

**Development Plan Representation**

# **Warrington Local Plan 2021 - 2038: Publication Draft Plan**

On behalf of Extra MSA Group

November 2021



## I. Introduction

- I.1. Spawforths have been instructed by Extra MSA Group to submit representations to the Warrington Local Plan 2021- 2038: Publication Draft Plan, for their site on land at Junction 11 of the M62 Motorway.
- I.2. The Extra MSA Group (Extra) is a leading developer, investor and experienced operator of high-quality MSA properties across the Strategic Road Network. Extra’s newest MSA on the Motorway Network has recently opened at M1 J45 Leeds Skelton Lake. Since deregulation of MSAs in 1992, Extra has directly or indirectly successfully delivered ten MSAs, significantly more than any other party involved in the MSA sector over this period.
- I.3. Extra has developed a ‘new concept’ approach to MSAs that focuses on world-class design, incorporating a good quality and popular range of complementary ancillary food, retail, business, leisure and community facilities, within a bright, spacious and comfortable building, set in an attractive and relaxing environment to meet modern day customer requirements.
- I.4. Extra has successfully raised and driven new MSA standards across the Country and has recently developed two of the largest and busiest new MSAs on the Strategic Road Network Beaconsfield (M40 J2) opened in 2009 and at Cobham (M25 J9-J10) opened in 2012. Followed by the opening of Leeds Skelton Lake services (M1 J45), in March 2020.
- I.5. Extra is keen to expand its operations into areas where there is an acknowledged gap in provision on the Strategic Road Network and in doing so, to deliver high quality MSA facilities for the benefit of road user.
- I.6. Extra MSA Group welcomes the opportunity to contribute to the emerging Local Plan for Warrington in order to ensure that the established gap and need for road services provision and public safety needs are addressed within an appropriate location within Warrington.
- I.7. Extra MSA Group would like to make comments on the following topics and sections in the Publication Draft Plan:
  - General Comments
  - Vision and Objectives
  - Spatial Strategy and Key Diagram
  - Exceptional Circumstances for Green Belt release.
  - Policies relating to Objective WI

- Policy GBI: Green Belt
- Policy INFI: Sustainable Travel and Transport
- Omission Site: Land at Junction 11 of the M62 Motorway

1.8. In each case, observations are set out with reference to the provisions of the National Planning Policy Framework 2021 (the 2021 Framework) and where necessary, amendments are suggested to ensure that the Local Plan is found sound.

1.9. Extra MSA Group welcomes the opportunity for further engagement and the opportunity to appear at the Examination in Public.

1.10. We trust that you will confirm that these representations are duly made and will give due consideration to these comments.

1.11. Please do not hesitate to contact us to discuss any issues raised in this Representation further.

## 2. National Planning Policy Context and Tests of Soundness

- 2.1. The Government's core objectives as established through the 2021 National Planning Policy Framework (the 2021 Framework) are sustainable development and growth. Paragraph 11 of the Framework stresses the need for Local Plans to meet the objectively assessed needs of an area. The 2021 Framework sets out to boost significantly the supply of homes and that a sufficient amount and variety of land can come forward where it is needed. In terms of building a strong and competitive economy the 2021 Framework states that planning should help create the conditions in which businesses can invest, expand and adapt. The key focus throughout the 2021 Framework is to create the conditions for sustainable economic growth, to ensure that objectively assessed needs for development are met, delivery of a wide choice of high quality homes, and well-designed places.
- 2.2. In relation to Local Plan formulation, paragraphs 15 to 37 of the 2021 Framework state that Local Plans are the key to delivering sustainable development which reflect the vision and aspirations of the local community. The Framework indicates that Local Plans must be consistent with the 2021 Framework and should set out the opportunities for development and provide clear policies on what will and will not be permitted and where. Paragraph 22 is clear that Strategic Policies should look ahead over a minimum 15 year period, and where larger scale development such as new settlements or significant extensions to existing villages and towns form part of the areas strategy, then policies should look ahead over a period of at least 30 years. Paragraph 106 establishes some of the requirements for Planning Policies, including in part e, for policies to provide for large scale transport facilities that need to be located in the area. Footnote 44 confirming that large scale transport facilities includes the provision of roadside services. Footnote 44 also confirms that the primary function of roadside services should be to support the safety and welfare of the road user.
- 2.3. In relation to the examination of Local Plans, paragraph 2021 35 of the Framework sets out the tests of soundness and establishes that:
- 2.4. The Local Plan and spatial development strategies should be examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

**Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development

**Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate;

**Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

**Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.

- 2.5. This document therefore considers the content of the Warrington Updated Proposed Submission Local Plan Document on behalf of Extra MSA Group in light of this planning policy context.

