider that, despite the poor condition of some of them, the farmyard buildings and enclosing walls meet the PPG15 tests and are protected by the farmhouse listing as curtilage buildings. It is also likely that the pond to the immediate south of the farmhouse served some function of the farming operation and, to that extent, I consider that its man-made elements are also protected by the listing. [6.95, 9.66]

19.75 As paragraph 2.16 of PPG15 points out, the setting of a building is often part of its character. In this case, the farmhouse was probably built at the time the local woodland was cleared to provide enclosed fields for individual farm holdings. Remnants of the field enclosures remain as part of the current field and hedgerow pattern. Aspbury's Copse, as managed coppiced woodland, was probably an integral part of the farming economy. The land holding of the farm was an inseparable part of the farmhouse's function. However, part of that land holding has been severed by the motorway, although the farm group still stands in a prominent position overlooking surrounding fields. The remaining fields, including the Copse, in the rough triangle enclosed by

the motorway, Hampton Lane and Friday Lane serve to demonstrate the original function of the house and the economic and social role of the farmstead. They provide a setting for the farmhouse and contribute to its particular character. [6.98, 6.99, 9.69]

19.76 The best option in considering the future of a listed building, as paragraph 3.10 of PPG15 confirms, is the reinstatement of the use for which the building was originally designed. The farmhouse is unlikely ever again to become the centre of a substantial farming operation, but I am not convinced that it could not continue in residential use. Regular maintenance and repair are the key to the preservation of listed buildings but the house has lain empty and neglected for about 10 years. Emergency repairs were made in 1997, at the Council's instigation, to prevent dereliction and loss. The house has not been offered for sale or rental. The high cost of refurbishment now is in part the result of years of disuse and neglect. [1.1.3 f]

19.77 This undermines to some extent the appellant's argument that the margin between the restoration costs and the market value after restoration would be so narrow as to make reinstatement of residential use an uneconomic proposition. There are similar historic properties in the area, evidently carefully maintained, that are likely to be affected by aircraft and motorway noise. This indicates that such problems are not a deterrent to residential use. Given its location on the edge of Solihull, the restored farmhouse, particularly if marketed with its group of traditional farm buildings, would be a reasonably attractive, prestigious and valuable property. Although there is a conflict of views on the cost of restoration between the Council and the appellant, I am not convinced that the best option for the building, namely a restitution of residential use, is not economically viable. [6.100, 9.71, 11.33]

19.78 The specification and plans for the proposed training use give details of a fairly careful refurbishment and repair of the fabric of the building, including appropriate remedial work to the recent emergency repairs. The likelihood that this would be carried out quickly is a benefit of the MSA proposal. However, the internal alterations shown as necessary for the change of use to be accommodated are quite extensive. Two of the major rooms would be subdivided by new partitions, and separate male, female and disabled lavatories would be inserted. A kitchen would be installed at first floor level. These changes would undermine the domestic character of the farmhouse. The method of insulation proposed would obscure the timber structure and this would have an impact on the internal character and appearance of the farmhouse. Other, more minor alterations, including services installations, would involve the loss or disruption of some historic fabric. [6.100, 9.71, 11.33]

19.79 Some of these matters could safely be left to conditions requiring further submission of details for approval. However, there appears to have been little consideration of the internal circulation requirements of a non-domestic use, or of full access for disabled people. Both sets of stairs are steep and narrow and are likely to be unsuitable for anything other than domestic use. The staircases, although of a later date, are an important part of the historic development of the building. Their removal or alteration would not normally be acceptable. Any replacements would be critically influenced by the need to provide adequate and safe means of escape. No consideration appears to have been given to this and, while some flexibility of approach would be appropriate, the negotiations recommended in paragraph 3.26 of PPG15 do not seem to have taken place. It is possible that further, more disruptive alterations would be necessary as a result of compliance with building and fire regulations. In this sensitive listed building, such alterations could be harmful and the unknown effects of this cannot be left to conditions.

19.80 I accept that the training use itself, even if not full-time, would be sufficient to keep the building in active use and thus secure its survival. However, the alterations necessary for that change of use would have a detrimental impact on the character of the listed building.

19.81 With regard to the curtilage buildings, the long barn nearest the farmhouse would be within the site boundary but the other farmyard buildings would not be part of the development site. The proposed use of the barn is for the storage of landscape maintenance equipment although no details have been submitted. This use is unlikely to involve any significant alterations to the barn and could be dealt with by condition. However, although they are no longer suitable for modern agricultural methods, no indication has been given of the intended future use of the remaining farmyard buildings. The arbitrary subdivision of the farmyard and the consequent split in ownership of the curtilage buildings, in my opinion, would not be in the best interests of the listed farmhouse group.

19.82 In terms of the setting, the modern barns nearby are not particularly objectionable in agricultural terms, but they are large buildings. Their industrial scale contrasts unfavourably with the more domestic scale of the group of farmhouse and outbuildings. I consider that there would be some benefit in their removal, both in the immediate setting of the farmhouse and in longer views of the group on its prominent hilltop setting.

19.83 With regard to the adjacent MSA site, earth mounding and tree planting would largely screen the MSA buildings from view. Off site works would also help to screen the motorway. However, extensive tree planting and mounding would reach to within 75m of the farmhouse. While the fields to the south and west, outside the site boundary, would remain open, the land to the east would be drastically altered. A large urban-scale development would be set within an artificially contoured landscape and dense tree planting. This part of the open field setting of the farmhouse, and the link to Aspbury's Copse, would be lost. The mitigation works would not overcome this loss of openness, and the historic importance of Walford Hall Farmhouse would be devalued.

19.84 Instead of pursuing the best option for the farmhouse and its setting through the reinstatement of domestic use, the appellant has opted for a use in association with the MSA, despite the fact that it is likely to entail more destructive alterations. In view of the grade II* listing of the building, this is a significant objection. There is no overriding reason, in listed building terms, to show why the works of alteration are particularly desirable or necessary. In my opinion, the proposed development would not preserve this important listed building or its setting. As such it would conflict with the development plan policies intended to protect the historic environment and have a significantly adverse effect on the character of the Walford Hall farm group as a building of special architectural and historic interest.

19.85 Removal of the barns in the vicinity of Walford Hall would have some minor beneficial impact on the setting of the building but this would be insufficient to offset the detrimental impact of the scheme.

Highway and Traffic Considerations

19.86 Many of the objectors to the proposed MSA at Catherine de Barnes are concerned about existing congestion on the motorway, particularly the queuing which often occurs on the northbound carriageway as a result of large numbers of vehicles seeking to leave at J6. There is no doubt that the high flows on and off the motorway at this junction can cause severe congestion. The queues on the motorway and the large number of diverge movements associated with J6

appear to be reflected in the high percentage of accidents on the northbound carriageway of this section of the M42. Clearly the introduction of weaving movements onto this section of motorway would exacerbate existing problems of congestion and road safety. [6.35, 7.98, 9.81, 10.12, 10.14, 11.11, 11.29]

19.87 However the HAg is satisfied that the proposed auxiliary lanes would not only mitigate the effect of weaving movements created by the MSA but would result in some benefit in terms of the operation of the motorway. The HAg considers that the auxiliary lanes would assist in reducing incidents of flow breakdown caused by the high merge and diverge movements on the motorway south of J6. This view is supported by the 'Paramics' study undertaken on behalf of the appellant. Moreover, the study indicates that the proposed auxiliary lanes would assist traffic movements south of the MSA at times of heavy flow. Vehicle speeds on the northbound carriageway to the south of the proposed MSA are predicted to increase as a result of the proposed road improvements. [10.15]

19.88 A number of parties raise doubts about the appropriateness of the timing of the appellant's traffic survey and the accuracy of the modelling exercise subsequently undertaken. Moreover, it is argued that the auxiliary lanes could result in increased traffic speeds on inner lanes creating a greater hazard when meeting queues at J6. There is also concern that the narrowing of lanes, and particularly the narrowing of the hard shoulder at structures, would be detrimental to road safety and restrict the movement of emergency vehicles. [7.101, 9.84, 9.85]

19.89 I note that the 'Paramics' technique is relatively new and is not universally used. Nevertheless, it has proved satisfactory in a number of traffic study applications, including analysis of various motorway related proposals. The validation exercise carried out on the model in relation to the M42 exercise has, in my judgement, neither proved nor disproved the accuracy of the model given the volatility of traffic in the vicinity of J6. Nevertheless, the model clearly predicts significant improvements in traffic flow volumes and speeds on the motorway. Bearing in mind that the HAg has reached a similar conclusion without the use of Paramics simulation, it seems to me that the proposed scheme would be of benefit to the operation of the motorway. [6.39-42, 10.18]

19.90 I am mindful that there is some concern about the applicability of Transport Research Laboratory Contractors Report 338 in the appellant's analysis of flows on the southbound carriageway of the motorway. However, the analysis appears to confirm the proposition that the auxiliary lane would not only overcome the effect of the MSA on the southbound carriageway but result in an overall improvement in the capacity of the motorway. No alternative analysis was put forward by objectors which demonstrates that the capacity of the motorway would be detrimentally affected by the proposal. [6.43, 7.104, 8.80]

19.91 Objectors argue that the weaving length associated with the proposal is too short. Three of the weaving lengths would be below the Desirable Minimum Distance set out in Government Guidance at TD22/92. Moreover, reference is made to the appeal relating to proposals for an MSA at Elk Meadows on the M25 where it was concluded that similar weaving lengths would have created a hazard. [7.98, 7.99, 7.103, 8.79, 12.3, 17.16]

19.92 I am mindful however that there are significant differences between the proposal at Catherine de Barnes and that at Elk Meadows. Firstly the Elk Meadows proposal was downstream of a free flowing motorway to motorway interchange (J16 of the M25) where traffic speeds were likely to be higher than those at the signal controlled J6 of the M42. Secondly J16 had three tapers compared to the two at J6 and the M25 had 4 lanes in comparison to the 3 plus an

auxiliary lane proposed on the M42 as part of the Catherine de Barnes proposal. The HAg objected to the weaving proposal at Elk Meadows on highway safety grounds, whereas at Catherine de Barnes it is satisfied that the proposed mitigation measures would improve the operation of the motorway. For these reasons I consider that the comparison with the Elk Meadows proposal is of little relevance. [6.56]

19.93 Although three of the weaving lengths proposed on the M42 would be below the desirable minimum, they would all be well above the absolute minimum of 1 km; the shortest being 1.53 km. The appellant submits that the advice in TD22/92 overestimates the effect of weaving in conditions of heavy traffic flows and low speeds. It is pointed that this is demonstrated by the flows experienced on the M42 when compared to the estimates calculated in accord with that advice. It is argued that at such times the M42 is operating more as an urban rather than a rural motorway. Lower weaving lengths are permissible on urban motorways where speed limits of 60mph or less apply. I have some sympathy with this argument, although it does not apply when free flow conditions occur on the M42 outside peak periods. Moreover, it is at these times that the TIR percentage would be highest. Nevertheless, even as a rural motorway, calculations undertaken by the appellant demonstrate that the weaving width would be adequate bearing in mind the advice in TA48/92 that the number of lanes may be rounded down where the fractional part is small and weaving flows are low. In my judgement these are the circumstances that would apply and I am therefore satisfied that the weaving conditions associated with the proposal would be acceptable. [6.50-2]

19.94 The potential delays at the various traffic signals to be negotiated when gaining access to the proposed MSAs at J4 and J5 would discourage the use of these sites in comparison to the Catherine de Barnes proposal. This, and the shorter distance to be travelled between the motorway and the Catherine de Barnes site than that between the motorway and the other two sites, would in my opinion make the Catherine de Barnes scheme a more attractive and inviting facility than the alternative proposals at J4 and J5. This raises the question of whether the assumed TIRs at Catherine de Barnes are adequate.

19.95 If TIRs were greater than that assumed by the appellant, the amount of weaving would increase. This is of particular concern for southbound flows where the TIR is anticipated to be substantially smaller than for northbound flows. Objectors point out that the assumed TIRs are well below the figure normally attracted to on-line MSAs. However, the appellant has sought to justify the estimates of TIR by reference firstly to figures experienced at Clacket Lane MSA on the M25 and, secondly, by using data from MSAs where the spacing between motorway facilities is similar to that which would apply at the Catherine de Barnes site. These estimates cannot be assumed to be particularly accurate methods of estimating anticipated TIRs. The traffic flows passing Clacket Lane do not appear to have been analysed in detail other than to note that they are on an orbital motorway which experiences a high level of short distance journeys. Moreover, only a small number of existing MSAs have been considered in the second method of analysis adopted by the appellant. Nevertheless, the comparisons give some credence to the figures put forward by the appellant, and the smaller TIR assumed for southbound flows has been reflected in the experience at other single sided MSAs. [6.47, 6.48, 8.82]

19.96 Peak periods are likely to spread as traffic demand reaches congestion limits for large parts of the day. During the design period (up to the year 2016) of the MSA, it is possible that peak TIRs may occur at times when flows on the motorway are close to the congestion limit. Nevertheless, I am mindful that sensitivity testing has been undertaken on a higher TIR of 7.5% of peak flow, which confirms that the weaving width would be adequate. [10.16]

19.97 The proposed development meets the minimum parking requirements set out in Roads Circular 1/94. However, I have some concern about the adequacy of the parking facilities in the long term. Although the HAg has indicated that that any widening of the motorway would not take place until at least about 2010, it seems to me that any future widening of the motorway could create pressure for additional car parking at the site. I am not convinced that further development, over and above that proposed, could be accommodated in the vicinity of the site without causing very serious harm to the character of the area and the attractive landscape. The enclosed nature of the development could be harmed if the development was expanded and the provision of facilities on the opposite side of the motorway would have a significant impact on a wide area of countryside. However, any proposal for an extension of the development would require planning permission and be subject to appropriate controls. Moreover, there is no certainty that any widening of the motorway will take place and alternatives may be available in terms of increasing parking capacity at less sensitive locations if necessary. Although traffic growth is likely to continue during the inter peak period when TIRs are at their highest, I agree with the appellant that it would be inappropriate to provide more parking space than that required by Circular 1/94, given the Green Belt location of the site and the possibility of expansion at existing MSAs.

19.98 Any future widening of this length of the motorway by using narrow lanes would be precluded as a result of this scheme, but it would not prevent other widening proposals being undertaken. With regard to the narrowing of existing motorway lanes associated with the auxiliary lanes proposal, I note that the HAg is satisfied that the degree of widening would not create an unreasonable hazard nor would it prevent the free passage of emergency vehicles on the hard shoulder. [6.18, 8.81, 10.19]

Other Issues

19.99 A number of organisations and individuals are concerned about the risks associated with the proximity of the site to Birmingham International Airport. However, the site does not lie within the existing public safety zone (PSZ) and no concern has been expressed by the statutory authorities. I appreciate that the site would attract a large number of visitors and there is some merit in the argument that this may justify higher standards of safety than certain other forms of development. However, at 650m from the apex of the PSZ, I consider that the site is a reasonable distance from the safety zone and any proposal for extending the runway at the airport and thereby extending the PSZ would need to take account not only of the MSA but also the adjacent and very busy motorway. [6.118, 12.6, 17.11, 17.171

19.100 There is no evidence that the proposal would lead to a significant worsening of air quality. Technical Report 3 of the ES concludes that concentrations of pollutants would not exceed acceptable limits as a result of the MSA. Where any pollutant levels may be exceeded the concentrations would be similar with or without the MSA. [6.119]

The Proposed Lodge

19.101 The site is only about 3km from the NEC and Birmingham International Airport and it is therefore likely that a lodge at the proposed MSA would to be attractive to many people using these facilities. In this respect a lodge could well become a destination in its own right. I am also mindful of advertising by operators encouraging people to stay at lodges, including lodges at MSAs, for more than one night. This appears to conflict with the objective of providing facilities

for motorists to stop and rest. Nevertheless, it may be that such measures are necessary to safeguard the financial viability of such facilities and I note that 37% of bookings for such lodges are not made in advance. Moreover, I agree with the argument put forward by the appellant that it would be unreasonable to deny motorists the opportunity to stop and rest at an MSA lodge simply because it was close to a major facility and may be used by visitors travelling to that facility. [6.112, 9.86, 11.16, 17.19, 18.131]

19.102 UDP Policy E4 seeks to prevent hotel development in the Green Belt. However, I am not convinced that a lodge that forms part of an MSA strictly falls under the definition of an hotel. It is a facility that the travelling public increasingly expects to find at an MSA; 80% of existing MSAs provide lodge accommodation. I therefore consider that to allow such development would not undermine the objectives of the policy or make it more difficult for the Council to resist future proposals for hotel development in the Green Belt. Notwithstanding this, it is clear that as part of an MSA the lodge is inappropriate development in the Green Belt and if considered as such the whole development must demonstrate the very special circumstances necessary for the granting of planning permission at this location. A lodge would add to the footprint of the built development and have some impact on the openness of the Green Belt. If the inclusion of a lodge results in the development not demonstrating the very special circumstances necessary to justify the MSA in the Green Belt, then the whole development should be refused or the lodge should be deleted from any planning per-mission that may be granted. [6.110, 11.15, 17.10]

19.103 It is generally accepted that a lodge can provide a valuable and popular facility at an MSA, helping to reduce the need for drivers to leave the motorway in search of overnight accommodation. Bearing in mind the high demand for accommodation in the locality from time to time and the gap between existing MSAs on certain routes, it seems to me that the proposed MSA would meet a significant need of motorway drivers. Moreover, as the lodge would be linked to the amenity building and well contained within the MSA development, I conclude that it would not have a serious additional visual impact on the area, over and above that of the remainder of the development. [6.110]

19.104 I note that adequate parking provision has been made for the lodge within the MSA proposals. The appellant claims that the deletion of the lodge from the scheme would not affect the overall size of the MSA site because the land would otherwise be used for additional landscaping. Nevertheless, the inclusion of the lodge would reduce the potential of the site to accommodate further parking if necessary in the future without causing serious harm to the Green Belt. However, as indicated above, if demand for parking increased in the future, any additional development would have to be the subject of a further planning application over which there is appropriate control. As the site is not connected to the local road network the ability of the lodge to become a destination in its own right is limited. [6111]

Interim Conclusions and Comparison with other Appeal Proposals

19.105 The proposed MSA represents inappropriate development in the Green Belt which by definition is harmful. Moreover, the scheme would result in significant encroachment of built development into the countryside and harm the openness of the Green Belt. Lighting at the site would have an urbanising influence at night in this area of unlit countryside. The associated woodland planting and growing of existing hedgerows would cause the appeal site and a number of adjacent fields in the locality to take on a more enclosed character, in an area that is presently characterised by open farmland. However, the woodland planting and growing of hedges would not conflict with the general character of the wider Arden Parklands within which the site lies. Moreover, the development would be reasonably well screened and would not cause serious harm

'to the integrity of nearby settlements or to the character and setting of Hampton in Arden and its conservation area.

19.106 The proposed auxiliary lanes would urbanise the motorway in views from overbridges, from the motorway itself and from some other viewpoints. In this respect it would be detrimental to the appearance of the Arden landscape. However, the impact on the countryside in general would be limited because of the containment of the auxiliary lanes within the present highway boundary and the retention of planting along this boundary. Nevertheless, if these proposals were significantly altered as a result of detailed design to meet the requirements of the HAg, or if further consultation revealed additional impacts, there would be a need to review the overall effect of the whole scheme.

19.107 The MSA would cause harm to other matters of acknowledged importance. In particular, the scheme would harm the setting and character of the Listed Building at Walford Hall. There would also be some risk, although in my judgement an acceptably small risk, to the ecology and water quality of the River Blythe SSSI. Otherwise the proposals would not cause any significant harm to the ecology of the area.

19.108 Against these items of harm must be set the significant benefit that the scheme would provide in allowing motorway users to stop and rest. I have no doubt that this would be in the interests of road-safety. It would also reduce the need for drivers to leave the motorway and join the local road network in order to find facilities.

19.109 In terms of its impact on the operation of the motorway, the proposed scheme would introduce weaving movements onto a congested length of the M42 and three of the proposed weaving lengths would be less than the desirable minimum. Nevertheless, I am satisfied that the overall scheme would not be detrimental to highway safety or the free flow of traffic on the motorway. On the contrary, the evidence suggests that the scheme would be of some benefit to the operation of the motorway by assisting in reducing incidents of flow breakdown south of J6. As the proposal is for an on-line facility, the MSA should not have any significant effect on the local road network. There is no reason why drivers should divert to the local road network as a result of this proposal.

19.110 In conclusion, I find that the benefits of the scheme marginally, but clearly, outweigh the harm that it would cause. Loss of openness in the Green Belt and encroachment of built development into an attractive and strategically important area of countryside in the Green Belt cannot be dismissed lightly. Moreover, Walford Hall Farmhouse is part of the national heritage and I am not convinced that more appropriate uses could not be found to preserve its setting and historical value. Nevertheless, I am satisfied that there is a significant need to provide motorway users with an opportunity to stop and rest on this section of motorway and that the proposed scheme at Catherine de Barnes would contribute to road safety. Although the development would cause significant harm, I conclude that the mitigation measures would allow the benefits to clearly outweigh the harm and thereby represent the very special circumstances to allow such development in the Green Belt. Accordingly, I find that the development would not conflict with the aims of UDP Policy GB2 that seeks to prevent such development unless very special circumstances can be demonstrated.