### 3. General Comments – Duty to Cooperate/ Sustainability Appraisal

3.1. Extra MSA Group is **concerned** that the evidence base, with particular regard to the Duty to Cooperate, Statement of Common Ground, does not address the need for Motorway Service Areas (MSA), and is not consistent with the provisions of the 2021 Framework or Regulations.

#### Test of Soundness

3.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

#### Justification

3.3. Extra MSA Group is **concerned** that the evidence base which supports the plan appears incomplete. The 2021 Framework requires Local Plans to be based on a sound and up-to-date evidence base which identifies development needs and reflects the locational characteristics relevant within the planning authority area.

3.4. As detailed in the subsequent sections of this representation, there is a policy imperative to consider the needs for roadside services when preparing a Plan, and for Plans to seek to address identified needs. There is an existing gap in the provision of roadside services on the strategic highway network within the north west of England. This gap in provision has been recognised since 2010<sup>1</sup> and has remained unaddressed, with subsequent analysis, associated with the Outline Planning Application at Junction 11 of the M62 for the provision of an

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<sup>1</sup> Spatial Planning Framework Review of Strategic Road Network Service Areas, National Report, Highways Agency, 2010

Motorway Service Area (MSA)<sup>2</sup>, indicating the presence of four strategic gaps within the north west. In identifying gaps in provision the highways authority are demonstrating that there are significant public safety issues, and welfare needs of road users which arise as a result in the lack of services and facilities. Consistent with the provisions of the 2021 Framework, Extra MSA Group consider that addressing the identified gap in provision is a strategic cross boundary issue that should be addressed through collaboration with relevant strategic plan making authorities.

**Duty to Cooperate and Statement of Common Ground.**

- 3.5. Plans are required to be prepared positively, and shaped by proportionate and effective engagement with groups of people, businesses, infrastructure providers, operators and statutory consultees<sup>3</sup>. The 2021 Framework states that local planning authorities have a duty to cooperate on strategic matters that cross administrative boundaries, the duty is with other authorities, and other prescribed bodies<sup>4</sup>. The 2021 Framework seeks to ensure that Plan makers collaborate on the relevant strategic matters to be addressed by Plans, and engage with relevant bodies, including infrastructure providers. This joint working should establish what the requirements are and whether development needs can be met within a particular plan area or elsewhere. This engagement should be documented within a Statement of Common Ground documenting the cross boundary matters being addressed and progress in cooperating to address these.
- 3.6. Effective joint working on cross boundary strategy matters is a key test of 'soundness'. Significantly, the 2021 Framework through promoting such engagement seeks to ensure that cross boundary strategic matters are dealt with and not deferred<sup>5</sup>.
- 3.7. The 2021 Framework requires that Policies are prepared with the active involvement of highways authorities, other transport infrastructure provides, and operators and neighbouring councils.
- 3.8. Part 2 of paragraph I06 of the 2021 Framework (formerly paragraph I04 in the earlier version) requires policies to provide for any large scale transport facilities that need to be located in the area. Footnote 44 is clear that such policies should be developed through collaboration

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<sup>2</sup> Planning Application Reference: 2019/35726

<sup>3</sup> Paragraph 16, NPPF, July 2021

<sup>4</sup> Paragraph 24, NPPF, July 2021

<sup>5</sup> Paragraph 35, NPPF, July 2021

between strategic policy making authorities, and other relevant bodies. The 2021 Framework, through the application of footnote 44, is clear that large scale facilities includes the provision of roadside services.

- 3.9. PPG is clear that local planning authorities should undertake an assessment of transport implications when developing Local Plan(s). PPG considers that transport assessments at Local Plan level should be produced in partnership with all relevant transport and planning authorities, transport providers and key stakeholders, highlighting in some locations it may be appropriate for transport assessments to cover an area wider than the Local Plan.<sup>6</sup> Key issues to be considered include safety, accessibility, congestion, mobility, pollution, affordability, carbon reduction; *“the potential options to address issues identified and any gaps in the networks in the short, medium and longer term, for example accessibility, congestion, mobility, safety, pollution, [and] carbon reduction”*[Spawforths emphasis].
- 3.10. Consistent with the guidance within the 2021 Framework and the PPG it would therefore be expected that matters relating to the strategic transport network, specifically including the safety of road users, and hence addressing any identified gaps in MSA provision, would be identified as a cross boundary matter subject to duty to cooperate discussions with neighbouring authorities.
- 3.11. Extra MSA Group have had regard to the content of the Duty to Cooperate Statement, March 2019, and associated appendices (records A-F), which incorporate a Statement of Common Ground in record C. The introduction confirms the purpose of the Statement and considers that the document demonstrates how the Council has cooperated with neighbouring Local Planning Authorities, and other ‘prescribed bodies’ in the preparation of its Plan.
- 3.12. The Statement confirms that there have been discussions in relation to development needs and impacts upon the Strategic Road Network with Highways England (now National Highways)<sup>7</sup>, and that impacts of proposed development on the Strategic Road Network, which were raised by neighbouring authorities have been discussed with those authorities. However, there is no evidence contained therein that the identified needs for MSA provision were raised and discussed with the DTC partners. The minutes of meetings with Highways England, including on 21<sup>st</sup> May 2018 and 11<sup>th</sup> September 2018 considered the following

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<sup>6</sup> Paragraph:005 Reference ID: 54-005029141010

<sup>7</sup> Duty To Cooperate Statement – Record A: Minutes of Meetings.



matters: the impact of development on the strategic road network; the need for Modelling Work; the “filling the Gap” smart motorway project J19 to 22; Park and Ride at Junction 20, the 2008 Park and Ride Study report suggested that J9 on M62 was best option for a strategic bus park and ride; M62 Junction 11 Abnormal load bay; and updates on Smart Motorway J12 to J10. It is clear therefore that there is no record of the identified gap for MSA provision being raised with neighbouring authorities, including Salford.

3.13. The Duty to Cooperate Statement Update, September 2021, again confirms the scope of the document and considers that it demonstrates how the Council has cooperated with neighbouring Local Planning Authorities, and other ‘prescribed bodies’ in the preparation of its Plan. This forms an update to the March 2019 Duty to Cooperate Statement. Extra MSA Group note that it is not clear that the record of meetings is complete, the minutes of the meeting 19<sup>th</sup> September 2019 appear to be missing some content (Page 7 and 8). The Statement confirms that there have been further/ ongoing discussions with Highways England (now National Highways) and neighbouring authorities. In terms of allocations, at the meeting 23<sup>rd</sup> September 2021, Warrington indicated that they were not proposing any major allocations near the Greater Manchester boroughs. At the same meeting Wigan requested a meeting to discuss the findings of the Local Plan transport model in order to understand the implications on the Motorway/Strategic Road Network. Whilst development needs were discussed there is no evidence that the needs for an MSA were addressed through these discussions. A number of meetings with Highways England are recorded within the updated Statement, again there is no evidence of the gap in MSA provision being discussed. Rather, the discussions held appear to relate to the Plan and the impacts of the proposed development on the Strategic Road Network, and the need for an updated statement of common ground.

3.14. An updated Statement of Common Ground has been published alongside the publication version of the Local Plan<sup>8</sup>. The Statement sets out the authorities to which the Statement relates, and includes those which the authority shares its boundary. It goes on to identify the strategic issues where cooperation has been undertaken, a summary of which is provide in Annex 2. The Statement considers transport, and includes Working with Highways England, Statement 13 *“WBC will continue to work with Highways England to ensure that there is a full understanding of the impact of the development proposed in the updated Proposed Submission*

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<sup>8</sup> Warrington Borough Council – Statement of Common Ground, September 2021.

*Version Local Plan 2021 (both cumulative and individual) and to agree to the detail of the required mitigation measures*". The Statement of Common Ground does not consider the needs for an MSA, and therefore it is not subject to a statement setting out areas of agreement or outstanding issues that remain between neighbouring authorities and or Highways England on this matter. We note however that Highways England responded to the Submission Local Plan on 12<sup>th</sup> June 2019, highlighting their ambition to ensure that major roads are more dependable, durable and most importantly – safe.

3.15. It is noteworthy that at the point of preparing the revised Submission Local Plan, and the accompanying evidence base including the Duty to Cooperate Statement, and Statement of Common Ground, that an application for an MSA at Junction 11, of the M62 had been submitted<sup>9</sup>, and as such both the planning authority and National Highways (formerly Highways England) were aware of the need for MSA development in this locality. National Highways (formerly the Highways Agency) identified the existing gap in MSA provision within their Spatial Planning Framework Review of the Strategic Road Network, 2010, paragraph 1.4, which states *"that the report provides evidence base to identify existing gaps in MSA provision. Therefore, where necessary, the HA can provide input into the appropriate Local Development Frameworks to recommend action to address the gaps in provision."* The report identifies gaps in the network, which are a priority to address in the North West, and recommends the need to facilitate cross boundary working to ensure a coordinated approach to ensuring appropriate provision of the MSA, confirming that consideration should be given to the location of new MSA's within the development plan. It is clear from the above that despite this requirement, Warrington have failed to address this issue.