The Swayfields Proposal at Junction 5 (Appeal B)

Green Belt

19.111 The appeal site lies in a narrow Green Belt gap between Solihull and Copt Heath/Knowle. The gap contains ribbon and other development such as the housing along Warwick Road, the Whale Tankers buildings and the electricity substation near J5 of the motorway. In my judgement, the semi-rural character of the gap is particularly vulnerable to further development. The presence of existing development does not justify further development in this gap. On the contrary, the situation demands careful control to avoid consolidation of the existing urbanising features within the gap. There appears to have been a consistent approach in the past to resisting development that would contribute to the coalescence of Solihull and Knowle. [2.22, 2.23, 9.88, 9.89]

19.112 The proposed MSA would be located on a site that presently comprises a number of gently rolling fields. In my judgement, these make an important contribution to the semi rural character of the area. The MSA would be detrimental to the openness of the Green Belt and would represent further encroachment of built development into the countryside. Moreover, because it would occupy one of the last substantially open and undeveloped areas of countryside between Solihull and Knowle I consider that it would seriously erode the gap between those settlements. The MSA would consolidate existing development in this gap effectively forming a link between the presently isolated Whale Tankers complex and the substantial electricity substation at the motorway junction with the A41. Although the site may not be visible from the majority of properties on the edge of the existing built up areas, I do not agree with the appellant that the proposed development would not cause a visual closure of the gap or threaten coalescence. The undeveloped site is clearly visible at present from various points on the highway network and from other rights of way. In its present form, it makes a positive and important contribution to the perception of the gap as a semi-rural area between Solihull and Knowle. The proposed development would cause serious harm to the perception of an undeveloped gap between these built up areas. [7.19]

19.113 It is doubtful whether the Knowle/Dorridge area could be classed as a town, but it is nevertheless a substantial built up area. Although paragraph 1.5 of PPG2 refers to the merging of 'towns', it is often argued that the purpose relates to free-standing settlements. I note that the first Solihull UDP Inspector's report suggested that it would be good practice in the area to extend the definition of the purpose so that it applied to villages and substantial settlements and not just towns. In my opinion, by making a substantial contribution to the merging of Solihull and Knowle, the MSA would conflict with the Green Belt purpose of preventing neighbouring towns from merging into one another. If Knowle were to become contiguous with the Birmingham conurbation, the strategic gap between the conurbation and Coventry would be significantly reduced. [2.29, 14.5]

19.114 I also have some sympathy with those objectors, including the Council, who argue that the development would conflict with the Green Belt purpose of checking the unrestricted sprawl of large built up areas. The development would not be contiguous with the built up area of Solihull but the gap that would remain would be relatively small. Moreover, the perception of any undeveloped gap between the motorway and the built up area would be negligible. In my opinion the proposed woodland planting associated with the scheme would do little to reinforce this gap. At present the A41 provides a semi-rural gateway from the motorway to the town centre of Solihull. The undeveloped appeal site is a major contributor to this semi-rural character. The proposed development would not only result in the loss of the undeveloped fields to the north of this road, but would also require a section of the A41 to be changed from a dual carriageway to a road with a total of up to 8 lanes. Having passed the entrance to the MSA, traffic travelling to the town centre would turn off to the left and follow only a short length of link road before entering the built up area of Solihull. Although measures could be taken to minimise the impact of

lighting, the MSA would substantially increase the extent of lit development between the urbanised area of Solihull and the motorway. As such it would give the impression of being an extension of the built up area. 16.134,9.88, 9.90.11.411

19.115 I am concerned that the scheme could make it more difficult for the Council to resist further development in the area. In contrast to the proposal at Catherine de Barnes the proposed development at J5 would not be clearly related to the motorway. Access to the MSA would be from the local road network; motorway users would have to travel a short distance along the A41 before gaining access to the site. Moreover, by consolidating existing development in the locality, the MSA would have an urbanising influence on this narrow gap between built up areas. The preservation of the remaining undeveloped parts of the gap would become even more important if any semblance of a gap was to be retained. However, the urbanising effect of the MSA development would make it more difficult for the Council to argue that the gap had a semi-rural character which should be protected, when seeking to resist further proposals for development in the locality.

19.116 With regard to the objectives listed in PPG2 relating to the use of land in the Green Belt, it seems to me that the replacement of attractive rolling fields with built development would conflict with the aim of retaining attractive landscapes near to where people live, despite the landscaping and-planting proposals associated with the scheme. One of the harmful effects of the scheme would be that existing views across the open fields of the appeal site from the footpath running alongside the southern boundary of the site (footpath SL 1 OA) would be lost. [2.25, 7.52]

19.117 The lack of a specific policy dealing with MSAs in the UDP gives weight to the appellant's argument that the proposal should be considered on its merits. However, I do not consider that this justifies ignoring those policies in the UDP which are relevant to the development. There is no doubt that the development would cause harm to the Green Belt and conflicts with a number of the purposes of including land in Green Belts as set out in PPG2. The Green Belt and countryside policies of the UDP are generally consistent with Government advice and I conclude that the scheme would cause serious harm to Green Belt and thereby conflict with those policies in the UDP designed to protect the Green Belt. [7.15]

Landscape Considerations

19.118 Although the A41 is a busy, lit, dual carriageway, it nevertheless provides an attractive, well-landscaped gateway to Solihull. The MSA proposals would have an urbanising influence on this section of road and on the wider landscape. The carriageways of the A41 would be widened to provide up to 8 lanes. Moreover, the existing attractive landscaped banks of the cutting within which the road is sited would be replaced in part by steep sided retaining walls. Although these walls would be of gabion construction, or some other method which would allow them to be planted, I consider that the additional lanes, signs, traffic lights and loss of gently-sloping batters would result in the road taking on an urban character and becoming significantly less attractive. I appreciate that the impact would be contained within the highway. However, a large number of people use this road each day. [6.142, 9.91, 9.93]

19.119 I am mindful that a comparison could be drawn with the proposed auxiliary lanes associated with the MSA scheme at Catherine de Barnes. These would have an urbanising effect on the motorway, would be seen by an even greater number of motorists and would extend over a considerably longer length of highway than the proposed widening of the carriageway at the A41. However, in my judgement, the alterations to the A41 would be far more radical and would have a greater impact on the character of the highway, albeit over a short length, than the proposed

'auxiliary lanes on the motorway. The character of this short but important length of the A41 would be transformed. The road not only provides a gateway to Solihull but it is also one of the main locations from which many people gain their impression of the character of the Green Belt gap between Solihull and Knowle. The urbanisation of this road and the loss of views of open fields on the appeal site would seriously harm both the semi-rural character of the area and the attractive landscape setting of this part of Solihull. I consider that the addition of woodland to the north of the site and along the A41 frontage to the MSA would not overcome the urbanising impact of the development.

19.120 Congestion already occurs on a regular basis at J5 and there is a strong possibility, if not a certainty, that signalisation of the junction will prove necessary as a result of traffic growth over the next 15 years even without the proposed MSA. On the other hand, measures designed to reduce the growth in the need to travel and, in particular, the use of the private car may help to postpone the time when such measures become necessary. Moreover, there is no evidence that, without the MSA, the A41 would need to be widened to 8 lanes or that a signalised junction would be necessary to the west of J5.

19.121 The appellant submits that the nearby Whale Tanker buildings do not impact greatly on the wider landscape and are perceived as an isolated cluster of buildings in the countryside. To some extent I agree with this analysis, although primarily because the buildings are seen in a rural setting fronting onto the undeveloped fields which comprise the appeal site. I do not agree that the relatively smaller size of the proposed buildings at the MSA, and the landscaping associated with the proposal, would ensure that the perception of an isolated development in the countryside would be maintained. On the contrary, it seems to me that the MSA proposal would consolidate the existing development at Whale Tankers by extending built development in the form of buildings, hardstanding, roads and lighting a considerable way towards the A41. This substantially extended block of development in combination with the proposed extensive roadworks at the A41 would urbanise the local landscape. I consider that the development would conflict with UDP Policy ENV2 which seeks amongst other things to protect the most important and vulnerable areas of the countryside. [4.7, 11.41]

19.122 I agree with the appellant that the site is reasonably well contained by the topography of the landscape and existing planting. Views from the A41 are restricted because the majority of the road is in cutting. Excavation and ground modelling would allow the MSA to be set deep in the landscape leaving only the upper parts of buildings and lighting columns to be screened by new planting. Moreover, the M42 passes the site in cutting and the majority of the site is not visible from the motorway. However, parts of the development would be visible from the top of the northbound slip road onto the motorway and from the northern bridge at the junction roundabout. During the early years of the development, the tops of lighting columns would be visible from the bridge carrying the B4025 over the A41 and more distant views of the development would be seen from the upper storeys of the residential flats in Riverside Drive, particularly during the winter when the screening effects of trees would be reduced. In addition, well established planting around the electricity sub station would be lost; this presently forms an effective screen to the substation and I agree with the Council that it would be the most serious loss of vegetation on any of the three proposed MSA schemes. [2.23, 2.25, 2.27, 2.28, 6.143, 7.45, 7.46, 7.50, 7.51, 7.54, 9.91, 13.91]

19.123 The relatively steep series of mounds associated with the landscaping of the site would be somewhat incongruous on the more gentle valley slopes and would be out of character in the Arden Parklands landscape within which the site is situated. However, the mounds would be substantially masked by planting in due course as the plants matured. Moreover, the woodland

planting associated with the scheme would be in accord with UDP Policy ENV4, which seeks to encourage such planting and the creation of new woodlands. It would also conform to the Council's objective of establishing a woodland fringe around the urban area and one of the key objectives for Arden Parklands as set out in the Warwickshire Landscapes Guidelines. [7.57, 7.58, 7.62, 9.94]

19.124 The appellant points out that lighting on the site would be carefully designed to avoid light spillage and existing highway lighting on the A41 and at J5 would be replaced with a more visually acceptable scheme which would reduce the upward radiation of light. Although modern lighting can be very effective in cutting off light spillage, I am mindful that the scheme would significantly increase the area of lit development in this narrow semi rural gap. In my judgement, this increased area of lighting would contribute to the urbanisation of the area at night. [7.60, 9.95]

The Potential Impact on the River ***Blythe SSSI***

19.125 The features that would be incorporated in the surface water treatment and discharge system at the MSA are similar to those included in the scheme for an MSA at Catherine de Barnes. The distance between the MSA at J5 and the discharge point to the river would be closer than that for the scheme at Catherine de Barnes. The appellant points out that there is no direct correlation between the distance to the discharge point and the risk of pollution. However, as the site is only about 300m from the SSSI, it seems to me that there is likely to be less time available to deal with an emergency after a pollutant had left the treatment train at J5 than at Catherine de Barnes. On the other hand, there would be greater capacity in the balancing facilities at the J5 site than for either of the facilities at Catherine de Barnes or J4. This would allow a greater retention time for pollutants to degrade and to increase the dilution factor at the J5 site than at the other sites. The potential to increase retention times would allow a positive contribution to be made to base flows in the Ravenshaw Brook and the river itself. [7.78, 7.79, 9.98]

19.126 There is no dispute that the proposed scheme at J5 would provide the best protection for the receiving water environment that is currently available. The appellant indicates that the expected reductions for copper and zinc would be as high as 98% and for lead 94%. The resulting contaminant concentrations for copper, the only heavy metal recorded in EA monitoring of the River Blythe, would be as little as 13% to 30% of the mean concentration in the river. It is argued that pollutant concentrations would be reduced to levels below the current background levels in the River Blythe. In response the Council refers to recent research where contaminant discharges have been higher than these figures. It also points out that some highly soluble compounds such as methyl-t-butyl ether (MTBE) will pass through pollution control systems. However, it appears that the system at J5 would incorporate a wider range of control measures than the instances referred to by the Council. Moreover, I note the appellant's claim that the proposed reed bed system would remove up to 98% of this compound. On the basis of the evidence produced I am satisfied that the reduction of contaminants as a result of the proposed treatment regime would be sufficiently high to provide adequate protection for the River Blythe SSSI. [7.70, 7.73, 7.74, 7.76, 9.32, 9.35]

19.127 I agree that probabilistic risk assessment is not a precise science. The evidence relating to an assessment of the risk of an incident that could affect the River Blythe is incomplete and limited. The appellant points out that the risk of a major spillage on the MSA slip roads (which are generally considered to be one of the higher risk areas) causing pollution in the River Blythe is 1 in 607 years if pollution control valves are taken into account. However, this figure relates to studies of such incidents on a new road. I have no doubt that the frequency of such an incident at an MSA could be considerably greater bearing in mind the presence of a fuel filling station,

parked vehicles and the fact that damaged vehicles are often towed or taken from the carriageway to an MSA. On the other hand the statistics used by the Council to obtain an assessment of risk are based on a very small number of incidents. [7.70, 7.80, 9.30, 9.97, 9.100]

19.128 I appreciate that the EA is concerned that the baseflow component in the river is decreasing with increasing urbanisation in the catchment area, although I am mindful that balancing systems can help smooth out the flashy response of a river. The Local Environment Agency Plan (LEAP) points out that the proliferation of surface water balancing systems in Solihull could result in the raising of flood levels downstream by the coincidence of delayed outflows from the balanced systems. However, there is no evidence that the retention period of the proposed surface water system at the MSA would create a particular problem. [9.27]

19.129 UDP Policy ENV1 seeks to protect SSSIs and prevent development that may have an adverse effect on them. However, it does not impose a presumption against development in the catchment area of the River Blythe. The LEAP indicates that developments that pose an unacceptable risk of pollution of surface waters should not be permitted. In my judgement the surface water drainage proposals at the MSA would ensure that the development did not pose a significant risk to the SSSI. Although it could be argued that Policy ENV1 seeks to prevent any risk, however, small to the SSSI, it seems to me that it would be unreasonable to interpret the policy in this way. In reaching this conclusion, I am mindful that the EA did not object to the proposals for the BVBP despite the fact that it was for a very large development within the catchment area of the River Blythe and relied upon a drainage scheme similar to that being put forward at the proposed MSA at J5. [7.81, 9.24]

Ecology

19.130 Badgers occupy a main sett close to the appeal site and the site is likely to be used extensively for feeding. The development would result in a loss of foraging area and habitat severance for the local badger population. However, the site forms only a part of a much larger feeding territory and the remaining habitats would be capable of supporting a large clan of badgers. It seems to me that adequate measures could be taken to protect the existing badger population. [7.67]

19.131 The habitats of the appeal site are relatively common and are not of any particular nature conservation interest. The fields and hedgerows are species-poor habitats. None of the site's hedges qualify as important hedges against the wildlife criteria of the Hedgerow Regulations 1997. Bearing in mind that a substantial proportion of the new woodland planting associated with the scheme would be allocated for nature conservation, I conclude that the development would not cause any significant harm to the ecology of the area. [7.65]

Agricultural Land

19.132 The scheme would result in the loss of about 17.5ha of land classified as the best and most versatile, the majority of which is sub-grade 3a. MAFF (FRCA) has not objected to this loss because the amount of land falls below the threshold above which an objection would normally be raised. The appeal proposal includes for the relocation of the highest quality soil on the site in order to upgrade an area from Grade 3a to Grade 2. MAFF has indicated that land quality can be improved by such a method. [7.83-85]

19.133 Bearing in mind that land quality can dependent upon drainage conditions, it seems to me that there can be no certain guarantee that the anticipated land quality would be achieved.

Nevertheless, I consider that the likely loss of agricultural land is not so significant that it would justify withholding planning permission for the development.

Highway Issues

19.134 The circulatory roundabout at J5 is operating at or near capacity at present. Traffic using the MSA would introduce additional movements at the junction and increase the potential for accidents if the highway network was not improved. The road improvements associated with the proposed MSA include signalisation of the roundabout, which would be co-ordinated with a signal controlled access to the MSA from the A41. This, and improvements to the southbound and northbound merges, would increase the capacity of the junction and reduce the potential for accidents caused by vehicles queuing back onto the motorway. The HAg considers that the improvements would allow the junction to operate more efficiently in 2016 than would be the case if the MSA were not constructed. [10.26 - 29]

19.135 Even without the MSA, it is likely that signalisation of the junction would be necessary in the near future to ensure the safe operation of the sliproad approaches from the motorway. The existing junction would be seriously over capacity by 2016 without the MSA and its associated roadworks. Nevertheless, the provision of the MSA would bring forward the need to signalise the junction [7.32] . .

19.136 A number of objectors are concerned that the MSA proposal would cause greater delays for traffic on the local road network. The proposal would result in traffic travelling along the A41 and the A4141 roads having to negotiate considerably more stop lines than at present. For example, traffic travelling between the A4 1 and A414 1 would have to cross 4 signalised stop lines, whereas at present this traffic has to negotiate only one give-way movement at the J5 roundabout. This would probably lead to journeys on the local road network taking marginally longer outside peak periods. However, a TRANSYT analysis shows that flows on the A41 would be improved at peak times and conditions on the approaches to the junction would be similar with or without the MSA. Delays would be reduced in some instances although marginally increased in others. Moreover, the scheme would be of benefit to road safety not only at J5 but also at a number of other locations. Safety would be improved by the provision of traffic signals at the A41/B4025 junction where traffic presently merges from the B4025 at high speed and with poor visibility. Features such as a bus lay-by on the eastbound carriageway of the A41 and a new pelican crossing nearby would also be of benefit to road safety. [7.32 – 34, 7.36, 9.103, 10.32, 11.42, 13.51]

19.137 Nevertheless, I share the concern of those objectors who point out that queues of traffic extend from the westbound slip road off the A41 into Solihull town centre during the AM peak period. Apparently these queues sometimes extend beyond the proposed site of the access to the MSA. Such queues could cause delays for traffic seeking to access the MSA. However, it seems to me that on balance the proposed roadworks associated with the MSA would be of benefit to road safety and would help to minimise congestion at J5. [11.42, 13.5]

19.138 The proposed MSA at J5 would be less convenient for users of the motorway than the scheme at Catherine de Barnes. Southbound motorway traffic would have to negotiate 4 sets of traffic lights before entering the MSA at J5, compared to the one merge or give way which would have to be negotiated by southbound vehicles entering the proposed MSA at Catherine de Barnes. On the other hand, I am mindful that the distance between the proposed access to the MSA and J5 is similar to that which can be found at many other relatively new off-line MSAs. [6.136, 7.29]

The Proposed Lodge

19.139 Although the appeal site at J5 is further from the NEC and Birmingham International Airport than the proposed MSA at Catherine de Barnes, it is likely that a lodge at J5 would be attractive to some people using these facilities. Moreover, being an off-line site, access to the lodge could also be gained by non-motorway travellers. I therefore consider that such a lodge could become a destination in its own right. Nevertheless, I am mindful that Government advice points out that a lodge has come to be regarded as falling within the scope of what can legitimately be provided at an MSA. Many drivers now expect to find a lodge at an MSA. In addition, PPG13 recognises that commercial viability is a factor in determining the appropriateness of facilities to be provided at an MSA.

19.140 As indicated at paragraph 19.101 above, I consider that it would be unreasonable to deny motorists the opportunity to stop and rest at an MSA lodge simply because it was close to a major facility such as the NEC. A lodge would allow some drivers to stop and rest overnight, and in this respect it would be of benefit to road safety. It would also help to reduce the need for drivers to use the local road network in order to seek alternative accommodation. [7.90]

19.141 Nevertheless, the proposed lodge at J5 would be visible from outside the site. Despite the fact that it would be viewed from the southeast against the background of the existing buildings at the Whale Tankers site, I consider that it would be harmful to the semi rural appearance of the area because it would clearly consolidate existing development at this location. As such it would materially add to the detrimental impact of the scheme on the local landscape. [7.89, 9.104]

Other Issues

19.142 The appellant points out that the MSA would provide facilities for users of the primary road network. However, in my opinion, the weight to be given to this aspect of the proposal is limited. The advice in Circular 4/88 does not apply to the A41 because it is not a trunk road. Moreover, the A41 extends only as far as the centre of Birmingham, a distance of 8 miles. The A4141 is not a primary road.

Interim Conclusions

19.143 The proposed development would satisfy the need for an MSA on the Solihull section of the M42, and therefore could be of significant benefit to road safety. Moreover, the highway improvements associated with the scheme would improve the capacity of J5 despite the additional traffic movements that would be generated by the MSA. The improved capacity would be of benefit to road safety on the motorway and the local road network, and other features such as the signalisation at the junction of the A41 and B4025 would also help to improve road safety.

19.144 However, the proposed MSA and associated roadworks would be sited in a vulnerable, sensitive and narrow Green Belt gap. Although the MSA would be reasonably well screened, particularly in the longer term, and would not be especially obtrusive in the wider landscape, the associated improvements to the A41 and the loss of undeveloped fields within the narrow Solihull/Knowle gap would urbanise this important semi-rural strip between settlements. The scheme would consolidate existing development in the area and erode the gap to such an extent that, in my judgement, it would cause serious harm to the Green Belt, the setting of Solihull and the separation of Solihull and Knowle. I consider this harm would be so great that it would outweigh the benefits of providing an MSA on this section of the M42 and the benefits of the

associated road improvements. As such, I conclude that the very special circumstances necessary to permit such development in the Green Belt have not been demonstrated and the scheme would conflict with those policies in the UDP designed to protect the Green Belt and vulnerable areas of countryside.

19.145 Although the landscaping proposals associated with the scheme would be of some benefit in providing additional woodland around Solihull, it would not overcome the serious harm to the openness and integrity of the Green Belt between Solihull and Knowle. I conclude that the development would conflict with the purposes of including land in the Green Belt and the policies of the UDP to such an extent that an MSA should not be developed at this site.