3.16. Critically, through the consideration of Extra's MSA planning application at Junction 11 of the M62, the Council has *"accepted that a need exists for the proposed MSA and the application site could address that need"*. The Council state that *"officers consider that there is a clear and demonstrable need for the MSA when considered against the Government's policy in Circular 02/2013 and Highways England identification of gaps on the network, and that the proposed location would meet this need. The extent of this need does not require further consideration, it is acknowledged that there is an existing need on highway safety grounds to address driver and passenger safety and welfare issue"*<sup>10</sup>. Highways England (now National Highways) have stated that they would have "no

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<sup>9</sup> Planning Application Reference: 2019/35726

<sup>10</sup> Paragraph 8.204 and Paragraph 8.225. Planning Application Reference: 2019/35726, Development Management Committee Report, 9<sup>th</sup> June 2021

*objection in principle to the proposed development of a new MSA at M62 J11 on the grounds of spacing*<sup>11</sup>. Highways England's response to the MSA application consultation of 1<sup>st</sup> October 2019 confirms the national importance of the Strategic Road Network and it does not raise any concerns in relation to the need for development. No objections have been raised to the principle of development of an MSA at Junction 11 of the M62 in the subsequent responses by Highways England on 12<sup>th</sup> November 2019, 20<sup>th</sup> December 2019 and 8<sup>th</sup> June 2020. It should be noted that Salford City Council responded to the Planning Application on 21<sup>st</sup> October 2019 and on 6<sup>th</sup> July 2020, and did not raise any concerns with the need for an MSA being addressed within Warrington Borough Council.

- 3.17. Extra MSA Group contend that consistent with the provisions of the 2021 Framework that the need to respond to the identified gap in the provision of MSA's on the Strategic Road Network in the north west is a strategic matter that crosses administrative areas, and that it should be explicitly addressed through the Duty to Cooperate and the Statement of Common Ground. Highways England identified the need which the Council have accepted, and the failure to identify and respond to this within the Duty to Cooperate discussions and strategic matters identified in the Statement of Common Ground risks undermining the 'soundness' of the Plan.

#### **Sustainability Appraisal**

- 3.18. As a result of not having regard for the provisions of the 2021 Framework, which set out the need to consider policies to provide for large scale transport facilities that need to be located in the area, and expressly includes the provision of roadside services, the Plan does not seek to address the policy or public safety need for an MSA<sup>12</sup>. The Plan does not establish a criteria based policy or allocation for MSA's or Roadside services and it does not seek to identify sites or assess sites for such use<sup>13</sup>. Correspondingly, the Sustainability Appraisal does not address the need or sites for the purpose of meeting the identified need, and the site selection paper does not consider the suitability of sites for the purposes of an MSA.
- 3.19. This is critically important, as the 2021 Framework states in paragraph 32 that:

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<sup>11</sup> Letter dated 11<sup>th</sup> June 2019, Highways England.

<sup>12</sup> Paragraph 106 e and footnote 44, NPPF, July 2021.

<sup>13</sup> There is no consideration for the need of an MSA, or an assessment of sites for an MSA within Development Options and Site Assessment Technical Report, September 2021, or within the Warrington Local Plan Review, Pre Submission Sustainability Appraisal, August 2021

*Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).*

3.20. Furthermore, PPG states that the Sustainability Appraisal *needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:*

- *Outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*
- *As part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *Provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

3.21. This therefore explains that the Sustainability Appraisal is an iterative process, which is an ongoing assessment. The Sustainability Appraisal should evolve as the plan making process is undertaken. It is evident from the submission of the Planning Application for an MSA at Junction 11 of the M62 Motorway, that there is a need for an MSA, and that the Council has accepted the existence of this need. Furthermore, it is clear from the Report Responding to Representations that another party had also referred to the need for Motorway Service Areas within Warrington, and identified a potential site. There should be evidence within the Sustainability Appraisal that policy options and reasonable alternatives have been considered, what the implications are, what mitigation measures could be proposed and what solutions exist. There does not appear to be an assessment of reasonable alternatives in relation to the need for an MSA, an assessment of site specific allocations to meet this need, or the provision of reasons for rejecting or not considering the options. Extra MSA Group would suggest this evidence should be published, if it has been undertaken.

- 3.22. Extra MSA Group set out the need to address the provision of an MSA further within this representation. Extra MSA group consider that land at Junction 11 of the M62 Motorway, is ideally situated to respond to the identified need for MSA, and is capable of addressing four identified strategic gaps in provision. The deliverability of the site is addressed under section 10 on omission sites. The area of land has been assessed in the Council's evidence on Green Belts<sup>14</sup>, but its suitability for an MSA should be assessed within the Site Assessment Technical Paper and Sustainability Appraisal.
- 3.23. Extra MSA Group therefore reserves the right to comment further on the Local Plan and policies when this information is provided.

### Proposed Change

- 3.24. To overcome the objection and address soundness matters, the Council should:
- Address the need for MSA provision, including through Duty to Cooperate discussions and the Statement of Common Ground.
  - Update the Sustainability Appraisal, addressing the need for MSA, policy options and site assessments, and reasonable alternatives. Land at Junction 11 of the M62 Motorway should be assessed for the purposes of an MSA.

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<sup>14</sup> Parcel 2, and WR14 Green Belt Assessment Final Report, October 2016 and Parcel 2A and WR 14 within the Green Belt Assessment – Addendum following Regulation 18 Consultation

## 4. Vision and Objectives.

- 4.1. Extra MSA Group **concerned** that the Vision does not reflect the need to enhance the safety of the Strategic Road Network.

### Test of Soundness

- 4.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

- 4.3. Extra MSA Group supports the Vision’s recognition of Warrington’s strategic location, including acknowledging its location within the Strategic Road Network. However, Extra MSA Group consider that the Vision should be amended to reflect the need to enhance the safety of the Strategic Road Network by the end of the Plan period, reflecting the current issues affecting the network and the identified gap in provision of MSA<sup>15</sup> (please note the need for MSA is addressed further in subsequent sections of this representation).
- 4.4. The section of the M62 between junction 10 and junction 12 carries high volumes of traffic with over 110,000 vehicles a day, with high volumes of heavy good vehicles. Highways England, now National Highways, confirms that the area is affected by congestion and unreliable journey times, with traffic predicted to grow<sup>16</sup>. National Highways confirm that there is a public safety need to address the identified gap in MSA provision in this locality. RoSPA highlight that “research shows that driver fatigue may be a contributory factor in up to 20% of road accidents, and up to 25% of fatal and serious accidents’ and note that “crashes caused by tired drivers are most

<sup>15</sup> Figure 4.1 Spatial Planning Framework Review of Strategic Road Network Service Areas, National Report, Highways Agency, 2010

<sup>16</sup> <https://highwaysengland.co.uk/our-work/north-west/m62-junction-10-to-12-smart-motorway/>

likely to happen on long journeys on monotonous roads, such as motorways”<sup>17</sup>. The Department for Transport reported that fatigue is the primary contributory factor in 2% of all road traffic accidents reported in Great Britain in 2019, and 6% of all reported accidents on Great Britain’s Motorways<sup>18</sup>. Extra MSA Group consider that the need to improve public safety on the Strategic Road Network is a strategic matter, which has economic impact and hence that it should be reflected within the Vision. This would be consistent with the explanatory text within paragraph 3.1.13 which recognises the need for the transport network to be safe and efficient. This could be addressed through additional wording within section 4 of the Vision, such as proposed below:

- 4.5. *“Warrington’s central position within the Northern Powerhouse provides businesses with unrivalled access to the Manchester and Liverpool conurbations, the Manchester Ship Canal, **public transport networks** and the national road ~~and public transport~~ networks. **The safety and performance of the national road network within Warrington will be enhanced.** The future intersection of the two new major national rail routes, HS2 and Northern Powerhouse Rail, in Warrington will further enhance the Town’s strategic connectivity”.*
- 4.6. The Plan seeks to identify challenges and issues facing the district. Extra MSA Group is concerned that the strategic gaps in the provision of MSAs, alongside the public safety need, is not highlighted within the preceding section on challenges. Correspondingly, the policy and public safety need for the provision of an MSA is not fully reflected within the Objectives of the Plan. In particular Objective W1 should reflect the policy need for such development, with amendments to the associated explanatory text to reflect the policy need for MSA development.
- 4.7. Extra MSA Group support the need within Objective W4 *“To provide new infrastructure and services to support Warrington’s growth; address congestion; promote safer and more sustainable travel; and encourage active and healthy lifestyles”.* Extra MSA Group note that the primary function of roadside services is to support the safety and welfare of the road user, and thus the delivery of an MSA within Warrington, addressing the identified gap in provision, plays a significant role in supporting the achievement of Objective W4, with respect to supporting

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<sup>17</sup> Road Safety Factsheet Driver Fatigue and Road Accidents Factsheet, RoSPA, July 2020

<sup>18</sup> Table RAS50001, Table RAS50003, STATS19, DfT 2019

economic growth, promoting safer travel, the promotion of sustainable travel, and the encouragement of active and healthy lifestyles.