The Shirley Estates Proposal at Junction 4 (Appeal C)

Green Belt

19.146 The appeal site at J4 lies at the southern end of a narrow section of Green Belt between Solihull and the built up area of Knowle/Dorridge. There is some dispute as to whether the site also lies within the wider Meriden Gap between the Birmingham conurbation and Coventry. In my opinion, it is of little importance whether the site lies within the Meriden Gap or just to the south of it. Of far greater concern is the impact of the development on the narrow gap between Solihull and Dorridge. Serious erosion of this gap could lead to the merging of Solihull with the urban area of Dorridge, Bentley Heath and Knowle. This would represent a significant enlargement of the conurbation and a consequent reduction in the important gap between the Birmingham conurbation and Coventry. In other words, I consider that the loss of the Solihull/Dorridge gap would have serious implications for the wider Meriden Gap. [8.20, 9.105]

19.147 The appeal site is situated on a prominent ridge overlooking the motorway and the residential area of Monkspath to the south of Solihull. The site presently consists of a number of large fields with gappy hedgerows. Its undeveloped nature and prominent location result in it making an important contribution to the open character of the narrow Green Belt gap between Solihull and Dorridge. It also provides a readily visible rural edge to the motorway. Being close to the edge of the conurbation, the area is vulnerable to development pressure. A substantial amount of development is taking place on the opposite (western) side of the motorway. The Blythe Valley Business Park (BVBP) is under construction and approval has been given for further commercial development known as Provident Park. In an attempt to separate the urban edge from the line of the motorway, the Council has sought to ensure that a 200m wide strip of land remains undeveloped along the western edge of the motorway. [2.32, 2.35, 2.37, 8.47, 9.105, 14.31

19.148 The development would be seen from a large number of public viewpoints, including the motorway and footpaths on both sides of the motorway. It would cause substantial harm to the openness of the Green Belt, and in my judgement it would conflict with a number of the purposes of including land within the Green Belt as set out in paragraph 1.5 of PPG2. It would result in encroachment of built development into the countryside and, by occupying such a large proportion of the narrow gap between Solihull and Dorridge, it would contribute towards the merging of these built up areas. The appellant points out that the development would be reasonably well screened from the roads to the south of the site from where the gap between the settlements is most keenly perceived. I do not find this argument convincing. The gap is also readily apparent from the footpath which presently crosses the site and which would have to be diverted. Moreover, the perception of residents of Monkspath would be of development extending over the top of the undeveloped ridge that presently helps to separate Solihull from

Dorridge. In reality the gap would be substantially eroded and I have no doubt that this would be readily apparent to the majority of the population of the area. For the reasons indicated in paragraph 19.113 above, I consider that although Dorridge may not be a town, by making a substantial contribution to the merging of Solihull and Dorridge, the MSA would conflict with the Green Belt purpose of preventing neighbouring towns from merging into one another. If Dorridge were to become contiguous with the Birmingham conurbation, the strategic gap between the conurbation and Coventry would be significantly reduced. [8.21, 11.43, 14.5]

19.149 The appellant argues that the MSA would not contribute to the unrestricted sprawl of built up areas, because it would be a self-contained development unconnected to the urban edge. It is pointed out that the conurbation lies on the opposite side of the motorway, which is itself separated from the urban edge by a 200m strip of land which is to remain undeveloped. I am mindful, however, that J4 is being enlarged to accommodate anticipated increases in traffic associated with the developments at BVBP and Provident Park. The proposed MSA would necessitate further substantial enlargement of this junction. The road improvements proposed by the appellant include additional lanes, the widening of bridges, new lengths of carriageway and 5 additional overhead gantries. In my opinion these items would significantly add to the urbanisation of the junction and the A34, and would result in the MSA being perceived as being part of the conurbation connected to existing development by an urbanised junction and a short length of dual 3 or 4 lane carriageway. Moreover, as the MSA would be an off-line development with access available from the local road network it would not be perceived as an entirely motorway related and self-contained development. For these reasons, I conclude that the MSA would compromise the objective of restricting the sprawl of large built up areas. [8.18, 9.105]

19.150 At present the built form of the conurbation lies to the west of the motorway. Because the proposal would appear to breach this boundary by extending development to the east of the motorway, it seems to me that the MSA could encourage further applications for development on the eastern side of the motorway. Although Green Belt policies should ensure that inappropriate development is adequately resisted, an extension of the conurbation to this side of the motorway is clearly not desirable. The fact that car boot sales and a Sunday Market has operated on the appeal site in the past, does not justify inappropriate development at this location. [8.5]

19.151 The proposed development would also conflict with some of the objectives for the use of land in Green Belts as set out in paragraph 1.6 of PPG2. As it would result in the loss of a prominent and attractive area of undeveloped farmland overlooked by dwellings at Monkspath, I consider that the scheme would adversely affect an attractive landscape near to where people live. Moreover, footpath SI.56, which presently crosses the site, would be diverted via a longer route to the south of the site. Although the appellant's survey suggests that the footpath is not well used, the amount of open land over which the urban population would have access would be reduced and, in my judgement the scheme would be contrary to the objective of providing opportunities for access to the open countryside for the urban population. [2.33, 6.128, 8.45, 14.7, 15.5]

19.152 The appellant argues that as the proposed MSA at J4 would occupy less land than the alternative proposals at J5 or Catherine de Barnes, it would have less impact on the openness of the Green Belt, the quality of which has already been affected by development in the vicinity of J4. However, in my judgement the prominent and exposed nature of the appeal site would result in an MSA at this location being particularly harmful to the openness of the Green Belt. Moreover, the fact that a considerable amount of development has taken place in the narrow gap between Solihull and Dorridge increases the importance of the remaining strip of undeveloped land and highlights the need to protect this increasingly vulnerable but extremely important resource. I conclude that the scheme would be seriously detrimental to the openness of the Green

Belt and several of the purposes of including land in Green Belts. The harm to the integrity of the narrow gap between Solihull and Dorridge would be particularly serious. [8.17]

The Impact on the Landscape

19.153 The appeal site forms part of an attractive area of undeveloped countryside, which abuts the eastern edge of this part of the M42. Although a significant amount of development has recently taken place to the west of the motorway, the land to the east of the motorway still clearly retains a rural character. The nearby equestrian centre and golf driving range have had some impact on the agricultural character of the area, but have not had a particularly urbanising influence on the locality. Although there is a large building at the equestrian centre, the developments are discreet and I agree with the Council that they are well contained by the landscape. In contrast, the two large fields that form the appeal site are open to view over a wide area, despite the fact that the site may be reasonably well screened from the south and south east. I therefore do not agree with the appellant that the site is well screened. There was some dispute at the inquiry as to the accuracy of the drawings and cross sections submitted by the appellant. However, there is no doubt that the proposed buildings, lighting columns and many of the vehicles visiting the site would be readily visible from the motorway and land to the north and west. Moreover, vehicles using the fuel forecourt would be clearly seen from outside the site because of the exposed and elevated location of the proposed forecourt. [2.35, 6.126, 6.127, 7.119, 7.122, 8.48, 8.51, 9.108, 9.109, 9.117]

19.154 The site lies within the 'Arden Pastures' Landscape Type as defined in the Warwickshire Landscapes Guidelines. A key feature of this type of landscape is the sense of enclosure provided by an abundance of hedgerow trees. However, in the vicinity of the M42 the removal or close trimming of hedges has resulted in the landscape being more open and I agree with the Council that the local landscape could reasonably be described as being 'open pasture farmland'. [9.110, 9.111]

19.155 The MSA proposal includes widening of the southbound off-slip roads at J4 necessitating the removal of existing hedging alongside this part of the motorway. Access to the site would require major earthworks being undertaken on this prominent hillside, and the MSA would impose a substantial concentration of roads, hardstanding, lighting, signs, and buildings on the hillside. The proposed ground modelling would provide only limited screening of the development and large parts would be readily visible from the motorway and other locations for many years until planting started to mature. Although motorists may expect to see oblique views of an MSA from time to time, the proposed scheme would, in my judgement, be exceptionally prominent. It would be an extremely intrusive element in the landscape that would harm the attractive rural appearance of the land on this side of the motorway. As such, I consider that the scheme would conflict with UDP Policy ENV2, which seeks to protect vulnerable areas of countryside and enhance the character of the landscape in the Borough. Although there is a significant amount of skyglow from lighting at the nearby golf driving range, it seems to me that lighting at the MSA would be particularly prominent when viewed from the motorway and the residential area of Monkspath, because of the elevated nature of the appeal site. [4.7, 7.120, 8.54, 8.61, 9.112, 9.117, 14.5, 17.20]

19.156 I agree with the appellant that the gentle mounding and limited earthworks associated with the scheme would not be out of keeping with the landscape. Moreover, Annex A of PPG13 does not require that such development should be totally screened. However, the appellant's strategy of minimising the footprint of the development and screening the most intrusive elements of the scheme whilst avoiding large scale earthworks, does not provide sufficient mitigation to

avoid this scheme causing serious harm to the character and appearance of the area. The MSA would be prominent and readily visible from various public and private viewpoints and detrimental to the open rural aspect presently gained from the motorway. It would dominate the view for southbound travellers at this location and would be seen by large numbers of people.

19.157 The appellant claims that the scheme would be in accord with UDP Policy ENV2 because the lack of major earthworks and ground modelling would minimise its impact on the countryside. However, this strategy has resulted in a scheme which would transform existing agricultural fields which are prominent in the landscape, into a built development which would be obtrusive and poorly screened when viewed from the north. I have no doubt that it would seriously degrade the landscape of the area. The proposed alterations to the motorway junction, and in particular the new gantry signs, would contribute to the urbanisation of the area.

The Potential Impact on the River Blythe SSSI

19.158 The features to be incorporated in the surface water treatment and discharge system at the MSA are similar to those put forward for the MSA schemes at Catherine de Barnes and J5. However, the appeal site at J4 is closer to the river than the other sites and therefore there would be less time to undertake emergency procedures in the event of a pollution incident involving contaminants discharged from the site. Furthermore the J4 site is upstream of the other two sites the volume of water in the River would be marginally less at the discharge point. This would slightly reduce the potential for the dilution of contaminants compared to the other two sites. The Council considers that the narrow length of river at this location would be especially vulnerable to pollution. [8.67, 9.119]

19.159 Under the circumstances it seems to me that the potential for an MSA at J4 to cause harm to the River Blythe SSSI is marginally greater than for a similar scheme at J5 or Catherine de Barnes. However, it was accepted at the inquiry that the proposed scheme would provide the best protection for the receiving water environment that is currently available. For the reasons discussed in relation to the proposals at J5 and Catherine de Barnes, I am satisfied that it should be possible to install a surface water drainage catchment and treatment system at the site which would provide adequate and reasonable protection for the River Blythe SSSI and the development would not cause serious conflict with the aims of UDP Policy ENV1 in this respect. [8.67]

Ecology

19.160 Although no badger setts are known to be present on the site, badgers are active in the area with the nearest sett being about 200m from the site. The Council is concerned that investigations into the possibility of Great Crested Newts being on the site and the effects of the MSA on foraging for badgers have not been undertaken in sufficient detail. However, it seems to me that these shortcomings could be overcome by the imposition of an appropriate planning condition. [8.65, 8.68, 9.120]

19.161 The development would result in the loss of an area of semi-improved grassland and some riverside pasture. However, no evidence was presented which suggests that the development would result in a loss of habitat that would cause serious harm to the ecology of the area. [8.65, 9.121]

The Impact on the Highway Network

19.162 The existing junction at this location is being altered at present to accommodate the BVBP and Provident Park developments. It is to be signalised and the southern overbridge supplemented by a second parallel bridge. The HAg submits that the appellant originally agreed that the operation of the junction in 2016 should be analysed on the assumption that existing traffic flows would increase in line with National Road Traffic Forecasts low growth factors. In addition, the anticipated traffic generated by BVBP and Provident Park was to be added to these flows although motorway flows would be restricted to the Congestion Reference Flow (CRF). [9.123, 9.124, 10.34, 10.35]

19.163 The analysis showed that unacceptable queues will occur at the junction in 2016 even without the MSA, based on the improvements currently being undertaken. In fact, the junction is likely to reach capacity by 2011. In such circumstances, it is anticipated that drivers would seek alternative routes to avoid the junction during peak hours. A similar analysis showed that the junction would be unacceptably congested in 2016 if it were altered in line with the improvements put forward by the appellant and with the MSA in place. However, the appellant now considers that the estimates of traffic growth used in these analyses were excessive. [8.26, 9.126, 10.36, 10.37]

19.164 I have some sympathy with the appellant because there is no doubt that it is difficult to predict traffic growth at J4. The BVBP and Provident Park flows have been modelled explicitly, and under such circumstances it may be that the assumption of a base flow increase based on NRTF low growth is excessive given the restraint on motorway flows. On the other hand, the appellant's assessment of anticipated flows appears to have changed primarily because the analysis of the junction showed that congestion would be unacceptable. The appellant's claim that the growth forecast provides a reserve capacity of around 10% may prove to be accurate, but it is not justified by any calculation or detailed evidence, other than the argument that base traffic growth is likely to grow by only zero to 1% because of the constraint on motorway growth. I am not convinced that such a figure should be adopted in favour of the low growth NRTF figure that was originally agreed. However, if motorway flows are to be limited to the CRF there is some uncertainty as to the growth that will occur at this junction. [8.26]

19.165 Government advice in a 'New Deal for Trunk Roads in England' requires that the mitigation measures at the junction should accommodate all traffic 15 years after the development opens. In contrast, the appellant's case is partly based on the argument that the junction would be no worse off as a result of the MSA development. Again, I have some sympathy with the appellant, because it appears that the BVBP and Provident Park developments have been permitted without measures being required which will ensure that the junction will be able to operate satisfactorily 15 years after those developments open. In fact it is doubtful whether the junction will operate acceptably after the business parks have been fully developed. This is clearly an unsatisfactory situation. Moreover, it is arguable that it is unreasonable to expect the MSA developer to improve the junction to such an extent that it not only accommodates the additional traffic associated with the MSA but also overcomes any shortfall in the capacity of the mitigation works being undertaken in association with the BVBP and Provident Park developments. Nevertheless, irrespective of whether or not the improvements sought from the MSA developer are equitable, it would obviously be irresponsible and inappropriate to site an MSA at a junction where it was clear that congestion would become unacceptable in the near future, or the proposed redesign of the junction would cause problems of highway safety. [8.25, 9.129, 10.6, 10.38]

19.166 There is significant dispute between the parties about the interpretation of the appellant's TRANSYT analysis output data. In my judgement, the output suggests that the MSA could lead to serious congestion at J4. The appellant points out that the analysis shows that the 'degree of

saturation' on all the gyratory links is well below 100% and therefore extreme excess queues are unlikely to occur. However, although a Transport and Road Research Laboratory (now TRL) research report advises that saturation levels should be high on the entry arms to a roundabout this does not apply to the saturation levels on the gyratory section. It seems to me that the queue limit of 75% of the available space used in the appellant's analysis is excessive. The Mean Maximum Queues (MMQs) on the gyrator-y section are higher than those recommended in TRL advice. They would result in excessive queue lengths that could cause blockage on the gyratory system despite the fact that the links preceding some of the queues in question may have spare capacity. The appellant submits that yellow hatching could be used to discourage drivers from blocking exits. However, it seems to me that such measures do not always provide the desired result in practice, particularly in congested conditions. Moreover, the appellant's list of queuing distances indicates that links with spare capacity do not immediately precede all the links that are likely to be subject to excessive queues. Under the circumstances, I am not satisfied that the appellant's TRANSYT analysis demonstrates that the proposed road improvements would allow the junction to operate satisfactorily. On the contrary, the results suggest that the potential for gridlock on the proposed scheme is high. [8.32-34, 10.41]

19.167 I am also mindful that there are inconsistencies between the various plans put forward by the appellant and the data used in the TRANSYT analysis. Although these may not be of particular significance, because amendments could be made to the design, they introduce an element of uncertainty into the proposed scheme and understandably have reinforced the HAg's view that the appellant has not demonstrated that the proposed road improvements would ensure that the MSA would not cause unacceptable congestion at J4. [8.30, 10.39]

19.168 The proposed variations in lane width over a short length of the southbound off-slip is not desirable and could present a hazard to drivers, although, in my opinion, it would not be so great as to represent a significant objection to the scheme. Of considerably greater concern is that the overall junction layout would be so complicated. It would require drivers to make a large number of decisions when negotiating the junction, particularly when leaving the proposed MSA to rejoin the motorway on the northbound carriageway. This series of manoeuvres alone would require a driver to make 22 conscious decisions and read 14 signs over a short distance. Such an arrangement could result in drivers who were unfamiliar with the layout of the junction becoming confused to the detriment of road safety at such a busy junction. [6.122, 6.125, 8.28, 9.129, 10.37, 10.44]

19.169 I am mindful that the road works associated with the MSA proposal could thwart the introduction of improvements to the junction which will be necessary to ensure that its capacity is adequate to accommodate traffic associated with committed development at BVBP and Provident Park. The HAg has put forward suggestions for improving the junction to accommodate this traffic, but I am not satisfied that the appellant has demonstrated that a solution can be found which would allow the junction to operate safely and adequately in 2016 with the MSA in place. In my opinion, this is sufficient reason in itself for the appeal to be dismissed. [10.47]

The Proposed Lodge

19.170 As the proposed scheme would result in an 'off-line' MSA with access available from the road network, a lodge at this site could become a destination in its own right, particularly when considering the shortage of accommodation which often occurs in the area and the proximity of the major development taking place at BVBP. Nevertheless, for the reasons set out in paragraph 19.139 and 19.140 above, I do not consider that this would justify withholding planning permission for this element of the proposal, bearing in mind that such a facility would

enable some drivers to rest overnight and reduce the need to seek alternative accommodation in nearby settlements. [6.133, 8.71, 8.72, 14.18, 14.19, 15.141

19.171 Although the proposed lodge would not occupy a substantial amount of land in comparison to the remainder of the site, it would add significantly to the built form of the development and exacerbate the impact of the development on the openness of the Green Belt. In view of the prominent location of the site, on high ground overlooking land to the north and west, I consider that the inclusion of a lodge at this location would be so harmful to the attractive rural landscape and setting of this part of Solihull that it would outweigh any benefit it may provide and should be deleted from the overall proposal. [9.122]

Interim Conclusions

19.172 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.

19.173 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 outweighs the benefits and I conclude that very special circumstances have not been demonstrated to justify such 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.

Overall Conclusions

19.174 As indicated in paragraph 19.47, there is a significant need for an MSA serving both directions of travel on this length of the M42. However each of the proposed schemes would cause harm to the openness of the Green Belt and other matters of acknowledged importance. As can be seen from the interim conclusions in respect of each scheme, I consider that the proposal for an MSA at Catherine de Barnes is the only one of the three where the benefits outweigh the harm and the very special circumstances necessary to permit such development in the Green Belt can be demonstrated.

19.175 Although the roadworks associated with that scheme, primarily the auxiliary lanes between the MSA and J6, are far more extensive than those proposed in association with the schemes at J4 and J5, they would not necessarily have a greater impact on the character of their surroundings. The widened carriageway and steep sided 'green walls' associated with the auxiliary lanes proposal would make the motorway seem more stark and to some extent more urbanised for motorway users. Moreover, the widening would be readily apparent when viewed from overbridges crossing the motorway. However, there would be no loss of planting along the boundary of the motorway and additional planting on the embankment near Bickenhill would help to soften the impact of the motorway on its surroundings in that area. In contrast, the proposed

widening of the carriageways on the A41 near J5 and the loss of planting along that road corridor would have a particularly harmful and urbanising impact on this important gateway to Solihull town centre. Moreover, the roadworks associated with the proposed MSA at J4, including the 5 new sign gantries, would add significantly to the extensive development which is already taking place in the vicinity of that junction.

19.176 In my judgement, the harm that would be caused by either of the proposed MSAs at J4 and J5 outweighs the benefits that those developments would provide. Both schemes would cause serious harm to a narrow and vulnerable Green Belt gap between areas of built development, contrary to the aims of development plan policies designed to protect the Green Belt. Under the circumstances, there is no need for me to compare the merits or otherwise of the three schemes further as would normally be required in the light of the judgement in the case of P J Edwards v SoS for the Environment, Roadside Developments Ltd and Breckland District Council. If the SoS were to decide that a 'minded to grant' letter should be issued for the proposal at Catherine de Barnes, and subsequent events demonstrated that the proposed auxiliary lanes would cause the overall scheme to be unacceptable, I consider that neither of the alternative schemes at J4 and J5 should proceed. The harm that those schemes would cause outweighs the benefits, even if no other MSA were sited on the Solihull section of the M42.

19.177 I am satisfied that planning permission should be granted for the proposed MSA at Catherine de Barnes, subject to the proposed auxiliary lanes being provided on the M42 between the MSA and J6. Moreover, I consider that appropriate and reasonable consultation was undertaken in respect of the updated ES prepared by the appellant. Nevertheless, I am mindful that the auxiliary lane proposals were put forward at a relatively late stage in order to meet the valid objections of the HAg and the updated ES was not prepared until shortly before the Inquiry commenced. In addition, many objectors consider that the ES consultation procedure for the auxiliary lanes fell short of that which the HAg normally undertake for motorway widening schemes, particularly in relation to public exhibitions of proposed motorway widening schemes and local publicity.

19.178 Further survey work and detail design of the auxiliary lane proposals is necessary before the HAg would be prepared to consider entering into a Section 278 Agreement. The HAg submits that the submission of such detail may indicate that further consultation procedures are necessary to meet the requirements of the 1980 Highways Act and Government guidance in DETR Circular 2/99. If such details or any further consultations that the HAg may consider necessary raised new issues it would be appropriate that the merits or otherwise of the scheme as a whole should be reassessed. Under the circumstances, I conclude that it would be prudent to issue only a 'minded to grant letter', in order that the final decision on the MSA proposal is taken in full knowledge of the impacts of the overall scheme including detailed proposals for alterations to the motorway. [6.6, 10.22]

19.179 If planning permission were immediately granted for the proposal, the judgement in the case of R v Warwickshire County Council ex parte Powergen would make it more difficult for the HAg to resist entering a S278 agreement if unforeseen objections were discovered following detailed design of the auxiliary lanes.

Conditions and S106 Agreement

19.180 Although I shall recommend that two of the appeals should be dismissed, the SoS may decide that one or other of those schemes should be permitted subject to conditions and/or

planning obligations. I shall therefore deal with conditions for all three proposals. It is unfortunate that the list of conditions suggested by SMBC *(Document* 4.6.44) is not accompanied by a schedule of reasons. However, as the reasons for the majority of the suggested conditions are obvious, I shall refer only briefly to this matter. Where I make no comment on a condition in the SMBC list, I consider that condition to be appropriate.

19.18 1 The provisions of the Unilateral Undertaking submitted for each of the three sites are necessary to ensure that essential off site planting and landscaping is undertaken, the ecology of the area is protected, measures are taken to protect ground and surface water, and, in the case of the Catherine de Barnes proposal, the listed building at Walford Hall is adequately protected.

Conditions applicable to all three proposals

19.182 Suggested Conditions 1 to 4 are necessary to ensure that details of reserved matters are properly dealt with in an appropriate time scale. Bearing in mind the decision in *ex parte* Tew, I agree that conditions 5 to 7 should be imposed to ensure that development is undertaken generally in accord with the illustrative plan on which the environmental assessment has been prepared for each scheme. Although the siting of buildings would be largely controlled by Condition 5, it seems to me that retaining "siting" as a reserved matter would allow some minor flexibility on siting whilst ensuring that the locations of the buildings did not materially depart from that shown on the master-plan. Moreover, the nature of the application would not be changed.

19.183 In relation to Appeal "C", I consider it unnecessary to clarify that the reference to "means of access" in Condition 1 does not relate to the motorway. Planning permission under the Town and Country Planning Act would not give authority to exercise a right over Crown land. Moreover, the suggestion by the HAg that Condition 8 be reworded for this scheme to the effect that means of access should be in accordance with a scheme to be approved would, in my judgement, clearly conflict with the Rochdale judgement in that it would not be possible to assess the likely significant effects of the development at this stage. It seems to me that the judgement as to whether outline planning permission should be granted for this scheme must be made on the details contained in the master-plan, on which the environmental assessment has been based. [10.481

19.184 Rather than including a schedule of building sizes, which has not been provided, it seems to me that Condition 7B should require that the footprint of the proposed buildings should not exceed that shown on the illustrative master-plans.

19.185 Although the proposed MSAs at Catherine de Barnes and J5 would benefit from a considerable amount of screening, lighting at the sites would have a detrimental impact on the character of the areas surrounding these sites. I consider that no adequate justification was demonstrated for lighting the fascias of the fuel courts. In fact, the proposal at J5 specifically excludes such lighting, and therefore Condition 11 should be amended to ensure that the fascias are not lit, in the interests of the visual amenities of the areas surrounding the sites. The word "refuelling" in line 2 of the condition should be replaced with the words "fuel forecourt" to ensure clarity and consistency.

19.186 The last line of Condition 11 seeks to prevent light at an MSA spilling onto the motorway. I fully support this aim in the interests of road safety. However, it seems to me that it would be unreasonable to seek to prevent any illumination of the motorway, however small. The impact of light falling on the motorway would vary along its length and would be particularly

dependent upon existing ambient lighting. In my opinion, the requirement for a lighting scheme to be approved provides sufficient control to ensure that inappropriate lighting of the motorway does not occur.