## Proposed Change

- 4.8. To overcome the objection and address soundness matters, the Council should:
- Review the Vision, and ensure that the Vision reflects the current public safety issues affecting the Strategic Road Network and the need to address the impacts of congestion and support improvements to road safety.
  - Revise Objective WI to ensure that it reflects the policy and public safety need for the development of an MSA along the M62 within Warrington.



## 5. Spatial Strategy & Key Diagram

- 5.1. Extra MSA Group is **concerned** that the Key Diagram and Spatial Strategy as set out within the Explanatory Text does not address the clear policy and public safety needs for the provision of an MSA.

### Test of Soundness

- 5.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

- 5.3. Section 3.3 of the Plan sets out the Plan’s Spatial Strategy in response to ‘Policies relating to Objective WI’. As noted above, Objective WI fails to identify the clear policy and public safety imperative to address the needs for an MSA within Warrington. Consequently, the Key Diagram which illustrates the Spatial Strategy fails to identify provision to meet this need for an MSA under Objective WI and Strategic Site Allocations. Therefore, Extra MSA Group consider that there is a need for an amendment to the Key Diagram to reflect the need for MSA through identification of the Optimal Search Area or through identifying the allocation of land at Junction 11 of the M62 Motorway.
- 5.4. The Explanatory Text in paragraph 3.3.6 should be amended to reflect the need for an MSA recognising the role of MSA in supporting the economic growth of the Borough, as well as the public safety needs, supporting reductions in carbon emissions and healthy lifestyles. It is proposed that paragraph 3.3.6 is amended as follows:
- 5.5. *“The Plan’s spatial strategy has therefore been developed in order to meet the need for new homes, employment land, and retail supported by wider ranging infrastructure improvements and other supporting services and facilities (including motorway service areas (MSA))”.*

- 5.6. Correspondingly, there is a need to amend the sub section on 'Infrastructure to Support Warrington's Growth' (paragraphs 3.3.29 – 3.3.34). This should set out the role of MSAs in supporting the economic growth of Warrington and the wider region, and the public safety need, making relevant references to updated Duty to Cooperate discussions, alternative sites, and the relationship with the overarching spatial strategy.

### Proposed Change

- 5.7. To overcome the objection and address soundness matters, the Council should:
- Amend the Key Diagram to identify the location/broad location (Optimal Search Area) for the provision of roadside services or include the allocation of land at Junction 11 of the M62 Motorway as an MSA.
  - Amend the explanatory text to reflect the identified needs for roadside services (MSA) and their relationship supporting the economic growth of the area as well as the public safety role.

## 6. Exceptional Circumstances for Green Belt Release

- 6.1. Extra MSA Group is **concerned** that the approach to ‘exceptional circumstances’ does not reflect the needs for development that exist within Warrington.

### Test of Soundness

- 6.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

- 6.3. Extra MSA Group support the need to review the existing Green Belt boundaries within Warrington, and the conclusions that ‘exceptional circumstances’ exist to justify the release of Green Belt.
- 6.4. In section 7, Extra MSA Group set out the clear policy requirements, and public safety need for MSA provision, which should be addressed within the Plan, this need is not repeated here. Extra MSA Group have reviewed this need, and in association with the application for an MSA at Junction 11 of the M62 Motorway<sup>19</sup>, have identified an Optimal Search Area that is capable of addressing the identified gaps in the Strategic Road Network at a single location. This is set out in detail within the Alternative Site Assessment, that accompanied planning application 2019/35726, and is included at Appendix I. The Alternative Site Assessment confirms that there are no suitable alternative non Green Belt sites within the Optimal Search Area, and this has been accepted by the Council<sup>20</sup>. Extra MSA Group consider that ‘exceptional

<sup>19</sup> Planning Application Reference: 2019/35726

<sup>20</sup> Paragraph 8.242, Application Reference 2019/35276, Development Management Committee Report, 9<sup>th</sup> June 2021

circumstances' exist to meet the policy and public safety need for the development of an MSA since there is a demonstrable lack of alternative non Green Belt sites. The explanatory text, within the sub section on 'Warrington's Exceptional Circumstances' is currently silent on discussions with neighbouring authorities with regards to addressing an identified gap in MSA provision on the Strategic Road Network. The 'exceptional circumstances' set out therein do not reflect the need for development arising from the identified gaps in MSA provision, and the specific locational requirements associated with such provision. Extra MSA Group consider that the 'exceptional circumstances' in relation to need, and the spatial strategy responding to that need should be expanded upon to reflect the clear identified needs.

- 6.5. Furthermore, Extra MSA Group consider that the site specific 'exceptional circumstances' for Green Belt release should be revised. This should reflect the circumstances that support the release of land at Junction 11 of the M62 from the Green Belt in order to meet the established gaps in MSA provision, having regard to the specific locational requirements, and the role of such provision in facilitating economic growth, enhancing public safety, and critically the lack of alternative non Green Belt sites as set out within the Alternative Site Assessment (please refer to Appendix 1). The land at Junction 11 of the M62 is capable of addressing all the identified gaps in MSA provision within the Strategic Road Network in the sub region, at a location which is identified as having a 'weak' impact on the 'purposes' of Warrington's Green Belt, as established within the Alternative Site Assessment. This corresponds with the Councils evidence contained within the Green Belt Assessment Addendum following Regulation 18 Consultation, July 2017 (parcel WR14).
- 6.6. The subsequent sub section on the 'Implications of not meeting Warrington's full development needs' (paragraphs 3.4.11 – 3.4.16) should also set out the implications arising as a result of the gaps in MSA provision not being addressed. This will continue to have a detrimental impact on public safety, congestion, amenity issues arising from traffic leaving the network for rest/need for facilities, impact on economic growth and logistics resulting from a lack of adequate secure parking and rest facilities.

### **Proposed Change**

- 6.7. To overcome the objection and address soundness matters, the Council should:

- Ensure that the Borough wide ‘exceptional circumstances’ reflect all strategic/cross boundary development needs including the need for roadside services. This should identify the role of MSA provision in supporting the economic growth of the Borough and addressing public safety needs.
- Amend the site specific ‘exceptional circumstances’ to reflect the need for the release of land at Junction 11 of the M62 to meet the identified needs for (MSA) roadside services, and the role in supporting the economic growth of the Borough and addressing public safety needs.

## 7. Policies Relating to Objective WI

- 7.1. Extra MSA Group is **concerned** that the policies related to Objective WI do not currently address the needs for Roadside services/Motorway Service Areas even though the provision of such facilities are required to be addressed by Plan policies, and are critical in supporting both the economic growth of an area and enhancing public safety.

### Test of Soundness

- 7.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

- 7.3. The Plan section on ‘Policies Relating to Objective WI’ serve to address the development needs of Warrington and establish a strategy for meeting those needs, including identifying site allocations for release from the Green Belt. However, Extra MSA Group are concerned that the policies as currently drafted do not address the need for roadside services and are therefore not consistent with the provisions of the 2021 Framework.
- 7.4. The 2021 Framework sets out the purpose of the planning system, which is to contribute to the achievement of sustainable development, with Plans being prepared with the objective of contributing to the achievement of sustainable development<sup>21</sup>. Achieving sustainable development means the planning system has three overarching objectives. The economic objective aims to build a strong, responsive, and competitive economy, by ensuring that there

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<sup>21</sup> Paragraph 16, NPPF, July 2021

is sufficient land of the right types available in the right places at the right time to support growth, and through the identification and coordination of the provision of infrastructure<sup>22</sup>.

- 7.5. The social objective is to be achieved through the delivery of well-designed and safe places, with accessible services, that reflect current and future needs, and support communities health, social and cultural well-being.
- 7.6. The environmental objective also seeks to protect and enhance our natural built and historic environment, including moving towards a low carbon economy.
- 7.7. The 2021 Framework establishes the presumption in favour of sustainable development. Paragraph 11 is clear that for Plan Making this means that the Local Plan “*should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure....” And that “*b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas...”<sup>23</sup>**
- 7.8. Plans are required to be prepared positively, and shaped by proportionate and effective engagement with amongst over groups of people, businesses, infrastructure providers, operators and statutory consultees<sup>24</sup>. The 2021 Framework goes on to state that strategic policies within Plans should set out a strategy for and make sufficient provision for employment, commercial development, and infrastructure for transport<sup>25</sup>. Strategic policies should be limited to strategic priorities and any relevant cross boundary issues<sup>26</sup>. They should “*Provide a clear strategy for brining sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period....This should include planning for an allocating sufficient sites to deliver the strategic priorities of the area”<sup>27</sup>.*
- 7.9. The need for Plans to be prepared positively and as a minimum meet the area’s objectively assessed needs is fundamental to the consideration of whether the Plan is “sound”<sup>28</sup>, alongside the considerations of whether the Plan is justified, effective and consistent with national policy.