19.187 I agree with Swayfields Ltd that the requirement in Condition 13A that parking areas must be available at all times when the MSA is open to the public may be unduly onerous. Maintenance of these areas would be necessary from time to time and it seems to me that the condition should be reworded to indicate that parking areas should not be used other than for the parking of vehicles by visitors to the MSA. [7.132]

19.188 With regard to Conditions 15 and 16, it is reasonable that the commercial viability of the enterprise should not be unnecessarily put at risk. Restrictions on the sale of retail goods should only be imposed if it is necessary. However, bearing in mind that the appeal sites are situated at sensitive locations in the Green Belt, retail facilities should not be larger than is necessary. In my opinion, the sale of clothes, fashion accessories, furniture and DIY goods cannot be justified on the basis that it serves the needs of motorway travellers. Such development could result in the MSA becoming a destination in its own right, albeit that the retail floorspace would not be particularly large. Moreover, bearing in mind the limited area for retail sales, it seems to me that the sale of such goods could be at the expense of adequate retail facilities to serve the genuine needs of motorway travellers. During my site visit to the Hopwood MSA I saw that a substantial amount of the retail area was given over to the sales of clothes. This took place on the ground floor whereas public toilets were located at a far less convenient location on the first floor. It does not appear that the genuine needs of travellers are being given sufficient priority with such arrangements, albeit that toilet facilities for disabled travellers are available on the ground floor. [A3]

19.189 I consider that preventing the sale of stationery would be unreasonable. However, in the interests of ensuring that inappropriate development in the Green Belt is not built without proper justification and that the MSA does not become a destination in its own right, it is necessary and reasonable to prevent the sale of clothes, fashion accessories, furniture and DIY goods at the site. No detailed evidence was presented to the inquiry that demonstrated that a restriction on the sale of such goods would result in the development not being commercially viable. Nevertheless, Condition 16 would be unduly restrictive and could prevent the sale of goods genuinely needed by motorway travellers; it should be deleted from the list of conditions to be imposed. [15.10, 15.11]

19.190 The text of Condition 27 should be amended to indicate that written approval of details should be obtained from the LPA.

19.191 Condition 37 should be made more precise by adding reference to the need to minimise damage to existing hedgerows, hedgerow trees, areas of semi-improved grassland and wetland habitats by means of measures such as protective fencing and unworked boundary zones. [9.175]

19.192 With regard to the conditions suggested by the HAg, (incorporated into *Document 4.6.44)*, suggested amendments can be found at ***Document 5.3.4***. Unless indicated otherwise, I consider the amendments at ***Document 5.3.4*** to be appropriate. Condition 3 should be amended to refer to a signing agreement rather than 'signs'. If a sign was damaged or removed as a result of an accident on the motorway, it would be unreasonable to require the MSA to close until the sign had been replaced. Condition 5 seems to be unnecessary in relation to Appeals B or C. The proposals at J5 and J4 are for off-line MSAs and another access to these sites would not

necessarily result in their becoming destinations in their own right or create alternative accesses to the motorway.

Conditions and Obligations applicable to the site at Catherine de Barnes

19.193 I agree with Blue Boar Ltd that Condition 36 would unreasonably restrict development of the site. It should be substituted by a condition preventing the MSA being brought into use before the repairs to Walford Hall were completed. This would give the Council adequate powers to ensure that works to Walford Hall were completed in accordance with agreed details. The use of the words "repaired/restored/refurbished/converted" is unclear and imprecise and should be replaced by "repaired and altered". No schedule of the details required has been put forward by the Council and the last sentence of the condition should therefore be deleted. However, a warning should be appended to any permission that Listed Building Consent may be necessary. [6.154]

19.194 The problem of ensuring that planning permission is granted in full knowledge of this project's likely significant effect on the environment is apparent in suggested Condition 38a. The condition does not identify the works necessary to allow a S278 agreement to be signed. It cannot; as the precise details of the necessary improvement to the motorway are a matter for the HAg to approve rather than the Council. The HAg suggests that a Grampian condition be imposed which prevents development taking place until the developer is committed by agreement to pay for works described in the agreed statement between Blue Boar and the HAg. Moreover, a further condition would prevent the opening of the MSA until such highway works had been completed. It seems to me that this arrangement would ensure that the development was generally in accord with the proposal for which an environmental assessment has been undertaken and considered at the inquiry. Moreover, the granting of planning permission on that basis would not conflict with the judgement in R v Rochdale MBC, ex parte Tew and others, in that the decision would be taken in full knowledge of the likely significant environmental effects of the scheme. The updated ES has been subject to consultation and the environmental impact of the auxiliary lanes was considered in some detail at the inquiry. [10.25]

19.195 Nevertheless, as indicated above, I am mindful that the environmental assessment undertaken at the inquiry does not fully meet the procedures normally adopted by the HAg for motorway development schemes, in terms of public exhibitions and publicity. Moreover, further details of the proposed motorway widening would need to be provided to the HAg before any S278 agreement could be signed. It is for these reasons that I shall recommend that the SoS should issue a letter indicating that he is minded to grant planning permission for the scheme, subject to a S278 agreement being concluded between the appellant and the HAg, based on the provision of auxiliary lanes to the motorway as generally indicated in the updated ES.

19.196 In addition to the conditions suggested by the Council and the HAg, car parking at Walford Hall Farm should be restricted to that necessary for training uses at the site, to protect the character and appearance of the immediate surroundings of the listed building. Details of the proposals to store landscape maintenance equipment in the long barn nearest Walford Hall Farmhouse should be submitted, as discussed in paragraph 19.8 I above. Moreover, the earthworks and landscaping to the south west of the application site, as shown on the illustrative plan, should be the subject of a Grampian condition. [6.155]

19.197 It would be preferable if Clause 4 of the S 106 undertaking submitted by Blue Boar prevented commencement of the development until approval of the various management plans and the ecological proposals plan referred to in the clause had been obtained from the Council.

However, Clause 5 prevents public use of the MSA until such approval has been received, unless the Council unreasonably withholds such approval. Although this procedure could lead to a dispute, it seems to me that the undertaking would ensure that the Council had adequate control over the management of off-site landscaping, ecological proposals, the maintenance of pollution control systems and proposals for the protection of the listed building at Walford Hall.

Conditions and obligations applicable to the site at J5

19.198 I agree with Swayfields Ltd that Condition 39a could unreasonably restrict the construction programme. The condition should be amended to refer to a phased construction of the access and diversion of Ravenshaw Lane. [7.134]

Conditions and obligations applicable to the site at J4

19.199 Condition 20 should be amended in relation to the J4 proposal to reflect the need for a drainage scheme to be submitted and approved that would allow for the retention of trees as shown on the master-plan.

19.200 The medieval Moated Site referred to in Condition 34 lies outside the development area of the proposed MSA at J4. If the MSA development site is fenced in accordance with a scheme approved in writing by the LPA, I consider that it would be unnecessary to fence the Medieval Moated Site. The condition should be amended to require fencing of the MSA development site to an approved standard.

19.201 The proposed lodge should be deleted from the scheme at J4 because of the harm that such a building would cause to the openness of the Green Belt and the attractive rural setting of Solihull at this prominent location.

SECTION 20 – INSPECTOR'S RECOMMENDATIONS

20.1 I recommend that a letter be issued indicating that the SoS is minded to grant planning permission for the proposed MSA at Catherine de Barnes (Appeal A) subject to the satisfactory completion of negotiations between the HAg and the appellant to enter into a Section 278 agreement under the Highways Act 1980 relating to the provision of auxiliary lanes between the MSA and J6 of the M42 in accordance with the scheme put forward at the inquiry.

20.2 I further recommend that Appeals B and C be dismissed.

I have the honour to be Sir,
Your obedient Servant

M P Hill

Appendix A – Brief Comments on Existing MSAs in the West Midlands

A.1 These comments relate to visits made by the Inspector and Assistant Inspector, on an unaccompanied basis to a number of existing MSAs serving the West Midlands motorway network.

A.2 **Warwick MSA** on the M40 is a twin site on-line facility, each site serving one side of the motorway. At the time of our visit around midday on a Monday in May, the HGV car parks were nearly full.

A.3 **Hopwood MSA** at junction 2 of the M42 is a recently opened off-line site serving both directions of travel on the motorway. Access to the site can be gained from the local road network as the entrance to the MSA is sited on the roundabout at J2. There is no lodge accommodation at this site. The amenity building has two floors. Male and female toilets are situated on the first floor, although disabled toilets are on the ground floor. A shop selling 'designer' clothes operates from the ground floor of the amenity building.

A.4 **Tamworth MSA** off junction 10 on the M42 is an off-line facility serving both directions of the motorway. Access is gained off the local road network from a roundabout located about 0.2km from the roundabout at junction 10. At the time of our visit during the early evening on a Monday in May, the HGV park was particularly busy. A number of lorries were parked in the coach park.

A.5 **Corley MSA** on the M6 is a twin site on-line facility, each site serving one side of the motorway. The amenity block serving northbound traffic is a low building and the site is well screened by mature planting.

A.6 **Hilton Park MSA** on the M6 is a twin site on-line facility situated a short distance south of junction 11. The facilities include a lodge and a 'fish and chip' restaurant which also provides a 'take away' service. The amenity block houses a number of retail outlets. During my visit on a Monday evening in September, the HGV parking area was full on the southbound site and lorries were parked in the coach parking area.

A.7 **Frankley MSA** on the M5 is a twin site on-line facility, each site serving one side of the motorway. The facilities include a lodge. Landscaping is minimal, particularly in the car parking area.

APPEARANCES

FOR THE APPELLANTS

A. Blue Boar Motorways Limited and Executors of the Estate of Sir John Gooch Bart.

Mr Richard Phillips	Queen's Counsel, instructed by Don Proctor Planning, Charter Cottage, Horse Ware, Over, Cambridge, CB4 5NX
assisted by Mr Meyric Lewis	of Counsel
They called:	
Mr A Boreham CEng, MICE, MIHT, DipTE	Chairman, Alan Boreham Associates Limited, Regent House, Hubert Road, Brentwood, Essex CM14 4JE
Mr D Huskisson DipLA(GLOS), MLI	Principal, David Huskisson Associates, Environmental Planning Consultants and Chartered Landscape Architects, 17 Upper Grosvenor Road, Tunbridge Wells, Kent TN1 2DU
Mrs H R Ludlow BSc MSc CBiol, MLI, MIEEM	Principal, Landscape Science Consultancy, 12 Main Street, Sproxton, Melton Mowberry, Leicestershire LE14 4QS
Mr J Munby FSA	Principal Archaeologist, Oxford Archaeological Unit, Janus House, Osney Mead, Oxford OX2 0ES
Mr D Proctor DipTP, MRTPI	Principal, Don Proctor Planning, Charter Cottage, Horse Ware, Over, Cambridge CP4 5NX

B. Sway-fields Limited

Mr A Gilbart	Queen's Counsel, instructed by M L Ralph, Matthews and Goodman, Kingsgate, 5 1-53 South King Street, Manchester M2 6DE
assisted by Mr D Manley	of Counsel
They called:	
Mr C H Townsley MSc DIC, CEng, MICE, ACGI, FIHT	Partner, Tucker Parry Knowles Partnership, Transportation and Infrastructure Consultants, Goodbard House, Infirmary Street, Leeds LS1 2JS
Mr R J Jones, DipLA (Glos), MLI, MIHT	Senior Consultant Derek Lovejoy Partnership Plc, Landscape Architects, 3 1 Lower Brown Street, Leicester LE1 5TH
Mr D P Hughes MIEEM	Consultant Ecologist, Penny Anderson Associates, Park Lea, 60 Park Road, Buckstone, Derbyshire SK17 6SN
Mr M L Ralph BA(Hons) MRTPI	Planning Partner, Matthews and Goodman, Chartered Surveyors, Kingsgate, 5 1-53 Southking Street, Manchester M2 6DE

C. Shirley Estates (Developments) Limited

Mr Patrick Robinson	Solicitor, Burges Salmon, Narrow Quay House, Narrow Quay, Bristol BS1 4AH
He called:	
Mr C B Deutsch BSc(Hons), CEng, MICE	Principal Engineer, Head Mann Associates Limited 27 Waterloo Place, Leamington Spa, Warwickshire CV32 5LA
Mr M R Davis DipLA (Glos), MLI	Senior Consultant Landscape Architect, ADAS, Whittington Road, Worcester WR5 2JU
Mrs J Davis BA, MRTPI	Partner, Davis Planning Partnership, Charter Town Planners, 45 Coniscliffe Road, Darlington, Co Durham DL3 7EH

FOR SOLIHULL METROPOLITAN BOROUGH COUNCIL

Mr Martin Kingston	Queen's Counsel, instructed by Mr Michael Blamire-Brown, Solicitor to the Council, Solihull MBC, PO Box 18, Council House, Solihull B91 3QS
assisted by Mr Hugh Richards	of Counsel
They called:	
Mr R Cobb BA(Hons), DipTP, MRTPI	Head of Development Control, Solihull Metropolitan Borough Council
Mr D Thirkettle DipLA, FLI	Director, W S Atkins Planning Consultants, Woodcote Grove, Ashley Road, Epsom, Surrey KT18 5BW
Dr W Latimer BSc, MSc, PhD, MIEEM	Senior Environmental Scientist, W S Atkins Planning Consultants, Woodcote Grove, Ashley Road, Epsom, Surrey KT18 5BW
Mr M Hurley MA(Oxon) RIBA, IHBC	Senior and Conservation Architect, Solihull MBC.
Dr A Brett PhD, BSc, FCIT, FILT	Technical Director, W S Atkins, Planning Consultants, Epsom

FOR THE HIGHWAYS AGENCY

Mr David Smith	of Counsel, instructed by the Treasury Solicitor, Queen Annes Chambers, 28 Broadway, London SW1H 9JS
assisted by Mr C Young	of Counsel
They called:	
Mr T Harbot BSc(Hons) MICE, MIHT	Area Manager, Highways Agency, C3, Broadway, Broad Street, Birmingham B 15 1BL
Mr R J Brown MSc, GLC(Eng) FICE, FIHT	Director, Transportation Division, Oscar Faber, 94/96 New Hall Street, Birmingham B3 1PB

FOR WELCOME BREAK GROUP LIMITED

Mr Robert Fookes	of Counsel, instructed by Mr Mark Flood, Hepher Dixon, 62 High Street, Stony Stratford, Milton Keynes MK11 1AQ
He called:	
Mr M Flood BA(Hons) DipTP, MRTPI	Associate Director, Hepher Dixon, Stony Stratford, Milton Keynes

FOR THE CPRE WARWICKSHIRE BRANCH

Mrs G M Smith	Solihull Area Representative, CPRE Warwickshire Branch 7-9 Gerrard Street, Warwick CV34 4HD
Mr M Sullivan MRTPI, MCIT	Technical Secretary, CPRE Warwickshire Branch 30 Milverton Crescent, Learnington Spa, Warwickshire CV32 5NJ
Mrs J Vere BA, MA	Volunteer, CPRE Warwickshire Branch, 41A Smith Street, Warwick CV34 6JA

FOR CLUSTER GROUP 1 OF OBJECTORS (Hampton-in-Arden Parish Council, Barston Parish Council, Bickenhill Parish Council, Hampton-in-Arden Society, Catherine-de-Barnes Residents Association, and Henwood Residents Association)

Mr R K Chapman	Chairman, Hampton-in-Arden Parish Council, 32 Peel Close, Hampton-in&den B92 0BQ
Mr M Bryant	Hampton-in-Arden Society, 1 Nesfield Grove, Hampton-in&den B92 0BQ

FOR CLUSTER GROUP 2 OF OBJECTORS (Solihull Residents Association, Dorridge and District Residents Association, Riverside Drive Residents Association, Blythe Way Residents Association, The Knowle Society and other concerned local residents)

Mr J C P Shaw MA, MBA, CEng MICE, MCIOB	61 Oldway Drive, Solihull B91 3HP

FOR CLUSTER GROUP 3 OF OBJECTORS (Hockley Heath Parish Council, Cheswick Green Residents Association, Hockley Heath Residents Association, Tidbury Green Residents Association)

Mrs G R Stewart BSc, DipTP, MRTPI	Partner, Stansgate Planning Consultants, 11 Shrieve's Walk, Sheep Street, Stratford-upon-Avon, Warwickshire CV37 6GJ
She called:	
Mr P G Horridge BSc, DipTP, FRICS MRTPI	Partner, Stansgate Planning Consultants, Stratford-upon-Avon

FOR DORRIDGE AND DISTRICT RESIDENTS' ASSOCIATION

Mr G J Trangmar CEng, MIMechE	4 Hanbury Road, Dorridge, Solihull B93 8DW

LOCAL MEMBERS OF PARLIAMENT

Mr John Taylor MP (Solihull)	Northampton House, Poplar Road, Solihull

Mrs Caroline Spelman MP (Meriden)	House of Commons, London SW1 A OAA

INTERESTED PERSONS

Councillor P Hogarth	Silhill Ward Member, Solihull MBC, Council House, Solihull, West Midlands B91 3QS
Mr C Dean	Representing the Ramblers Association, 2 1 Pumells Way, Knowle, Solihull B93 9JN
Mr P Cottle	1 Elmtree Rise, Hampton-in-Arden, Solihull
Mr G Goodall FRTPI	18 Diddington Lane, Hampton-in-Arden, Solihull B92 OBZ
Mr G Juniper	29 Meridan Road, Hampton-in-Arden, Solihull B92 OBS
Mr A Wood	Beech Cottage, Fentham Road, Hampton-in-Arden, Solihull
Mr L Cresswell	11 Foxland Close, Cheswick Green, Solihull
Mr W H Peters	7 Bickenhill Lane, Catherine-de-Barnes, Solihull B92 ODE
Mrs S Jarman	229 Station Road, Knowle, Solihull

DOCUMENTS PLANS AND PHOTOGRAPHS

All documents, plans and photographs are run together as documents. Each is given a sequential number reflecting the party of origin and the inquiry document number (if any).

PROCEDURAL DOCUMENTS

i. List of persons present at the inquiry.

ii. Council's letter of notification of the inquiry and list of persons notified.

CORE DOCUMENTS

A: Base Plans

CD/A/1	OS Plan of area around proposed MSA at M42 - Catherine de Barnes.
CD/A/2	OS Plan of area around proposed MSA at J5 M42 - Ravenshaw.
CD/A/3	OS Plan of area around proposed MSA at J4 M42 - Monkspath.
CD/A/4	OS Plan of area around MSA Junction 2 of M42 - Hopwood.
CD/A/5	Aerial photographs of the 3 proposed MSA sites.
CD/A/6	Current master plan of Blythe Valley Business Park, October 1999.
CD/A/7	Definitive footpath map – 8/SP/8SE.
CD/A/8	Definitive footpath map – 12/SP/17NW.
CD/A/9	Definitive footpath map – 13/SP/17NE.

B: Development Plans

CD/B/1	Inspector's report into draft Solihull UDP – 1992.
CD/B/2	Inspector's report into proposed modifications to draft Solihull UDP – 1995.
CD/B/3	Copy of adopted Solihull UDP – 1997, written statement and plans.
CD/B/4	Provisional West Midlands Local Transport Plan (1999) and technical appendix.

C: Not Used

D: Local Planning Papers and Reports

CD/D/1	Warwickshire Landscapes Guidelines.
CD/D/2	Warwickshire County Policy Guidance on MSAs.
CD/D/3	Nature Conservation in Solihull.
CD/D/4	Solihull's Countryside – a Draft Strategy - January 1999.
CD/D/5	Business Visitors to Birmingham – research report by Jill Gramann Market Research – August 1999 – Report and tables.
CD/D/6	Bundle of papers on M42 motorway TPO 1974 including plans and modifications.
CD/D/7	Planning committee agenda 15 November 1999 (extracts) including appendices.
CD/D/8	Birmingham International Airport Vision 2000.
CD/D/10	LEAP – West Midlands – Tame, Consultation Report, March 1998.
CD/D/11	LEAP – West Midlands – Tame, Action Plan, March 1999.

E: Highway Design Guidance

CD/E/1	TD22/92 – Layout of grade separated junctions.
CD/E/2	TA48/92 – Layout of grade separated junctions.
CD/E/3	TD9/93 – Highway link design.
CD/E/4	TD 16/93 – Geometric design of roundabouts.
CD/E/5	TA46/97 – Traffic flow ranges for use in assessment of new rural roads.
CD/E/6-7	Not Used
CD/E/8	National road traffic forecasts 1997 (DETR 1997).

F: Roads/MSA Policy Guidance

CD/F/1	A New Deal For Trunk Roads In England (DETR 1998) – extracts.
CD/F/2	A New Deal For Transport; Better For Everyone (DETR 1998).
CD/F/3	Report of the Committee of Inquiry into motorway service areas (HMS 1978).
CD/F/4	Not used

CD/F/5 Highways Agency Press Notice 269/MSA policy statement (HA July 1998).

CD/F/6 Roads Circular 4/88 - The Control of Development on Trunk Roads (DTP 1998).

G: Landscape Guidance

CD/G/1-2 Not used.

CD/G/3 Landscape Institute Advice Note 01/99.

CD/G/5 Countryside Character -Volume 5: West Midlands (The Countryside Agency)

H: Accident Reports and Reviews

CD/H/1 Sleep related vehicle accidents – a bundle of papers from Loughborough University.

CD/H/2 Midlands Motorways Accident Review (HMA Report R/123/4).

I: Not used

J: SMBC Committee Report and Minutes

CD/J/1 Report to planning committee – 17/3/99 and appendices.

CD/J/2 Minutes of planning committee – 17/3/99.

CD/J/3 Report to planning committee – 17/8/99 and appendices.

CD/J/4 Minutes of planning committee – 17/8/99.

K: M42 Motorway Reports

CD/K/1 M42 widening – consultation leaflet 1994.

CD/K/2 M42 widening -junction 1-7 stage 2 assessment Parts I, II and III reports and plans.

CD/K/3 M42 motorway junction 4 and 5 study March 1995.

CD/K/4 M42 motorway junction 4 and 5 study March 1995 appendix I.

CD/K/5 M42 motorway junction 4 and 5 study March 1995 appendix II.

CD/K/6 West Midlands Area Multi-Modal Study Inception Report January 2000.

L: Agreed Statements

CD/L/1-10 Not used.

CD/L/1 1 Statement on landscaping and visual assessment methods.

M: Catherine De Barnes MSA

CD/M/1 Not used

CD/M/2 Plan 4 – 1: 10,000 scale site location plan (drwg 301/04).

CD/M/3 Plan 5 – 1:1,250 scale illustrative layout drawing (drwg 301/05).

CD/M/4 Plan 6 – cross sections at 1:250 scale (drwg 301/06).

CD/M/5	Report titled 'Analysis of need for additional MSA facility'.
CD/M/6	Copy of a letter dated 10 December 1997 from landowners agents agreeing to access to the relevant land for the provision and continued maintenance of off-site mitigation works and meadowland creation.
CD/M/7	Environmental Statement on behalf of Blue Boar Motorways Ltd - main report.
CD/M/8	Non-technical summary of the Environmental Statement.
CD/M/9	Traffic impact assessment (Technical report 1 of ES).
CD/M/10	Noise effects and air quality effects (Technical reports 2 and 3 of ES).
CD/M/11	Drainage and water quality, earthworks, lighting appraisal, and public utilities/services (Technical reports 4, 5, 6 and 7 of ES).
CD/M/12	Landscape and visual effects, historic and cultural assessment, and ecological assessment (Technical reports 8, 9 and 10 of ES) plus additional ecological information July 1998.
CD/M/13	W S Atkins assessment report on ES/TIA for Catherine de Barnes – December 1998.
CD/M/14	Not Used.
CD/M/15	Report on the operation of safety of the M42 between junctions 6 and the MSA – 1999.
CD/M/16	Report on the operation of the southbound carriageway between junctions 6 and 5 – 1999.
CD/M/17	Departures report 1999 (including 1: 1,250 plans showing proposed auxiliary lanes).
CD/M/18	Report on a site investigation at M42 Forest of Arden 1999.
CD/M/19	Not used.
CD/M/20	Paramics simulation report – M42 junctions 5 to 7.
CD/M/21	Paramics simulation – sensitivity tests report.
CD/M/22	An investigation of flow breakdown and merge capacity on motorways – TRL/Southampton University – contractor report 338.
CD/M/23	Drawing DH/301/4B – survey of existing conditions.
CD/M/24	Drawing 301/05C – proposed layout (illustrative).
CD/M/25	Drawing DH/6B sections.
CD/M/26	Drawing 30 1/9 proposed improvements – setting of Walford Farm.
CD/M/27	Drawing 30 1/1 1A – motorway planting.
CD/M/28	Not used
CD/M/29	Updated environmental statement.

N: Junction 5 Ravenshaw Papers

CD/N/1	Not used
CD/N/2	Preliminary layout drawing 248S/1P April 1997.

CD/N/3	Site location plan 148S/2 December 1997.
CD/N/4	Environmental Statement volume 1 September 1998 including confidential badger report.
CD/N/5	Environmental Statement volume 2 September 1998.
CD/N/6	Traffic impact assessment October 1999.
CD/N/7	Report for members at fact finding meeting 3/3/99.
CD/N/8	W S Atkins review of Environmental Statement January 1999.
CD/N/9	Supplementary Environmental Statement December 1999 including addendum note.

0: Papers on Junction 4 Monkspath MSA

CD/O/ 1	Not used
CD/O/2	Site boundary plan drawing 97/32/1/1 February 1998.
CD/O/3	General layout plan drawing 97/32/1/2A February 1998.
CD/O/4	Report by HMA on the case for need January 1999.
CD/O/5	Environmental Statement May 1999.
CD/O/6	Plans to accompany Environmental Statement May 1999.
CD/O/7	Traffic Impact Assessment May 1999.
CD/O/8	Noise, air quality and vibration May 1999.
CD/O/9	External lighting consideration May 1999.
CD/O/10	Non-technical summary of ES May 1999.
CD/O/1 1	Not used.
CD/O/1 2	W S Atkins review of ES/TIA August 1999.
CD/O/13	Not used
CD/O/14	Count On Us report 'West Midlands MSAs Traffic Surveys' August 1999.
CD/O/ 15	Supplementary Environmental Statement December 1999.

P: Other Appeal Decisions – General

CD/P/1	National Exhibition Centre Birmingham DOE Ref PE 1/2243/223/5.
CD/P/2	Birmingham International Airport DOE Ref WMR/P/5039/220/2 (part 4) and 3.
CD/P/3	Hawkhurst Moor Coalmine DOE Ref M/5077/42/1-3.
CD/P/4	THF Hotel Lady Byron Lane DOE Ref APP/Q4625/A/87/076201.
CD/P/5	Reports and decision letter relating to Blythe Valley Business Park – various DOE references (3 volumes).
CD/P/6	Birmingham Business Park DOE Ref APP/Q4625/A/84/19 183 and others.

CD/P/7	Lincoln Farm Hotel, Marsh Lane, Hampton-in-Arden DOE Ref T/APP/Q4625/A/98/1012634/P5.
CD/P/8	Golf Course Shadow Brook Lane DOE Ref APP/Q4265/A/92/205088.
CD/P/9	Old Silhillians RFC Copt Heath DOE Ref T/APP/Q4265/A/95/259793/P2.
CD/P/10	Bryant Homes Ltd land at Barston Lane DOE Ref APP/5 108/A/78/017 13.
CD/P/11	W Stubbings Ltd land at Warwick Road DOE Ref APP/Q4625/A/83/2613.
CD/P/12	Birmingham Business Park Hotel DOE Ref APP/Q4625/A/88/101127.
CD/P/13	Plan: locations at Lincoln Farm site/golf course.
CD/P/14	Plan: locations at hotel site north of NEC.
CD/P/15	Plan: locations of appeal decisions around Junction 5.
CD/P/16	Plan: Hawkhurst Moor scheme.

Q: Motorway service areas decisions

Volume 1

CD/Q/1	Proposed MSA Woodlands Park: first interim decision letter and Inspectors report, September 1995
CD/Q/2	Proposed MSA Woodlands Park: second interim decision letter and Inspectors report, September 1997
CD/Q/3	Proposed MSA at New Barn Farm: interim decision letter and report, September 1997

Volume 2

CD/Q/4	Proposed MSA at Waltham Abbey and Theydon Bois: Secretary of State's decision and Inspectors report, June 1996 (P.271)
CD/Q/5	Proposed MSA at Great Wood: Inspectors report, September 1998 (P.547)

Volume 3

CD/Q/6	Proposed MSA at Redbourn: Secretary of State's decision and Inspectors report, November 1998 (P.634)
CD/Q/7	Proposed MSAs at Wheatley, Waterstock, Tetsworth, Stockenchurch and Booker. Secretary of State's decision letter and Inspectors report, February 1996 (P.738)
CD/Q/8	Proposed MSA at The Field Faim: Secretary of State's decision and Inspector's conclusions, July 1993 (P.985)

Volume 4

CD/Q/9	Proposed MSA at Hopwood: first interim decision letter and Inspectors report, July 196 (P.999)
CD/Q/10	Proposed MSA at Hopwood: second intermin decision letter, December 1996 (P. 1052)
CD/Q/11	Proposed MSA at Warren Farm: Inspectors report, September 1998 (P. 1055)
CD/Q/12	Proposed MSA at Lewknor: Secretary of State's decision and Inspector's conclusions, February 1996 (P.1152)
CD/Q/13	Proposed MSA at Fylde: Secretary of State's decision and Inspector's report, July 1999 (P. 1169)
CD/Q/14	Proposed MSA at Hadzor: Inspector's decision letter, December 1994 (P. 1232)

CD/Q/15 Proposed MSA at Pershore: Inspector's decision letter, February 1995 (P.1246)

CD/Q/16 Proposed MSA at Harrogate, Secretary of State's decision letter and Inspector's conclusions, March 1999 (P.1256)

Volume 5

CD/Q/17 Proposed MSA at Hatford: Secretary of State's decision letter and Inspector's report, March 1997 (P. 1299)

CD/Q/18 Proposed MSA at Itchin Wood: Secretary of State's decision letter and Inspector's report, June 1997 (P. 1352)

CD/Q/19 Proposed MSA at Simple Marsh Farm, Addlestone (P. 1471)

CD/Q/20 Proposed MSA: Elk Meadows, Iver (P. 1539)

CD/Q/21 Proposed MSA. Junction 8/9, Maidonhead (P. 1654)

Volume 6

CD/Q/22 Inspector's report: proposed MSA at Diseworth, July 1996 (P. 1812)

CD/Q/23 Secretary of State's decision – proposed MSA at New Barn Farm, Cobham, October 1999 (P. 1830)

CD/Q/24 Secretary of State's decision – proposed MSA at Elk Meadows, Iver, Bucks, October 1999 (P. 1858)

CD/Q/25 Secretary of State's decision – proposed MSA at Great Hazes, Beechams Heath, Berks, October 1999 (P.1896)

CD/Q/26 Secretary of State's decision – proposed MSA at Woodlands Park, Iver, October 1999 (P. 1954)

CD/Q/27 Secretary of State's decision – proposed MSA at Great Wood, Maidenhead, October 1999 (P.1980)

CD/Q/28 Secretary of State's decision – proposed MSA at Warren Farm, Chelfont St Peter, Bucks, October 1999 (P.2018)

CD/Q/29 Secretary of State's decision – proposed MSA at Simple Marsh Farm, Addlestone, October 1999 (P.2052)

CD/Q/30 Secretary of State's decision – proposed MSA at junction 8/9 M4, Maidenhead, October 1999 (P.2060)

CD/Q/31 Secretary of State's decision – proposed MSA at North Pire Hill Farm, Stone, Staffordshire, Hallam Land (P.2124)

CD/Q/32 Secretary of State's decision – proposed MSA at A1/A507 interchange, Swayfields (P.2 137)

CD/Q/33 Secretary of State's decision – proposed MSA at Pedham Place, Scatchers Lane and Crowhurst Lane, Swayfields, Lawlor Lane, Allied London (P.2 156)

CD/Q/34 Secretary of State's decision and Inspector's report – proposed travel lodge at Knutsford MSA, M6 northbound (APP/C0630/A/99/ 10 195 69)

R: Miscellaneous

CD/R/1 Revised Environmental Statement Consultation Papers for all 3 sites – 2 bundles

CD/R/2 Questions put to Highways Agency by Inspector, CPRE and Hampton-in-Arden Society

CD/R/3 Copy of responses to ES additional information from Statutory Consultees

CD/R/4 Folders A to E containing third party representations received by Solihull MBC in respect of all three sites at the time of consideration of the planning applications.

DOCUMENTS SUBMITTED BY THE APPELLANTS

A) DOCUMENTS SUBMITTED BY BLUE BOAR MOTORWAYS LTD AND THE EXECUTORS OF THE ESTATE OF SIR JOHN GOOCH (BART)

Associated with the evidence of Mr Boreham

1.1.1	P/BB/01 (pt)	The proposal (Section 3 of Mr Boreham's proof of evidence)
1.1.2	P/BB/01 (pt)	Negotiations with the Highways Agency (Section 4 of Mr Boreham's proof of evidence)
1.1.3	P/BB/01 (pt)	General description of the M42 (Section 5 of Mr Boreham's proof of evidence)
1.1.4	P/BB/01 (pt)	M42 traffic conditions (Section 6 of Mr Boreham's proof of evidence)
1.1.5	P/BB/01 (pt)	MSA turn – in traffic (Section 7 of Mr Boreham's proof of evidence)
1.1.6	P/BB/01 (pt)	Access to the Motorway (Section 8 of Mr Boreham's proof of evidence)
1.1.7	P/BB/01 (pt)	Effect on M42 – leaving analysis (Section 9 of Mr Boreham's proof of evidence)
1.1.8	P/BB/01 (pt)	Effect on M42 – additional analysis (north bound) (Section 10 of Mr Boreham's proof of evidence)
1.1.9	P/BB/01 (pt)	Effect on M42 – additional analysis (south bound) (Section 11 of Mr Boreham's proof of evidence)
1.1.10	P/BB/01 – 01 (Appx 1)	Report on lighting for traffic areas
1.1.11	P/BB/01 – 01 (Appx 2)	Extract of TA46/97
1.1.12	P/BB/01 – 01 (Appx 3)	M42 traffic flows, junction 5 to junction 6 – RE profile
1.1.13	P/BB/01 – 01 (Appx 4)	Seasonal variation of peak hour M42 traffic flows
1.1.14	P/BB/01 – 01 (Appx 5)	Predicted M42 traffic using 1997 forecasts
1.1.15	P/BB/01 – 01 (Appx 6)	Personal injury accidents
1.1.16	P/BB/01 – 01 (Appx 7)	Turn-in rates at Clacket Lane MSA
1.1.17	P/BB/01 – 01 (Appx 8)	Comparison of hourly turn-in rates at Clacket Lane MSA
1.1.18	P/BB/01 – 01 (Appx 9)	Calculation of possible peak hour turn-in rate
1.1.19	P/BB/01 – 01 (Appx 10)	Calculation of existing MSA peak hour turn-in rate
1.1.20	P/BB/01 – 01 (Appx 11)	Technical note of near side/off side turn-in rates
1.1.21	P/BB/01 – 01 (Appx 12)	Calculation of directional turn-in rates at Scratchwood MSA
1.1.22	P/BB/01 – 01 (Appx 13)	Calculation of directional turn-in rates at Hopwood Park MSA
1.1.23	P/BB/01 -01 (Appx 14)	Weaving test results – tables 14.1 and 14.2
1.1.24	P/BB/01 – 01 (Appx 15)	Traffic flow data and highway design calculations

1.1.25	P/BB/01 – 01 (Appx 16)	Extract of TA 48/92
1.1.26	P/BB/01 -01 (Appx 17)	An introduction to micro-simulation
1.1.27	P/BB/01 -01 (Appx 18)	Report on the operation of the south bound carriageway between junctions 6 and 5
1.1.28	P/BB/01 – 01 (Appx 19)	Proposed auxilary lanes between junction 6 and MSA – Plans 98092/24 and 25
1.1.29	P/BB/01 – 01 (Appx20)	Letter from Highways Agency re departures
1.1.30	P/BB/01 – 01 (Appx 21)	Local road network – Plan 98092/30 and report
1.1.31	P/BB/01 – 01 (Appx 22)	Report on proposed drainage measures
1.1.32	P/BB/01/A (pt)	National policy guidance (Section 2 of the revised need report)
1.1.33	P/BB/01/A (pt)	The relevant motorway network (Section 3 of the revised need report)
1.1.34	P/BB/01A (pt)	Need in relation to the parking capacity of existing MSAs (Paragraphs 5.1 – 5.21 of Section 5 of the revised need report)
1.1.35	P/BB/01/A (pt)	Need in relation to design standards of existing MSAs (Paragraphs 6.1 – 6.26 of the revised need report)
1.1.36	P/BB/01/A (pt)	Need in relation to the type and nature of the traffic (paragraphs 7.1 – 7.22 of Section 7 of the revised need report)
1.1.37	P/BB/01A – 01 (Appx 1)	The objectives of MSAs
1.1.38	P/BB/01A – 01 (Appx 2)	MSA policy guidance
1.1.39	P/BB/01A – 01 (Appx 3)	The relevant motorway network
1.1.40	P/BB/01A – 01 (Appx 4)	Parking capacity at existing MSAs
1.1.41	P/BB/01A – 01 (Appx 5)	Design of existing MSAs
1.1.42	P/BB/01A – 01 (Appx 6)	MSA spacing
1.1.43	P/BB/01A – 01 (Appx 7)	Traffic flow data
1.1.44	P/BB/01A – 01 (Appx 8)	Traffic routing information
1.1.45	P/BB/01A – 01 (Appx 9)	Congestion and motorway stress levels
1.1.46	P/BB/01A – 01 (Appx 10)	Traffic types analysis
1.1.47	P/BB/01A – 01 (Appx 11)	Not used
1.1.48	P/BB/01A – 01 (Appx 12)	Extract of papers on fatigue and sleep related accidents
1.1.49	P/BB/01A – 01 (Appx 13)	Expansion of existing MSAs
1.1.50	BB/01 – 03	Stage 1 Safety Audit November 1999
1.1.51	BB/01 – 04	M42 Paramics case studies
1.1.52	BB/01 – 05	Plan: Schematic drainage measures (98092/60)

1.1.53	BB/01 - 06	Letter: English Nature dated 24 November 1999
1.1.54	BB/01 – 07	Letter: Environment Agency dated 26 November 1999
1.1.55	BB/01 – 08	Plan: River Blythe, Cole and Bourne catchment (98092/55)
1.1.56	BB/01 – 10 (Appx 1)	Operational Characteristics of journeys to and from Junction 4 MSA
1.1.57	BB/01 – 10 (Appx 2)	Junction 4 MSA calculation of Motorway capacity at merge
1.1.58	BB/01 – 10 (Appx 3)	Operational Characteristics of journeys to and from MSA at Junction 5
1.1.59	BB/01 – 10 (Appx 4)	Donnington Park M 1 Junction 23A site location
1.1.60	BB/01 – 10 (Appx 5)	Schematic diagram of M42 road signs (northbound) – Drwg No 98092/59 RevB
1.1.61	BB/01 – 11	Letter: SIAS dated 30 November 1999
1.1.62	BB/01 – 12	Letter: English Heritage dated 30 March 1998
1.1.63	BB/01 – 13	Letter: Environment Agency dated 3 March 1998
1.1.64	BB/01 – 14	Drainage mitigation measures drawing 98092/57/A
1.1.65	BB/01 – 15	Schematic drainage layout drawing 98092/54/A
1.1.66	BB/01 – 16	M42 MSA Catherine de Barnes – statement on the flap signing system to the NEC car parks
1.1.67	BB/01 – 17	Note on assessment for available parking spaces at existing MSAs
1.1.68	BB/01 – 18	Superstore traffic impact assessment – Solihull
1.1.69	BB/01 – 19	Statement on weaving lengths
1.1.70	BB/01 – 19A	Statement on weaving lengths – explanation of figure 2
1.1.71	BB/01 – 20	Statement on the police layby on the M42
1.1.72	BB/01 – 21	Statement on earthworks volumes in connection with the auxiliary lanes
1.1.73	BB/01 – 22	Revised drainage layout drawing 98092/6 1 revision A
1.1.74	BB/01 – 23	Statement on the operation, maintenance, management and monitoring of the pollution control systems at the proposed MSA
1.1.75	BB/01 – 24	Aquatic macrophyte survey of River Blythe SSSI
1.1.76	BB/01 – 25	Letter: Birmingham City Council dated 14 January 2000
1.1.77	BB/01 – 26	Inquiry note on lighting issues raised by CPRE
1.1.78	BB/01 – 27	Note on fencing/land availability raised in CPRE response to updated Environmental Statement
1.1.79	BB/01 – 29	Press cutting: Birmingham Post dated 4 February 2000 – "BNRR gets early launch date"
1.1.80	BB/01 – 31	M42 MSA auxiliary lanes – extent of lane narrowing – drawing 98092/68

1.1.81	BB/01 – 32	Highways Agency CHE memo 24/95 motorway widening – cross section and layout at physical restraints
1.1.82	BB/01 – 33	Revised drainage layout: drawing 98092/61 revision C
1.1.83	BB/01 – 34	Green wall cross sections: drawing 98092/70 revision A

Associated with the evidence of Mr Huskisson

1.2.1	P/BB/02 (pt)	Existing landscape character of area and M42 corridor (section 2 of Mr Huskisson's proof of evidence
1.2.2	P/BB/02 (pt)	The appeal site (section 3 of Mr Huskisson's proof of evidence)
1.2.3	P/BB/02 (pt)	Design (section 4 of Mr Huskisson's proof of evidence)
1.2.4	P/BB/02 – 01 (Appx lpt)	Photograph location plan and photo sheets A-G (including F1)
1.2.5	P/BB/02 – 01 (Appx lpt)	Photo sheets H and I
1.2.6	P/BB/02 – 01 (Appx lpt)	Photo sheet J
1.2.7	P/BB/02 – 01 (Appx 2)	Highways Agency letter 27 October 1999
1.2.8	P/BB/02 – 01	Plan DH1: Map extract of Warwickshire Landscapes Guidelines report
1.2.9	P/BB/02– 01	Plan DH2: Site location
1.2.10	P/BB/02 – 01	Plan DH3: Drainage, topography and vegetation
1.2.11	P/BB/02 -01	Plan DH4B: Survey of existing conditions
1.2.12	P/BB/02 – 01	Plan DH5C: Proposed layout
1.2.13	P/BB/02 – 01	Plan DH6B: Cross sections
1.2.14	P/BB/02 – 01	Plan DH7: Visibility Study
1.2.15	P/BB/02 – 01	Plan DH8B: Off site mitigation proposals
1.2.16	P/BB/02 – 01	Plan DH9: Proposed improvements to setting of Walford Farm
1.2.17	P/BB/02 – 01	Plan DH 10: Before and after views of Walford Hall Farmhouse
1.2.18	P/BB/02 – 01	Plan DH 11A: Motorway planting
1.2.19	P/BB/02 – 01 (Appx 1)	Drawing RJJ8 illustrating land take at M42 Junction 5
1.2.20	P/BB/02 – 03 (Appx 2)	Gabion details
1.2.21	P/BB/02 – 03 (Appx 3)	Aerial photograph
1.2.22	P/BB/02 – 03	Plan DH 12: Extract from DOE planting plan M42 Solihull
1.2.23	P/BB/02 – 04	Landscape and ecological proposals and management plan for off-site works of mitigation
1.2.24	P/BB/02 – 06	Extract from drawing 301/05C illustrating long vehicle waiting bay
1.2.25	P/BB/02 – 07	Drawing illustrating loss of hedgerows as a result of motorway construction at Catherine de Barnes

1.2.26	P/BB/02 – 08	Mr Huskisson's Third Supplementary Proof of Evidence (Written Submission)

Associated with the evidence of Mrs Ludlow

1.3.1	P/BB/03 (pt)	European, national legislation and local policies (section 2 of Mrs Ludlow's proof of evidence)
1.3.2	P/BB/03	Description of ecology (section 3 of Mrs Ludlow's proof of evidence)
1.3.3	P/BB/03 (pt)	Table 1: Habitat change
1.3.4	P/BB/03	Plan 1A: Site phase 1 survey
1.3.5	P/BB/03	Plan DH 15: Habitat creation
1.3.6	P/BB/03 (Appx 1)	Correspondence
1.3.7	P/BB/03 – 01	Supplementary ecological information
1.3.8	P/BB/03 – 02	Letter: English Nature dated 10 November 1999
1.3.9	P/BB/03 – 04	Letter: Alan Boreham dated 6 December 1999
1.3.10	P/BB/03 – 05	Letter: Wardell Armstrong dated 8 December 1999
1.3.11	P/BB/03 – 06	Letter: English Nature dated 10 March 1998

Associated with the evidence of Mr Munby

1.4.1	P/BB/04	Historic buildings (paragraphs 2.1.1 to 2.2.6 of section 2 of Mr Munby's proof of evidence)
1.4.2	P/BB/04 (pt)	Analysis of setting of Walford Hall Farm (Table 1 of section 2 of Mr Munby's proof of evidence)
1.4.3	P/BB/04 (pt)	Walford Hall: Location of farm buildings (figure 1 of Mr Munby's proof of evidence)
1.4.4	P/BB/04 (Appx A)	Response to W S Atkins review of ES
1.4.5	P/BB/04 (Appx B)	Walford Hall Farm – brief survey report and recommendations November 1999, Rodney Melville and Partners
1.4.6	P/BB/04 (Appx C)	Report on geophysical survey
1.4.7	P/BB/04 – 02	Smith Balla survey report on Walford Hall Farm
1.4.8	P/BB/04 – 03	Letter: Don Proctor dated 18 October 1999
1.4.9	P/BB/04 – 04	English Heritage leaflet: Office floor loading in historic buildings
1.4.10	P/BB/04 – 05 (pt)	Specification of room use for staff training, Walford Hall Farm (sections 1 and 2 of Mr Munby's supplementary proof of evidence)
1.4.11	P/BB/04 – 06	Letter: Smith Balla dated 14 January 2000
1.4.12	P/BB/04 – 07	Walford Hall Farm – Amended Survey Report and Recommendations together with associated Drawings 01 to 10 (April 2000)

1.4.13	BB/04-08	Various correspondence relating to response by CPRE and Local Planning Authority to revised proposals for Walford Hall Farmhouse

Associated with the evidence of Mr Proctor

1.5.1	P/BB/05 (pt)	The appeal site and surroundings (section 3 of Mr Proctor's proof of evidence)
1.5.2	P/BB/05 (pt)	History of appeal site and proposals (section 4 of Mr Proctor's proof of evidence)
1.5.3	P/BB/05 (pt)	Planning issues arising (paragraphs 5.1 to 5.4 of section 5 of Mr Proctor's proof of evidence
1.5.4	P/BB/05 – 01 (Appx 1)	1: 50,000 scale OS location plan
1.5.5	P/BB/05 – 01 (Appx 2)	DOT drawing IM/442/1B/12/6, January 1973
1.5.6	P/BB/05 – 01 (Appx 3)	DOT outline proposals for MSA, March 1973
1.5.7	P/BB/05 – 01 (Appx 4)	DOE letter 22 February 1974
1.5.8	P/BB/05 – 01 (Appx 5)	Landowner agent letter 10 December 1997
1.5.9	P/BB/05 – 01 (Appx 6)	Committee report 17 March 1999
1.5.10	P/BB/05 – 01 (Appx 7)	Local planning authority letter 25 March 1999
1.5.11	P/BB/05 -01 (Appx 8)	Decision notice dated 3 1 March 1999, application 99/0004
1.5.12	P/BB/05 – 01 (Appx 9)	Solihull MBC Unitary Development Plan extracts
1.5.13	P/BB/05 – 01 (Appx 10)	MSA Policy statement 3 1 July 1998
1.5.14	P/BB/05 – 01 (Appx 11)	Lodges on Green Belt MSA sites
1.5.15	P/BB/05 – 01 (Appx 12)	MAFF classification
1.5.16	P/BB/05 – 01 (Appx 13)	Walford Hall Farm listing detail
1.5.17	P/BB/05 – 01 (Appx 14)	Alternative sites
1.5.18	P/BB/05 – 01 (Appx 15)	Appeal decision letter WMR/P/5372/33, dated 20 January 1995
1.5.19	P/BB/05 – 01 (Appx 16)	Appeal decision letters APP/P 1805/A/94/2368 19 and 95/249270 dated 16 July 1996, 16 December1996, 2 April 1997 and 5 December 1997
1.5.20	P/BB/05 – 01 (Appx 17)	Appeal decision letter E1/J1535/2/4/05, 06, 07, 09, 10, dated 18 June 1996
1.5.21	P/BB/05 – 01 (Appx 18)	Solihull MBC planning fact sheet No.4
1.5.22	P/BB/05 -01 (Appx 19)	Walford Hall report by Smith Balla
1.5.23	P/BB/05 – 03	Extract from the Solihull Times dated 17 December 1999 – Notices of additional environmental information.

General

1.6.1	BB/GEN/01	The Rochdale Metropolitan Borough Council, ex parte Tew and others (1999) 3 PLR 74
1.6.2	BB/GEN/02	Bundle of correspondence

1.6.3	BB/GEN/03	Letter: Safety regulation group dated 16 January 1998
1.6.4	BB/GEN/04	Blue Boar response to WBG/01-05
1.6.5	BB/GEN/05	S 106 Unilateral Planning Obligation executed and dated 14 June 2000, including drawings referred to in the Document
1.6.6		Application for an award of Costs by Blue Boar Motorways Ltd and Sir John Gooch Bart against Shirley Estates (Developments) Ltd

B) DOCUMENTS SUBMITTED BY SWAYFIELDS LTD

Associated with the evidence of Mr Townsley

2.1.1	P/SW/O 1 (pt)	Appeal site location (section 4 of Mr Townsley's proof of evidence)
2.1.2	P/SW/O 1 (pt)	MSA spacing (paragraphs 5.1 to 5.11 of section 5 of Mr Townsley's proof of evidence)
2.1.3	P/SW/O 1 (pt)	Off-line MSAs (section 7 of Mr Townsley's proof of evidence)
2.1.4	P/SW/O 1 (pt)	Further secondary justification (paragraphs 8.1 to 8.44 of section 8 of Mr Townsley's proof of evidence)
2.1.5	P/SW/O 1 (pt)	Proposed development and road works (section 9 of Mr Townsley's proof of evidence)
2.1.6	P/SW/01 – 01(Appx CT1)	Thames Valley Police press release
2.1.7	P/SW/01 – 01(Appx CT2)	Extract from evidence of M Ainsworth to the M25 Elk Meadows public inquiry
2.1.8	P/SW/01 – 01(Appx CT3)	MSA conference paper of M Ainsworth of the HA
2.1.9	P/SW/01 – 01(Appx CT4)	Decision letter and extract of Inspectors report conclusions; Hopwood M42 J2 public inquiry
2.1.10	P/SW/01 – 01(Appx CT5)	Decision letters; New Barn Farm M25 J10 to J9 (Cobham); and Great Wood M4
2.1.11	P/SW/01 – 01(Appx CT6)	Regional motorway network MSA and ADS signs
2.1.12	P/SW/01 – 01(Appx CT7)	Extract from Inspectors report conclusions, New Barn Farm (Cobham) M25 J10 to J9 MSA public inquiry
2.1.13	P/SW/O 1 – 01(Appx CT8)	Extract from Inspectors report conclusions Elk Meadows M25 public inquiry
2.1.14	P/SW/01 – 01(Appx CT9)	Extracts from TD22/92 and TA48/92
2.1.15	P/SW/O 1-01 (Appx CT1 0)	Decision letter Elk Meadows M25 MSA public inquiry
2.1.16	P/SW/01–01(Appx CT1 1)	Local location plan of site
2.1.17	P/SW/01–01(Appx CT12)	Regional plan
2.1.18	P/SW/01–01(Appx CT13)	Plan and view of A41 Solihull bypass
2.1.19	P/SW/01–01(Appx CT14)	MSA distance matrix
2.1.20	P/SW/01–01(Appx CT1 5)	Extract from Circular 4/88

2.1.21 P/SW/01–01(Appx CT16) Decision letter and extracts of Inspectors conclusions Radwell MSA A1(M public inquiry)

2.1.22 P/SW/01–01(Appx CT17) Plans of off-line MSAs in England

2.1.23 P/SW/01-01 (Appx CT 18) 1992 MSA policy, press release

2.1.24 P/SW/01–01(Appx CT19) Summary of motorway flows in England

2.1.25 P/SW/01-01(Appx CT20) Summary of MSA flows

2.1.26 P/SW/01-01(Appx CT2 1) Plans of motorway stress levels

2.1.27 P/SW/01-01(Appx CT22) Extract from TA46/97

2.1.28 P/SW/01-01(Appx CT23) Correspondence with Police and Mr R Wilkinson

2.1.29 P/SW/01-02(Appx CT24) HSL drawing HSL00149/SK10E

2.1.30 P/SW/01-02(Appx CT25) External road works stage 1 safety audit

2.1.31 P/SW/01-02(Appx CT26) TPK modified proposals (Drwg No 11631/40) amended by Doc 2.1.43.

2.1.32 P/SW/01–02(Appx CT27) Direction signing scheme for Ravenshaw

2.1.33 P/SW/01–02(Appx CT28) Internal MSA layout safety audit

2.1.34 P/SW/01–02(Appx CT29) HA letter of agreement

2.1.35 P/SW/01-02(Appx CT30) Agreed statement with HA

2.1.36 P/SW/01–02(Appx CT3 1) Swayfield's minutes of 11 November 1999 meeting with Solihull MBC

2.1.37 P/SW/01-02(Appx CT32) Departures report by HSL to HA

2.1.38 P/SW/01–02(Appx CT33) Extract from TIA ARCADY assessments M42 J5

2.1.38(a)P/SW/01–02(Appx CT34) Summary of capacity analysis

2.1.39 P/SW/01–02(Appx CT35) A41 M42 J5 PIA summary and location plot

2.1.40 P/SW/01–02(Appx CT36) M42 J4 with and without the proposed Blythe Valley MSA

2.1.41 P/SW/01–05(Appx CT37) Ainsworth – 1995 TRICS conference

2.1.42 P/SW/01–05(Appx CT39) Police letter

2.1.43 P/SW/01–05(Appx CT40) Drawing TPK/11631/40A – modified GA

2.1.44 P/SW/01-05(Appx CT41) 3 MSA plans

2.1.45 P/SW/01 – 06 Agreed statement between officers of SMBC and Swayfields on technical, traffic and highway issues – December 1999

2.1.45a P/SW/01-06A Amendment to agreed statement indicating that CT40 replaces CT24

2.1.46 P/SW/01 – 07 2 extracts: provisional West Midlands Local Transport Plan 1999

2.1.47 P/SW/01 – 08 extract: MSA decision – Elk Meadows August 1999

2.1.48 P/SW/01 – 09 Note on MSA distances

2.1.49	P/SW/01 – 10	Node/link diagram agreed scheme: drawing 1163 I/M03B
2.1.50	P/SW/01 – 11	Inquiry note: request for journey time details, M42 J5, by CPRE

Associated with the evidence of Mr Jones

2.2.1	P/SW/02 (pt)	Environmental characteristics (section 3 of Mr Jones proof of evidence)
2.2.2	P/SW/02 (pt)	Visibility studies (section 4 of Mr Jones proof of evidence)
2.2.3	P/SW/02 (pt)	Description of built development (paragraph 6.1 to 6.25 of section 6 of Mr Jones proof of evidence
2.2.4	P/SW/02-01 (Appx RJJ 1)	Location plan
2.2.5	P/SW/02-01(Appx RJJ2)	Vegetation, settlement and land use
2.2.6	P/SW/02-01 (Appx RJJ3)	Topography
2.2.7	P/SW/02-01 (Appx RJJ4)	Planning designations and constraints map
2.2.8	P/SW/02-01(Appx RJJ5)	Ravenshaw Hall listing
2.2.9	P/SW/02-01 (Appx RJJ6pt)	Visual assessment: A - existing site without development
2.2.10	P/SW/02-01 (Appx RJJ6pt)	Visual assessment: B - existing site with built development – year one
2.2.11	P/SW/02-01 (Appx RJJ6pt)	Visual assessment: C- existing site with built development – year seven
2.2.12	P/SW/02-01 (Appx RJJ7)	Illustrative master plan
2.2.13	P/SW/02-01(Appx RJJ8)	Proposed highway and site access layout
2.2.14	P/SW/02-01 (Appx RJJ9)	Draft highway cross sections
2.2.15	P/SW/02-01(Appx RJJ10)	Highway layout – vegetation details
2.2.16	P/SW/02-01(Appx RJJ11)	Typical retaining structures
2.2.17	P/SW/02-01 (Appx RJJ13A)	Typical examples of MSAs
2.2.18	P/SW/02-01 (Appx RJJ13B)	Typical examples of MSAs
2.2.19	P/SW/02-01(Appx RJJ14)	Site photographs 1 to 7
2.2.20	P/SW/02-01 (Appx RJJ15)	Visibility cross sections
2.2.21	P/SW/02-02	Report on external lighting provision (JBA) including amended drawings P058/200 Revision A and P058/201
2.2.22	P/SW/02-03 (RJJ Appx 3)	Plan 7: Visibility Study
2.2.23	P/SW/02-03 (RJJ Appx 4)	Supplementary noise assessment
2.2.24	P/SW/02-03 (RJJ Appx 5)	Drawing 12 – 1395.01.005 Visibility cross-section – Section FF
2.2.25	P/SW/02-04	Drawing P058/201 Revision P 1 Roadway lighting upper grade proposals
2.2.26	P/SW/02-05	Drawing P058/200 Revision P3 Exterior lighting layout

2.2.27	P/SW/02-09	Illustrative master plan ref. RJJ7 – Coloured version
2.2.28	P/SW/02-10	Illustrative master plan ref. RJJ7 – Drawing 12-1395.01 .001 Revision E
2.2.29	P/SW/02- 11	Report to development control sub-committee for April 1996 Whale Tankers Limited – Relocation of paint shop, steel process facility, Extension of service bay and change of use (Cow Hayes) from residential to use ancillary to works
2.2.30	P/SW/02-12	Report to development control sub-committee 2 1 June 1989 Whale Tankers Limited – Construction of 6 metre wide road to adoptable Standards from the Warwick Road to serve Oil Tankers Limited
2.2.3 1	P/SW/02-14	Letter from JBA dated 10 January 2000
2.2.32	P/SW/02- 15	Letter from the countryside agency dated 25 August 1999
2.2.33	P/SW/02-16 Assessment Guidance 1999'	Copy of the countryside agency's document 'Interim Landscape Character
2.2.34	P/SW/02-17	Inquiry note – agreed matters between Mr Thirkettle and Mr Jones
2.2.35	P/SW/02-18	Sixth Supplementary Representations by Mr Jones

Associated with the evidence of Mr Hughes

2.3.1	P/SW/03	The planning and legal context (section 2 of Mr Hughes' proof of evidence)
2.3.2	P/SW/03 proof of evidence)	Nature conservation interests of the appeal site (section 3 of Mr Hughes'
2.3.3	P/SW/03-01 (fig 1)	Site habitat plan
2.3.4	P/SW/03-01 (fig 2)	Extent of badger territories
2.3.5	P/SW/03-0 1 (fig3)	Badger foraging resources
2.3.6	P/SW/03-01 (Appx 1)	Water quality and drainage issues
2.3.7	P/SW/03-0 1 (Appx 2)	Water quality
2.3.8	P/SW/03-0 1 (Appx 4)	Correspondence with English Nature, Warwickshire Badger Group and the Environment Agency
2.3.9	P/SW/03-01 (Appx 5)	Wheatley Services drainage design
2.3.10	P/SW/03-01 (Appx 3)	Confidential survey of badger activity
2.3.11	P/SW/03-02 (Appx 1)	Comments on the report prepared by Dr Latimer by Prof. D M Revitt
2.3.12	P/SW/03-03	Comments on UDP environmental policies and Environment Agency LEAP action plan
2.3.13	P/SW/03-06	Typical event mean concentrations and pollutant reductions
2.3.14	P/SW/03-07	Comparison of the heavy metal content of motorway storm water following discharge into wet bio-filtration and dry detention ponds along the London orbital (M25) motorway by Hares and Ward

Associated with the evidence of Mr Ralph

2.4.1	P/SW/OS	The appeal site and its surroundings (Section 2 of Mr Ralph's proof of evidence)
2.4.2	P/SW/OS	The detail of the appeal proposal (Section 3 of Mr Ralph's proof of evidence)
2.4.3	P/SW/OS	The Swayfields application process and chronology of events leading up to the joint inquiry (Section 4 of Mr Ralph's proof of evidence)
2.4.4	P/SW/OS	Planning policies (Section 6 of Mr Ralph's proof of evidence)
2.4.5	P/SW/05-01 (Appx 1)	'Edwards Case'
2.4.6	P/SW/05-01 (Appx 2)	Summary of consultation reprise
2.4.7	P/SW/05-01 (Appx 3)	Chronology of the UDP process
2.4.8	P/SW/05-01 (Appx 4)	Schedule of existing MSAs and schedule of unimplemented consents
2.4.9	P/SW/05-01 (Appx 5)	A summary of key issues and their treatment in decision letters
2.4.10	P/SW/05-01 (Appx 6)	Rotherham UDP extracts from Inspectors report
2.4.11	P/SW/05-01 (Appx 7)	Hotel/motel accommodation provision survey
2.4.12	P/SW/05-01 (Appx 8)	Archaeology letter dated 15 October 1999
2.4.13	P/SW/05-01 (Appx 9)	Gas pipeline letter/information
2.4.14	P/SW/05-02	Secretary of State decision Waltham Abbey references
2.4.15	P/SW/05-05	Decision letter October 1988 – extension to Whale Tankers

Other documents submitted on behalf of Swayfields

2.5.1	P/SW/04	Mr Worthington's proof of evidence
2.5.2	P/SW/04-01 (Annex 1)	Agricultural land classification survey results
2.5.3	P/SW/04-01 (Annex 2)	Preliminary appraisal of probable land quality in the locality
2.5.4	P/SW/04-01 (Annex 3)	MAFFS 1978 and 1980 ALC plan
2.5.5	P/SW/04-01 (Annex 4)	Letter of non-objection from FRCA to LPA
2.5.6	P/SW/04-01 (Annex 5)	MAFFS consultation response re Blue Circle Snodland plant – soil mitigation proposals
2.5.7	P/SW/04-01 (Annex 6)	MAFFS consultation response re the University of Reading – soil mitigation proposals
2.5.8	P/SW/04-01 (Annex 7)	Decision letter on farm viability as not of significant weight
2.5.9	P/SW/04-03	Letter from RAC dated 20 December 1999 regarding soil transfer proposals
2.5.10	P/SW/GEN-02	Draft S106 agreement
2.5.10a	P/SW/GEN-02a	Revised S106 agreement, not executed

2.5.10b	SW/GEN-02b	Copy of S 106 Unilateral Undertaking agreed with SMBC officers, to be executed by 30 June 2000.
2.5.10c		Copy of executed S 106 Planning Obligation dated 22 June 2000
2.5.11	P/SW/GEN-03	Summary of the S.o.S decision letters dated 22 October 1999
2.5.12	P/SW/GEN-04	Notes on Envirocor Waste Holdings Ltd v SoS for the Environment [1996] JPL 489 - 498
2.5.13		Application for an award of Costs by Swayfields Ltd against Shirley Estates (Developments) Ltd

C) DOCUMENTS SUBMITTED BY SHIRLEY ESTATES (DEVELOPMENTS) LTD

Associated with the evidence of Mr Deutsch

3.1.1	P/SE/O 1	Government legislation (Section 2 of Mr Deutsch's proof of evidence)
3.1.2	P/SE/O 1	Project promotion procedures (Section 3 of Mr Deutsch's proof of evidence)
3.1.3	P/SE/01-01 (Appx 1)	List of abbreviations
3.1.4	P/SE/O 1-O 1 (Appx 2)	Tables/figures/drawings by Headmann Associates Limited
3.1.5	P/SE/O 1-O 1 (Appx 3)	Tables/figures/drawings by others
3.1.6	P/SE/01-01 (Appx 4)	Extracts of Inspectors report of 1995 M42 Hopwood MSA Inquiry and selected evidence submissions
3.1.7	P/SE/O 1-O 1 (Appx 5)	SMBC statement of case
3.1.8	P/SE/O 1-O 1 (Appx 6)	HA statement of case
3.1.9	P/SE/O 1-O 1 (Appx 7)	CPRE statement of case (co-ordinating cases for various local residents groups and parish councils
3.1.10	P/SE/01-01 (Appx 8)	SE statement of case
3.1.11	P/SE/01-01 (Appx 9)	Correspondence between Headmann Associates Limited and SMBC
3.1.12	P/SE/O 1-O 1 (Appx 10)	Correspondence between Headmann Associates Limited and HA
3.1.13	P/SE/O 1-O 1 (Appx 11)	Correspondence between Headmann Associates Limited and others
3.1.14	P/SE/O 1-O 1 (Appx 12)	Pedestrian counts for public footpath across site
3.1.15	P/SE/O 1-O 1 (Appx 13)	TRANSYT assessments
3.1.16	P/SE/01-01 (Appx 14)	Photographs of Warwick services M40
3.1.17	P/SE/O 1-O 1 (Appx 15)	Headmann Associates Limited 'scoping study (traffic/highway matters)'
3.1.18	P/SE/O 1-O 1 (Appx 16)	SMBC decision letter
3.1.19	P/SE/O 1-O 1 (Appx 17)	HA TR 110 direction
3.1.20	P/SE/O 1-O 1 (Appx 18)	Extracts from provisional West Midlands local transport plan 1999

3.1.21	P/SE/01-01 (Appx 19)	Extracts from Inspectors report of 1994 Inquiry into MSA expansion proposals at M6 Hilton Park Services
3.1.22	P/SE/O 1-0 1 (Appx 20)	Project promotion disruptions
3.1.23	P/SE/O 1-03 audit	Highway proposals acceptance/exceptions report regarding Stage 1 safety
3.1.24	P/SE/0 1-04	Road safety audit (State 1)
3.1.25	P/SE/O 1-05	Layout standards submission (alterations to slip roads)
3.1.26	P/SE/01-06 (Appx 1)	Revised matrices
3.1.27	P/SE/O 1-06 (Appx 2)	Revised TRANSYT runs
3.1.28	P/SE/01-06 (Appx 3)	Illustrative signing drawings
3.1.29	P/SE/O 1-07	DETR guide to safer motorway driving
3.1.30	P/SE/O 1-08	Junction 4 preliminary design drawing X123-10 issue 1
3.1.31	P/SE/O 1-09	Schedule of highways landscaping plans indicating drawings taking precedence
3.1.32	P/SE/01-10	Revised TRANSYT 20 December 1999
3.1.33	P/SE/01-11	Junction 4 potential road layout and signage drawings SK123/TRH/9912 13-1,3,4 and 8: Issue 2
3.1.34	P/SE/01-12	Preliminary design: Highway layout drawings SK1 23/TRH/99 12 17- 1 Issue 2. SK123/991217-02, 03, 04, 05, 06, 07 and 08 – Issue 2
3.1.35	P/SE/01-13	Blythe Valley Park and Provident Park indicative highways works drawing No. SK123/TRH/000120-1
3.1.36	P/SE/01-14	Warwick Services – reductions in accident rates on M40
3.1.37	P/SE/01-15	TRRL research report 274 – the use of TRANSYT at signalised roundabouts
3.1.38	P/SE/01-16	Extract from design manual for roads and bridges Volume 6 Road Geometry Section 1 Highway Link Design Part 1 TD9/93 – Highway Link Design
3.1.39	P/SE/O 1-17	Extract from design bulletin 32 – Residential roads and footpaths: Layout considerations
3.1.40	P/SE/01-18	Table of TRANSYT link queuing distances
3.1.41	P/SE/O 1-19	Letter from Burges Salmon dated 18 February 2000 enclosing a note on TRANSYT lane widths
3.1.42	SE/0 1-20	Letter from Head Mann Associates Ltd dated 19/4/2000 together with Drwg No LYCDW 1 Rev 1 showing relationship between road layouts associated with BVBP, Provident Park and J4 MSA.
3.1.43	SE/01-21	Response to Document HA15 (5.3.3)

Associated with the evidence of Mr Davis

3.2.1	P/SE/02	Landscape assessment (Section 2 or Davis' proof of evidence

3.2.2	P/SE/02	Assessment of the effects of the development on the landscape (Section 3 of Mr Davis' proof of evidence
3.2.3	P/SE/02 (Appx 1)	Photographs
3.2.4	P/SE/02 (Appx 2)	References
3.2.5	P/SE/02 (Appx 3)	Section 106 agreement: Details of tree planting areas outside the site
3.2.6	P/SE/02-01	Bundle of papers relating to ecology
3.2.7	P/SE/02-02	Diagram showing location and detail of proposed signage
3.2.8	P/SE/02-03	Master plan drawing No. BVEA/ 1.1 B
3.2.9	P/SE/02-03	Master plan drawing No. BVEA/1 . 1 B revision A
3.2.10	P/SE/02-03	Master plan drawing No. BVEA/ 1.1 B revision B
3.2.11	P/SE/02-04	Draft S 106 unilateral undertaking
3.2.12	P/SE/02-05	Proposed cross sections AA BB CC and DD with index plan
3.2.13	P/SE/02-08	Plan showing off-site contours
3.2.14	P/SE/02-09	Proposed cross-sections – index plan
3.2.15	P/SE/02-10	Master plan drawing No. BVEA/ 1.1 C revision C
3.2.16	P/SE/02-11	Plan showing existing vegetation to be retained and removed
3.2.17	P/SE/02-12	Revised cross-sections AA and BB drawing BVEA/1.2.1A (Revision 1)
3.2.18	P/SE/02-12	Revised cross-sections CC DD and EE drawing BVEA/1.2.1A (Revision 1)
3.2.19	P/SE/02-13	Statement on ecology prepared by Hancocks and Towers

Associated with the evidence of Mrs Davis

3.3.1	P/SE/03	Planning policies (chapter 5 of Mrs Davis' proof of evidence)
3.3.2	P/SE/03	Alternative sites (chapter 7 of Mrs Davis' proof of evidence)
3.3.3	P/SE/03 (Appx A)	Letter from ADAS dated 24 November 1999
3.3.4	P/SE/03 (Appx B)	Letter from Dr J Billam dated 8 November 1999
3.3.5	P/SE/03	Drawing 7.3A – Land use
3.3.6	P/SE/03	Aerial photograph of Junction 4
3.3.7	P/SE/03	Drawing BV/DPP/02 Castlemoor Securities office development
3.3.8	P/SE/03	Drawing BV/EA/111A – Site layout
3.3.9	P/SE/03	Drawing BV/DPP/03 – The Green Belt, urban areas and major villages
3.3.10	P/SE/03-02	Copy of the planning application submitted 9 February 1999
3.3.11	P/SE/03-03	Drawing 97/32/ 1/ 1 showing site boundary

Other documents submitted on behalf of Shirley Estates (Developments) Ltd

3.4.1	P/SE/04	Proof of evidence of Mr Rose: Water quality and engineering hydrology
3.4.2	P/SE/04-01	Statement on drainage design and engineering hydrology
3.4.3	P/SE/04-01	Drawing SK1 23/000 12 1-0 1: Illustrative storm water layout
3.4.4	P/SE/04-02	Storm drainage design tables
3.4.5	P/SE/05	Response to planning application objections brought by the environment agency
3.4.6	P/SE/GEN/02	Press advertisement for the revised ES – Solihull times 24 December 1999
3.4.7	P/SE/GEN/03	Revised draft S 106 unilateral undertaking
3.4.8	P/SE/GEN/04	Schedule of drawings/documents issued 2 1 January 2000
3.4.9	P/SE/GEN/05	Planning decision notice, Blythe Valley Park
3.4.10	P/SE/GEN/06	Inquiry note in response to issues raised by the Council
3 .4.11	SE/GEN/07	Blythe Valley News – September 1989
3.4.12	SE/GEN/08	Agreed Position Statement on Ecology, Drainage, Hydrology and the likely effects on the River Blythe SSSI
3.4.13	SE/GEN/09	Final Draft of proposed S 106 Agreement – not executed
3.4.14	SE/GEN/12	S106 Unilateral Undertaking executed and dated 16 June 2000
3.4.15		Response to Costs applications made by Solihull MBC, Swayfields, Blue Boar and Hockley Heath PC

DOCUMENTS PUT IN BY SOLIHULL METROPOLITAN BOROUGH COUNCIL

Associated with the evidence of Mr Thirkettle

General

4.1.1	P/SOL/01	Landscape and visual assessment methods (Section 3 of Mr Thirkettle's proof of evidence)
4.1.2	P/SOL/01	Existing landscape character M42 corridor from north of junction 3A to junction 6 (Section 4 of Mr Thirkettle's proof of evidence)
4.1.3	P/SOL/01	Policies relating to landscape and visual amenity (Section 5 of Mr Thirkettle's proof of evidence
4.1.4	P/SOL/01	Landscape aims and principles (Section 6 of Mr Thirkettle's proof of evidence)
4.1.5	P/SOL/01	M42 landscape character (fig SAL/DT/01) of Mr Thirkettle's proof of evidence
4.1.6	P/SOL/01-01 (Appx A)	Extracts from PPG2 (revised 1995) Green Belts
4.1.7	P/SOL/01-01 (Appx B)	Extracts from PPG7 (revised) the countryside – environmental quality and economic and social development (February 1997)
4.1.8	P/SOL/01-01 (Appx C)	Extracts from PPG 15 planning and the historic environment (1994)

4.1.9	P/SOL/O 1-O 1 (Appx D)	Extracts from Solihull Unitary Development Plan written statement (adopted 22 April 1997) Section 5: Green Belt Section 6: Leisure and Recreation Section 7: Environment
4.1.10	P/SOL/01-01(Appx E)	Extract from the countryside agency document CCI – Volume 5 West Midlands, 97 Arden
4.1.11	P/SOL/01-01(Appx F)	Extract from 'a Solihull way' and ' 12 more country walks in Solihull'
4.1.12		A Solihull way – A way through town and country SMBC leaflet
4.1.13		A Solihull way – Detailed leaflets of north middle and south sections rural and direct routes

Catherine de Barnes

4.1.14	P/SOL/A/01	The local landscape context – Catherine de Barnes (Section 2 of Mr Thirkettle's site specific proof of evidence
4.1.14a	P/SOL/A/01	Visual impact on road users, users of rights of way and properties (paragraphs 4.25 to 4.29 of Mr Thirkettle's site specific proof of evidence)
4.1.15	P/SOL/A/01-01	Plan P/SAL/A/DT/02 – Catherine de Barnes: Landscape context
4.1.16	P/SOL/A/01-01	Aerial photograph
4.1.17	P/SOL/A/01-01	Photographs 1 and 2 of the site
4.1.18	P/SOL/A/01-01	Photographs 3 and 4 of the site

Ravenshaw

4.1.19	P/SOL/B/01	The local landscape context – Ravenshaw (Section 2 of Mr Thirkettle's site specific proof of evidence
4.1.20	P/SOL/B/01-01	Plan SAL/B/DT/12 Junction 5 landscape context
4.1.21	P/SOL/B/01-01	Aerial photograph
4.1.22	P/SOL/B/01-01	Photographs 1 and 2 of the site
4.1.23	P/SOL/B/01-01	Photographs 3 and 4 of the site
4.1.24	P/SOL/B/01-03(Appx I)	Drawing RJJ10 marked up to show the approximate limit of construction for retaining structures and planting to be removed

Monkspath

4.1.25	P/SOL/C/01-01	Plan SAL/C/DT/22 junction 4: landscape context
4.1.26	P/SOL/C/01-01	Aerial photograph
4.1.27	P/SOL/C/O 1-O 1	Photographs 1 and 2 of the site
4.1.28	P/SOL/C/01-01	Photographs 3 and 4 of the site
4.1.29	P/SOL/C/● 1-04	Introduction (Section 1 of Mr Thirkettle's revised site specific proof of evidence)

4.1.30	P/SOL/C/O 1-04	Brief review of documentation provided by Shirley Estates (Section 2 of Mr Thirkettle's revised site specific proof of evidence
4.1.31	P/SOL/C/01-04	The local landscape context -junction 4 (Section 3 of Mr Thirkettle's revised site specific proof of evidence)
4.1.32	P/SOL/C/O 1-04	Proposals by Shirley Estates Limited (Section 4 of Mr Thirkettle's revised site specific proof of evidence

Associated with the evidence of Dr Latimer

Catherine de Barnes

4.2.1	P/SOL/A/O2	The existing environment (Section 2 of Dr Latimer's proof of evidence)
4.2.2	P/SOL/A/O2	Potential impact on the SSSI (Section 3 of Dr Latimer's proof of evidence)
4.2.3	P/SOL/A/O2	References (attached to Dr Latimer's proof of evidence)
4.2.4	P/SOL/A/O2 (Appx 1)	River Blythe SSSI citation
4.2.5	P/SOL/A/O2 (Appx 2)	Hydrological calculations
4.2.6	P/SOL/A/02 (Appx 3)	Spillage frequency assessment
4.2.7	P/SOL/A/O2 (Appx 4)	Operational efficiencies of high capacity oil separators
4.2.8	P/SOL/A/O 1 Figure SOL/AWL/O 1	River Blythe SSSI
4.2.9	P/SOL/A/02-01 Figure SOL/A/WL/02	Typical relationship between rainfall and river flow
4.2.10	P/SOL/A/02-01 Figure SOL/A/WL/03	Existing surface water drainage from Catherine de Barnes site to River Blythe
4.2.11	P/SOL/A/02-01 Figure SOL/A/WL/04	Typical site runoff characteristics with and without development at Catherine de Barnes

Ravenshaw

4.2.12	P/SOL/B/02	The existing environment (Section 2 of Dr Latimer's proof of evidence)
4.2.13	P/SOL/B/O2	Potential impacts on the SSSI (Section 3 of Dr Latimer's Proof of Evidence)
4.2.14	P/SOL/B/O2 (Appx 1)	River Blythe SSSI Salutation
4.2.15	P/SOL/B/O2 (Appx 2)	Spillage Frequency Assessment
4.2.16	P/SOL/B/O2 (Appx 3)	Efficiencies of High Capacity Oil Separators
4.2.17	P/SOL/B/02-01 Figure SOL/B/WL/11	River Blythe SSSI
4.2.18	P/SOL/B/02-01 Figure SOL/B/WL/12:	Typical Relationship between Rainfall and Riverflow
4.2.19	P/SOL/B/02-01 Figure SOL/B/WL/13:	Existing Surface Water Drainage from Junction 5 site to River Blythe

4.2.20	P/SOL/B/02-01 Figure SOL/B/WL/ 14:	Typical site run off characteristics with and without development at Junction 5

Monkspath

4.2.2 1	P/SOL/C/O2	The Existing Environment (Section 2 of Dr Latimer's Proof of Evidence)
4.2.22	P/SOL/C/O2	Potential impacts on the SSSI (Section 3 of Dr Latimer's Proof of Evidence)
4.2.23	P/SOL/C/O2	References attached to Dr Latimer's Proof of Evidence
4.2.24	P/SOL/C/O2 (Appx 1)	River Blythe SSSI Salutation
4.2.25	P/SOL/C/O2 (Appx 2)	Spillage Frequency Assessment
4.2.26	P/SOL/C/O2 (Appx 3)	Operational Efficiencies of High Capacity Oil Separators
4.2.27	P/SOL/C/O2 (Appx 4)	NVC Analysis of Onsite Grassland Community
4.2.28	P/SOL/C/02-01 Figure SOL/C/WL/2 1	River Blythe SSSI
4.2.29	P/SOL/C/02-01 Figure SOL/C/WL/22	Typical relationship between rainfall and river flow
4.2.30	P/SOL/C/02-01 Figure SOL/C/WL/23	Relationship of Junction 4 site to SSSI and SINC's
4.2.3 1	P/SOL/C/02-01 Figure SOL/C/WL/24	Typical site run off characteristics with and without development at Junction 4

Associated with the evidence of Dr Brett

4.3.1	P/SOL/O3	The Need Case (Section 3 of Dr Brett's General Need Proof of Evidence)
4.3.2	P/SOL/03	Distances between adjacent motorway service areas (Section 4 of Dr Brett's General Need Proof of Evidence)
4.3.3	P/SOL/03	Traffic characteristics (Section 5 of Dr Brett's General Need Proof of Evidence)
4.3.4	P/SOL/03	Safety Issues (Section 6 of Dr Brett's General Need Proof of Evidence)
4.3.5	P/SOL/O3	Capacity at adjacent MSA sites (Section 7 of Dr Brett's General Need Proof of Evidence)
4.3.6	P/SOL/O3	Alternative routes (Section 8 of Dr Brett's General Need Proof of Evidence)
4.3.7	P/SOL/03-0 1 -Table 7.1	Parking Survey – Hilton Park Services
4.3.8	P/SOL/03-01 - Table 7.2	Parking Survey – Tamworth Services
4.3.9	P/SOL/03-01 - Table 7.3	Parking Survey – Corley Services
4.3.10	P/SOL/03-01 - Table 7.4	Parking Survey – Warwick Services
4.3.11	P/SOL/03-01 - Figure 4.1	Location of Motorway Service Areas
4.3.12	P/SOL/03-01 - Figure 5.1	M42 J5-J6 – Northbound Traffic Flow June 1999
4.3.13	P/SOL/03-01 - Figure 5.2	M42 J5-J6 – Southbound Traffic Flow June 1999

4.3.14	P/SOL/03-01 - Figure 5.3	M42 J5-J6 – Northbound Traffic Flow June week day
4.3.15	P/SOL/03-01 - Figure 5.4	M42 J5-J6 – Southbound Traffic Flow June week day
4.3.16	P/SOL/03-01 - Figure 5.5	Motorway and Trunk Road stress levels in 1996
4.3.17	P/SOL/03-01 - Figure 5.6	Motorway and Trunk Road stress levels in 2016
4.3.18	P/SOL/03-01 - Figure 5.7	Motorway Service Area – Interview Form
4.3.19	P/SOL/03-01 - Figure 5.8	MSA Surveys – Journey Purpose
4.3.20	P/SOL/03-01 - Figure 5.9	MSA Surveys – Reason for Stopping
4.3.21	P/SOL/03-01 - Figure 5.10	MSA Surveys – Reason for choice of MSA
4.3.22	P/SOL/03-01 - Figure 5.11	MSA Surveys – Journey duration
4.3.23	P/SOL/03-01 - Figure 5.12	MSA Surveys – Time since last stop
4.3.24	P/SOL/03-01 - Figure 5.13	MSA Surveys at Warwick Southbound
4.3.25	P/SOL/03-01 - Figure 5.14	MSA Surveys at Hilton Park Northbound
4.3.26	P/SOL/03-01 - Figure 5.15	MSA Surveys at Warwick Southbound
4.3.27	P/SOL/03-01 - Figure 5.16	MSA Surveys at Hilton Park Northbound
4.3.28	P/SOL/03-01 - Figure 5.17	MSA Surveys – Length of stay – light vehicles
4.3.29	P/SOL/03-01 - Figure 5.18	MSA Surveys – Length of stay – heavy vehicles
4.3.30	P/SOL/03-01 - Figure 6.1	Accident rates in study area
4.3.31	P/SOL/03-01 - Figure 6.2	M5 Accident rate by one hour time periods
4.3.32	P/SOL/03-01 - Figure 6.3	M40 Accident rate by one hour time periods
4.3.33	P/SOL/03-01 - Figure 6.4	M6 Accident rate by one hour time periods
4.3.34	P/SOL/03-01 - Figure 6.5	M42 Accident rate by one hour time periods
4.3.35	P/SOL/A/03-02(Appx A)	Proof of Evidence of Mr Ainsworth to the M25 MSA Inquiry at Woodlands Park, Iver
4.3.36	P/SOL/A/03-02(Appx B)	Research into fatigue and accidents
4.3.37	P/SOL/C/03 (Pt)	Trip Attraction from the M42 – paragraphs 3.4 to 3.7 and Table 3.1 of Dr Brett's site specific proof of evidence relating to the proposed MSA at J4
4.3.38	P/SOL/C/03 (Pt App A)	Traffic Movement Trees - Figures 1-6 of Appendix A of Dr Brett's site specific proof of evidence relating to the proposed MSA at J4
4.3.39	P/SOL/C/03 (Pt App A)	M42 Junction 4 Present Layout – part of Appendix A of Dr Brett's site specific proof of evidence relating to the proposed MSA at J4

Associated with the evidence of Mr Hurley

4.4.1	P/SOL/04	Listing status and relevance of PPG15, location, setting and curtilage, original form of building, historical development (Sections 2A-2D of Mr Hurley's Proof of Evidence)

4.4.2	P/SOL/04-02	Written Response by Mr Hurley to BB/04-07 (Doc 1.4.12)

Associated with the evidence of Mr Cobb

4.5.1	P/SOL/OS	General setting of Solihull in the West Midlands (Section 3 of Mr Cobb's Proof of Evidence)
4.5.2	P/SOL/OS	Regional Planning Guidance (Section 4 of Mr Cobb's Proof of Evidence)
4.5.3	P/SOL/OS	The Development Plan background (Section 5 of Mr Cobb's Proof of Evidence)
4.5.4	P/SOL/OS	National Planning Policies and Guidance (Section 6 of Mr Cobb's Proof of Evidence)
4.5.5	P/SOL/OS	The Green Belt in Solihull (Section 7 of Mr Cobb's Proof of Evidence)
4.5.6	P/SOL/05	Pressures for development in the Green Belt (Chapter 8, Section 8 of Mr Cobb's Proof of Evidence)
4.5.7	P/SOL/OS	MSA Proposals in the M42 corridor (Section 10 of Mr Cobb's Proof of Evidence)
4.5.8	P/SOL/05-01 (Appx 1)	Housing completion Solihull, 1951-2001
4.5.9	P/SOL/OS-01 (Appx 2)	Chronology of Solihull UDP
4.5.10	P/SOL/OS-01 (Appx 3)	Fact Sheet on Solihull Green Belt, November 1998
4.5.11	P/SOL/OS-01 (Appx 4)	Extracts from 1995 UDP Inspector's Report re Marridon Gap
4.5.12	P/SOL/OS-01 (Appx 5)	Copy of DOE letter dated 21 March 1990
4.5.13	P/SOL/OS-01 (Appx 6)	Schedule of Major Hotels and Hotel Proposals near to M42 Junctions, Solihull
4.5.14	P/SOL/OS-01 (Appx 7)	Appendix 7 – 2 letters from National Exhibition Centre Ltd re Hotels and data from Birmingham Marketing Partnership
4.5.15	P/SOL/OS-01 (Appx 8)	Extract from Visitor Survey prepared by Jill Gramann Research
4.5.16	P/SOL/OS-01 (Appx 9)	Reasons for refusal, Catherine de Barnes MSA site
4.5.17	P/SOL/OS-01 (Appx 10)	Extract from Solihull UDP Summary Plan showing Catherine de Barnes site in Green Belt
4.5.18	P/SOL/05-01 (Appx 11)	Reasons for refusal J5/Ravenshall MSA site
4.5.19	P/SOL/OS-01 (Appx 12)	Extract from Solihull UDP Summary Plan showing Ravenshaw site in Green Belt
4.5.20	P/SOL/OS-01 (Appx 13)	Reasons for refusal J4/Monkspath MSA site
4.5.21	P/SOL/05-01 (Appx 14)	Extract from Solihull UDP Summary Plan showing Junction 4 Monkspath site in Green Belt

Other documents submitted on behalf of Solihull MBC

4.6.1	SOL/02	Document 58 of Inspector's Report on Bromsgrove/Hotwood MSA proposals
4.6.2	SOL/03	Letter from the Environment Agency dated 1 December 1999

4.6.3	SOL/3A	Letter from Solihull MBC dated 1 December 1999
4.6.4	SOL/04	Extracts from Local Environment Agency Plan, West Midlands – Tame Action Plan, March 1999 – pages iv, 7, 9, 18, 26, 44 and 49, and Appendix 3
4.6.5	SOL/04A	Local Environment Agency Plan, West Midlands – Tame Action Plan, March 1999 – pages 8, 23 and 27
4.6.6	SOL/05	'Pylons Do Not Cause Childhood Cancer' The Times, 3 December 1999
4.6.7	SOL/●6	Note on consultation and publicity in respect of planning application 98/1930 on the basis of the original environment statement only together with the names and addresses of statutory consultees in respect of supplementary environmental statements
4.6.8	SOL/07	Letter from Don Proctor Planning dated 26 July 1999
4.6.9	SOL/OS	Report on Ballford Hall Farm, Catherine de Barnes by John Sheppard
4.6.10	SOL/09	Plan showing location of services in the vicinity of M25
4.6.11	SOL/10	Plan showing the DNRR/M6/M42 interchange
4.6.12	SOL/ 11	Letter from the Highways Agency dated 10 December 1999
4.6.13	SOL/12	Position statement on ecology – Ravenshaw site
4.6.14	SOL/13	English Nature Case Studies and Reviews – Conservation of the Blythe, a high quality river in a major urban area in England, by Box and Walker
4.6.15	SOL/14	Design of Flood Storage Reservoirs, CIRIA
4.6.16	SOL/I 5	Extract from ..... – Walk 4, Brueton Park, Grand Union Canal
4.6.17	SOL/I 6	Local Environment Agency Plan, West Midlands – Tame Consultation Report, March 1998, pages 73 and 8 1
4.6.18	SOL/ 16A	Local Environment Agency Plan, West Midlands – Tame Consultation Report, March 1998, pages 19, 38, 69, 73, 74 and 132, Map 17 and Map 19
4.6.19	SOL/17	Bundle of papers on economic development
4.6.20	SOL/I 8	Appeal decision : Land at Ravenshaw Lane, Fusion (Bickenhill Ltd)
4.6.2 1	SOL/19	Letter from Burges Salmon dated 6 January 2000
4.6.22	SOL/20	Report for the DETR dated 1 February 1998 on Driver Sleepiness
4.6.23	SOL/2 1	Local Policy Plan for the Cranmore Widney area – written statement April 1983
4.6.24	SOL/22	Letter from Solihull MBC dated 30 October 1997
4.6.25	SOL/23	Letter from Mr Goode of Boxtree Farm dated 16 November 1998
4.6.26	SOL/24	M42, Solihull Section, Tree Preservation Order Statement of Reasons

4.6.27	SOL/25	The Council's estimate of hard surfacing. Drawings showing areas of hardstanding (Ravenshaw – 12.1395.01.001E. Catherine de Barnes – 301/05 Revision C, Monkspath BVE / 1.1 B)
4.6.28	SOL/26	Diary of exhibitions a the NEC September 1999 to June 2000
4.6.29	SOL/27	SoS decision letter dated 3 March 1997 on appeal into proposal for MSA at Hapsford on M56
4.6.30	SOL/28	Interim landscape character assessment guidance, prepared on behalf of the countryside agency
4.6.31	SOL/29	Case law report - A L Wood Ivan Robinson v Secretary of State and Wandsworth London Borough Council
4.6.32	SOL/30	Calculation of parking capacity at Catherine de Barnes
4.6.33	SOL/31	M40 accident data
4.6.34	SOL/32	Response to questions from Swayfields
4.6.35	SOL/33	August Friday traffic flows
4.6.36	SOL/34	Inquiry note M42 junction 4 – other developments with potential significant impact at junction 4
4.6.37	SOL/35	Extract from the provisional West Midlands local transport plan 1999
4.6.38	SOL/36	Extract from the planning committee report dated 15 November 1999. Planning application No. 99/1875 – Construction of multi-modal transport interchange and multi-storey car park at Birmingham International railway station
4.6.39	SOL/37	Letter from GOWM dated 16 December 1999
4.6.40	SOL/38	Report to planning sub-committee dated 17 February 1999 – Reserved matters application for the erection of production facility within use classes B 1(c), B2 and B8 and ancillary offices, land off Highlands Road, Monkspath
4.6.41	SOL/39	DETR Decision letter dated 28 July 1997 – Birmingham northern relief road
4.6.42		Application for an award of Costs by Solihull MBC against Shirley Estates (Developments) Ltd
4.6.43		Application for Costs by Solihull MBC: response to Shirley Estates (Developments) Ltd submissions
4.6.44		6th Draft of Suggested Planning Conditions - (Note: further amendments put forward by the HAg can be found at Document *5.3.4)*

DOCUMENTS SUBMITTED BY THE HIGHWAYS AGENCY

Associated with the evidence of Mr Harbot

Proposed MSA at Catherine de Barnes

5.1.1	HA/1	Written statement relating to proposed MSA at Catherine de Barnes
5.1.2	HA/1 (Appx A)	DETR letter dated July 1993

5.1.3 HA/1 (Appx B)	Direction for refusal of planning permission, Blue Bore site, dated 25 February 1999
5.1.4 HA/1 (Appx C)	Agreed statement between the Highway Agency and Boreham Consulting Engineers
5.1.5 HA/1 (Appx D)	Parliamentary written answer dated 10 July 1996 and DOT guidelines for the Highways Agency dated July 1996
5.1.6 HA/1 (Appx E)	Conditions to be imposed in the event of the appeal being allowed
5.1.7 HA/1 (Figure 1)	Regional context M42 motorway service area proposals
5.1.8 HA/1 (Figure 2)	Personal injury accident rates 1997
5.1.8a HA/1 (Figure 3)	Accident rates 1998 (includes damage only but not breakdowns)
5.1.9 HA/1 (A)	MSA Catherine de Barnes agreed statement including drawings
Proposed MSA at J5	
5.1.10 HA/2	Written statement relating to proposed MSA at J5, Ravenshaw
5.1.11 HA/2 (Appx A)	HA letter dated 25 February 1999 enclosing TRI 10 direction for the Ravenshaw planning application 98/0259
5.1.12 HA/2 (Appx B)	Agreed traffic and safety statement
5.1.13 HA/2 (Appx C)	Parliamentary written answer and DOT guidelines for the Highways Agency, dated July 1996
5.1.14 HA/2 (Appx D)	Conditions to be imposed in the event of the appeal being allowed
5.1.15 HA/2 (Figure 1)	Regional context M42 motorway service area proposals
5.1.16 HA/2 (Figure 2)	Personal injury accident rates 1997
5.1.17 HA/2 (Figure 3)	Accident rates 1998 (includes damage only but not breakdown)
5.1.18 HA/2 (A)	Agreed statement Ravenshaw MSA including drawings
Proposed MSA at J4	
5.1.19 HA/3	Written statement relating to proposed MSA at J4, Monkspath.
5.1.20 HA/3 (Appx A)	HA letter 26 February 1999 enclosing a TRI 10 direction for the Monkspath planning application
5.1.21 HA/3 (Appx B)	Highways Agency letter dated 22 July 1999
5.1.22 HA/3 (Appx C)	Parliamentary written answer and DOT guidelines for the Highways Agency dated July 1996
5.1.23 HA/3 (Figure 1)	Regional context – M42 motorway service area proposals
5.1.24 HA/3 (Figure 2)	Personal injury accident rates 1997
5.1.25 HA/3 (Figure 3)	Accident rates 1998 (includes damage only but not breakdown)

General

5.1.26	HA/4	M42 Solihull section MSA site location study March 1989
5.1.27	HA/5	HA letter dated 1 December 1999
5.1.28	HA/6	Press release from GOWM – West Midlands multi-modal transport study to get underway
5.1.29	HA/7	HA note to the inquiry – procedures for auxiliary lanes
5.1.30	HA/7 (Appx A)	List of prospective consultees
5.1.31	HA/7 (Appx B)	M42 consultation leaflet
5.1.33	HA/8	Inquiry note – procedure for auxiliary lanes (2) and other aspects
5.1.34	HA/1 1	Monkspath MSA – supplementary statement
5.1.35	HA/14	Monkspath MSA – agreed statement on Paramics
5.1.36	HA/15	Response by HAg to Shirley Estates Document SE/● I-I 9 (Doc 3.1.4 1)
5.1.37	HA/16	Plan showing direction of drainage outfall at Junctions 5-6 of M42 motorway

Associated with the evidence of Mr Brown

5.2.1	HA/9	Proposed development on motorway network (Section 3 of Mr Brown's proof of evidence)
5.2.2	HA/9	Traffic conditions without the development (Section 4 of Mr Brown's proof of evidence)
5.2.3	HA/9	Impact of the development on traffic operations (Section 5 of Mr Brown's proof of evidence)
5.2.4	HA/9	Review of appellant's TRANSYT analysis (Section 6 of Mr Brown's proof of evidence)
5.2.4a	HA/9	Plan Inconsistencies (Section 7.1 of Mr Brown's proof of evidence)
5.2.5	HA/9-01 (Appx 1)	Location plan
5.2.6	HA/9-0 1 (Appx 2)	Plan of current improvements
5.2.7	HA/9-0 1 (Appx 3)	Speed flow relationships
5.2.8	HA/9-0 1 (Appx 4)	Merge analysis
5.2.9	HA/9-01 (Appx 5)	Diverge analysis
5.2.10	HA/9-01 (Appx 6)	Summary TRANSYT results
5.2.11	HA/9-01 (Appx 7)	General layout of proposals for junction 4
5.2.12	HA/9-01 (Appx 8)	Route decision analysis for drivers leaving MSA and heading for M42 (northbound)
5.2.13	HA/9-0 1 (Appx 9)	TRANSYT results: figures
5.2.14	HA/9-01 (Appx 10)	Comments on revised TRANSYT submission

5.2.15	HA/9-01 (Appx 11)	TRL traffic software newsletter No. 12 December 1999
5.2.16	HA/9-01 (Appx 12)	Mean maximum queues for the 'do something' based on HMA analysis
5.2.17	HA/9-01 (Appx 13)	MSA exit/A3400 junction: PICADY results
5.2.18	HA/9-01 (Appx 14)	Location of HMA plan inconsistencies
5.2.19	HA/9-01 (Appx 15)	Forward visibility cross-sections
5.2.20	HA/9-03	Oscar Faber letter dated 17 February 2000 enclosing extracts from TD 4 1/95 – vehicular access to all-purpose trunk roads, and TD 42/95 – geometric design of major/minor priority junctions
5.2.21	HA/10	HA inquiry note – TRANSYT: HMA link 12

Other documents submitted on behalf of the Highways Agency

5.3.1	HA/12	Regional context map – M42 motorway service area proposals
5.3.2	HA/13	HA response to Inspector's questions including documents requested by CPRE
5.3.3	HA/15	Extract from TRANSYT Manual defining degree of saturation
5.3.4		Suggested amendments to Planning Conditions put forward by the HAg

DOCUMENTS SUBMITTED BY WELCOME BREAK GROUP LIMITED

Associated with the evidence of Mr Flood

6.1.1	P/WBG/01	Traffic characteristics (Section 3 of Mr Flood's proof of evidence)
6.1.2	P/WBG/01	Road safety (Section 4 of Mr Flood's proof of evidence)
6.1.3	P/WBG/01-01(Appx 1)	Qualifications and experience
6.1.4	P/WBG/01-01(Appx 2)	Welcome Break Group Limited
6.1.5	P/WBG/01-01(Appx 3)	Hopwood Park MSA
6.1.6	P/WBG/01-01(Appx 4)	Warwick MSA
6.1.7	P/WBG/01-01(Appx 5)	Corley MSA
6.1.8	P/WBG/01-01(Appx 6)	Written representations by Blue Boar Properties Limited and Sir John Gooch in relation to Hopwood MSA
6.1.9	P/WBG/01-01(Appx 7)	Hopwood MSA: First interim decision letter
6.1.10	P/WBG/01-01(Appx 8)	Hopwood MSA: Second interim decision letter
6.1.11	P/WBG/01-01(Appx 9)	Ministerial statement of 31 July 1998
6.1.12	P/WBG/01-01(Appx 10)	Correspondence between Welcome Break Group Limited and Deputy Prime Minister
6.1.13	P/WBG/01-01(Appx 11)	M25 and M4 decision letters
6.1.14	P/WBG/01-01(Appx 12)	Existing and approved MSAs

6.1.15	P/WBG/01-01(Appx 13)	Spacing matrix
6.1.16	P/WBG/01-01(Appx 14)	Paying for better motorways (extract)
6.1.17	P/WBG/01-01(Appx 15)	M42 junction 1 to junction 7 widening study (extract)
6.1.18	P/WBG/01-01(Appx 16)	Maidenhead Inspector's report (extract)
6.1.19	P/WBG/01-01(Appx 17)	Paper by Home and Rayner
6.1.20	P/WBG/01-01(Appx 18)	Waltham Abbey Inspectors report (extract)
6.1.21	P/WBG/01-01(Appx 19)	Redbourn Inspector's report (extract)
6.1.22	P/WBG/01-02	Plan showing MSA link distances
6.1.23	P/WBG/01-03	Plan H3435/32 showing MSA at Barn Hill M40 – expansion for 2015 parking standards
6.1.24	P/WBG/01-06	Inquiry note on MSA separation and long distance traffic flows

Other documents submitted by Welcome Break Group Ltd

6.2.1	P/WBG/01-65	Inquiry note submitted by Welcome Break Group Limited
6.2.2	P/WBG/01-08	Inquiry note on M4 'longer distance traffic'
6.2.3	P/WBG/01-08A	Mr Dixon's supplementary proof Appendix 9 submitted to the Hedgerley Inquiry M40
6.2.4	WBG/01-09	Report on SoS for Environment v. Edwards(PG) (1994) 69 P&CR 607-6 16
6.2.5	WBG/01-10	Report on R v. Cardiff County Council, *ex parte* Sears Group Properties Ltd (1998) 3PLR 55 - 71

DOCUMENTS SUBMITTED BY THE WARWICKSHIRE BRANCH OF THE COUNCIL FOR THE PRESERVATION OF RURAL ENGLAND (CPRE)

Associated with the evidence of Mrs Smith

7.1.1	PICPRE-A/o 1	The site (Section 1 of Mrs Smith's proof of evidence
7.1.2	P/CPRE-A/01	The planning history
7.1.3	P/CPRE-A/01(Appx 1)	Papers relating to 1973 MSA proposals at Friday Lane
7.1.4	P/CPRE-A/01(Appx 2)	Inspector's report following public inquiry into M42 TPO
7.1.5	P/CPRE-A/O 1 (Appx 3)	Papers relating to 1993 MSA application at Friday Lane
7.1.6	P/CPRE-A/01(Appx 4)	Application for hotel accommodation at Stonebridge golf course
7.1.7	P/CPRE-A/01(Appx 5)	Alternative routing
7.1.8	P/CPRE-A/01(Appx 6)	Land Rover rail link information sheet
7.1.9	P/CPRE-A/01(Appx 7)	Countryside agency 'countryside character' extract
7.1.10	P/CPRE-A/01(Appx 8)	Hampton-in-Arden Conservation Area

7.1.11	PICPREIO 1-02	MSA location plans
7.1.12	PICPREIO 1-03	Response to Catherine de Barnes updated environmental statement
7.1.13	PICPREIO 1-04	Response to Ravenshaw supplementary environmental statement
7.1.14	PICPREIO 1-06(Appx 1)	Extract from the Marston Green action area plan map (part of the Solihull UDP
7.1.15	PICPREIO 1-06(Appx 2)	Extracts from Inspector's recommendations to Secretary of State following the public inquiry in 1989 into Hawkhurst Moor coal mine proposals
7.1.16	PICPREI[illegible] 1-06(Appx 3)	Inspector's decision letter following a public inquiry in 1997 into proposals at Patricks Farm Barns, Meriden Road, Hampton-in-Arden
7.1.17	P/CPRE/01-06(Appx 4)	Inspector's decision letter following a public inquiry in 1999 into proposals for a dwelling associated with livery at Beanit Farm, Balsall Common
7.1.18	P/CPRE/01-10	Inquiry note of planning applications in the Green Belt in the M42/ Hampton-in-Arden area since 1990
7.1.19	P/CPRE/01-16	Aerial photograph of Green Belt East of Solihull
7.1.20	P/CPRE/01-17	Transcript of Judgement R v Warwickshire County Council Ex Parte Powergen Plc (1997)

Associated with the evidence of Mr Sullivan

7.2.1	P/CPRE	Letter dated 30 November 1999
7.2.2	P/CPRE/0 1-07	Draft inception report West Midlands area multi-modal study
7.2.3	PICPREIO 1-08	CPRE supplementary statement
7.2.4	PICPREI[illegible] 1-09	CPRE further supplementary statement
7.2.5	PICPREIO 1 - 11	Photographs submitted with Mr Sullivan's evidence
7.2.6	P/CPRE/01-12	Extract from Ove Arup & Partners report on M42 widening junctions 1-7
7.2.7	P/CPRE/06	The Proposed Motorway Widening (Blue Boar-Friday Lane Proposal) - Section 4 of Mr Sullivan's proof of evidence
7.2.8	P/CPRE/06 (Appx 1)	CPRE Campaigners' Guide to Road Proposals
7.2.9	P/CPRE/06 (Appx 2)	Letter from James and Lister Lea, agents for Gooch Estate dated 16 April 1973
7.2.10	P/CPRE/06 (Appx 3)	Letter from Central Motorway Police Group dated 2 November 1999
7.2.11	P/CPRE/06-01	SMBC leaflet – Knowle Conservation Area
7.2.12	P/CPRE/01-13	CPRE/Cluster Groups Response to BB/01/34 – Green Wall Cross Sections
7.2.13	PICPREIO 1 - 14	CPRE/Cluster Groups Response to HAg statements of 10/2/00
7.2.14	CPRE/01-19	Correspondence between Caroline Spelman MP and HAg, regarding HAg's position on appeal proposals

Associated with the evidence of Mrs Vero

7.3.1	P/CPRE/04-02(Appx 1)	Extract from Victoria County History

7.3.2	P/CPRE/04-03	GOWM decision letter dated 20 December 1999 – Gilson Hall, near Coleshill
7.3.3	P/CPRE/04-04	CPRE/Cluster Groups Response to BB/04-07 on the revised scheme for the restoration and alternative use of Walford Hall Farm
7.3.4	CPRE/01-15	CPRE/Cluster Groups Response to Roadchef Statement on training at proposed MSA at Catherine de Barnes

DOCUMENTS SUBMITTED ON BEHALF OF CLUSTER GROUP 1

Associated with the evidence of Mr Chapman

8.1.1	P/CPRE-A/03	Need (Section 1 of Mr Chapman's proof of evidence)
8.1.2	P/CPRE-A/03	Highway safety (Section 2 of Mr Chapman's proof of evidence)

Associated with the evidence of Mr Bryant

8.2.1	P/CPRE-A/03(Appx 1)	DETR review of public safety zone policy – new sizes and shapes for zones
8.2.2	P/CPRE-A/03(Appx 2)	Draft circular to local authorities – public safety zones 15 June 1999
8.2.3	P/CPRE-A/03(Appx 3)	Aircraft track-keeping, report by Birmingham Internation Airport August 1999
8.2.4 (Additional Appx)	P/CPRE/03-01	Extract from Vision 2005 – Birmingham International Airport

DOCUMENTS SUBMITTED ON BEHALF OF CLUSTER GROUP 2

Associated with the evidence of Mr Shaw

9.1.1	P/CPRE/02	Need for a motorway service area (Section 2 of Mr Shaw's proof of evidence
9.1.2	P/CPRE/02	The impact on highway safety and traffic flows (Section 3 of Mr Shaw's proof of evidence)
9.1.3	P/CPRE/02	Photographs P5 in Section 4 of Mr Shaw's proof of evidence – the view of the site from the link road between Warwick Road and A41
9.1.3a	P/CPRE/02	Photographs P6 in Section 4 of Mr Shaw's proof of evidence – the view from Riverside Drive flats in autumn
9.1.4	P/CPRE/02	The impact on the environment (including air quality, noise considerations, light pollution, ecology, hydrology and the water environment) (Section 5 of Mr Shaw's proof of evidence)
9.1.5	P/CPRE/02 (Figure 1)	Limit of theoretical 100 year floor levels
9.1.6	P/CPRE/02 (Figure 2)	Limit of theoretical 100 year floor levels Brueton Park area
9.1.7	P/CPRE/02	Travel lodge advertisement Daily Telegraph October 16
9.1.8	P/CPRE/02	Map showing the locations from which photographs were taken
9.1.9	P/CPRE/02-01 (Appx 1)	Letter from Prof. Derek Sheldon dated 4 January 2000
9.1.10	P/CPRE/02-02	Photographs of the site from the Riverside Drive flats in winter

9.1.11	P/CPRE/02-03(Appx 1)	Air quality management – first stage review and assessment. pages 6. 10. 11 and 13
9.1.12	P/CPRE/02-03(Appx 2)	Letter dated 30 January 2000 from Mrs Baird
9.1.13	P/CPRE/02-03(Appx 3)	Residents reports on journey times
9.1.14	P/CPRE/02-03(Appx 4)	Calculations of average speeds
9.1.15	P/CPRE/02-03(Appx 5)	Prof. Sheldon's letter 31 January 2000
9.1.16	P/CPRE/02-03(Appx 6)	Warwickshire Constabulary – press release 10 January 2000
9.1.17		Written Closing Statement prepared by Mr Shaw

DOCUMENTS SUBMITTED ON BEHALF OF CLUSTER GROUP 3

Associated with the evidence of Mr Trangmar

10.1.1	P/CPRE/05 (Appx 1)	Letter from Dorridge and District residents association dated 27 February 1999
10.1.2	P/CPRE/05 (Appx 2)	Extracts from various DOT publications
10.1.3	P/CPRE/05 (Appx 3)	Various travelodge advertisements
10.1.4	P/CPRE/05-01(Appx 1)	Location of application sites in the Green Belt
10.1.5	P/CPRE/05-01(Appx 2)	Tandy express advertisement
10.1.6	P/CPRE/05-01(Appx 3)	Travelodge advertisement 18 December 1999
10.1.7	P/CPRE/05-02	Photograph of road sign on northbound carriageway of A441
10.1.8	P/CPRE/05-03	Details of planning applications
10.1.9	P/CPRE/05-05	Press pack – Granada motorway services
10.1.10	P/CPRE/05-06	Map showing the location of Tanworth Lane
10.1.11	P/CPRE/05-07	Second Supplementary Proof of Evidence by Mr Trangmar, submitted as written statement

DOCUMENTS SUBMITTED ON BEHALF OF HOCKLEY HEATH PARISH COUNCIL

Associated with the evidence of Horridge

11.1.1	P/HHPC/01	The site and its surroundings (Section 3 of Mr Horridge's proof of evidence)
11.1.2	P/HHPC/01	Planning history (Section 4 of Mr Horridge's proof of evidence)
11.1.3	P/HHPC/01	The Green Belt issue (paragraphs 6.1 to 6.19 of Section 6 of Mr Horridge's proof of evidence)
11.1.4	P/HHPC/0 1	Other planning policy issues (Section 9 of Mr Horridge's proof of evidence)
11.1.5	P/HHPC/01-01(Appx 1)	Extract from encyclopaedia of planning law and practice monthly bulletin July 1999
11.1.6	P/HHPC/01-01(Appx 2)	Pehrsson v Secretary of State for the Environment (Court of Appeal 1989)
11.1.7	P/HHPC/01-01(Appx 3)	Appeal decision relating to supermarket developments, Monkspath

11.1.8 P/HHPC/01-01(Appx 4)	Appeal decision relating to MSAs in Sevenoaks
11.1.9 P/HHPC/01-01(Appx 5)	Appeal decision relating to Rose and Crown public house, Portway
11.1.10 P/HHPC/01-01(Appx 6)	Appeal decision relating to Moat Manor Hotel, Bentley Heath
11.1.11 P/HHPC/01-01(Appx 7)	Landscaping – zoning plan for Provident Park development
11.1.12	Application for an award of Costs on behalf of Hockley Heath PC against Shirley Estates (Developments) Ltd

DOCUMENTS PUT IN BY INTERESTED PERSONS

12.1.1 MP01	Statement by Mr J Taylor MP
12.1.2 MP02	Constituency map
12.2.1 P/CPRE/01	Mr Dean's statement
12.3.1 P/IND/01-01	Mr Peters' statement
12.4.1 P/IND/02	Mr Goodall's statement
12.5.1 P/IND/03	Mr Cottle's statement
12.6.1 P/IND/04	Mr Juniper's statement
12.7.1 P/ ND/05	Mr Cresswell's statement
12.8.1 P/IND/06	Mrs Jarman's statement
12.8.2 P/IND/06-01	Letter from Warwickshire Wildlife Trust, dated 2/2/00, including petition
12.9.1 P/IND/07	Mr Wood's statement

WRITTEN REPRESENTATIONS

13.1.1	File of letters from objectors
13.2.1 BHRA/01	Statement on behalf of the Youth of Knowle, Bentley Heath, Dorridge and Hockley Heath including petition and individual letters of objection
13.2.2 BHRA/01-01	Video entitled 'The Beauty And The Beast – A Journey Down The Blythe'
13.3.1 GHL/01	Statement on behalf of Granada Hospitality Limited.