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<sup>22</sup> Paragraph 8, NPPF, July 2021

<sup>23</sup> Paragraph 11, NPPF, July 2021

<sup>24</sup> Paragraph 16, NPPF, July 2021

<sup>25</sup> Paragraph 20, NPPF, July 2021

<sup>26</sup> Paragraph 21, NPPF, July 2021

<sup>27</sup> Paragraph 23, NPPF, July 2021

<sup>28</sup> Paragraph 35, NPPF, July 2021

- 7.10. Chapter 6 of the 2021 Framework requires planning policies to “*help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”<sup>29</sup>. Paragraph 83 goes on to seek to ensure that “*planning policies and decisions should recognise and address the specific locational requirements of different sectors*”. Whilst the policy identifies some industries, the list itself is not exhaustive, and thus is relevant to the consideration of the needs for MSAs. Indeed, the 2021 Framework is explicit in the need to ensure that transport issues are considered within the early stages of Plan making<sup>30</sup>. Paragraph 106 part e) states that “*Planning policies should provide for any large scale transport facilities that need to be located in the area*”<sup>44</sup> and in doing so should take into account any relevant national policy statements. Footnote 44 states that such policies should be developed through collaboration between strategic policy making authorities and other relevant bodies and significantly confirms that such facilities include roadside services. Footnote 44 states that the “*primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects)*”.
- 7.11. Furthermore, Paragraph 109 of the 2021 Framework is clear that policies “*should recognise the importance of providing adequate overnight lorry parking facilities taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause nuisance*”.
- 7.12. The 2021 Framework is clear that Plans should as a minimum seek to meet the objectively assessed needs for development, subject to the provisions within Paragraph 11, b) ii), and that doing so is fundamental to the consideration of the Plan’s ‘soundness’. The 2021 Framework is explicit that there is a need for policies to take into account the needs of specific sectors, and provide for roadside services that need to be located in the area. It is acknowledged within the 2021 Framework, that delivering sufficient land of the right type in the right places at the right time is critical to building a strong, responsive and competitive economy, key to the achievement of the economic objective and therefore the ability to for a Plan to deliver sustainable development.

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<sup>29</sup> Paragraph 61, NPPF, July 2021

<sup>30</sup> Paragraph 104, NPPF, July 2021.



- 7.13. **Extra MSA Group consider that in order to be consistent with the provisions of the 2021 Framework and be capable of being considered ‘sound’ at Examination, the Plan must have regard to the needs for an MSA within Warrington.**
- 7.14. The 2021 Framework requires Plans and policies not only to be consistent with the Framework but also with other statements of national planning policy. The 2021 Framework whilst confirming that the Framework itself is a material consideration in planning decisions and should be taken into account when preparing the Plan, also confirms, in paragraph 5, that “national policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications”. Paragraph 6 goes on to state that “Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission. The 2021 Framework does not provide an exhaustive list of government policy that should be taken into account during Plan making.
- 7.15. National policy statements are therefore also of relevance when preparing the Plan. The National Policy Statement for National Networks, December 2014, is relevant in so far as it sets out the need for development of national significant infrastructure projects on the road (and rail networks), the policies to support delivery and the relevant thresholds to be applied. It is stated that the National Policy Statement (NPS) can be a material consideration in the determination of planning applications that fall under the Town and Country Planning Act 1990<sup>31</sup>.
- 7.16. The Strategic Road Network forms the ‘national road network’ as referred to within the NPS. The NPS sets out the Government’s vision and objectives for national networks – to deliver national networks that meet the country’s long term needs, to support a prosperous economy, and improve quality of life. The Government seeks to deliver networks “with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs”, which “support and improve journey quality, reliability and safety”, and that can “support the delivery of environmental goals and the move to a low carbon economy”, as well as networks that effectively link communities to each other.

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<sup>31</sup> Paragraph 1.4 National Policy Statement for National Networks, December 2014

- 7.17. The NPS is clear that national road networks play a significant role in supporting economic growth, economic activity, and productivity. The NPS considers that “*well connected and high-performing networks with sufficient capacity are vital to meet the country’s long terms needs and support a prosperous economy*”<sup>32</sup>. There is a recognition of the critical need to address road congestion to provide safe and resilient networks, in order to support economic growth, and the need for improvements in order to address quality of life and environmental factors<sup>33</sup>. The NPS considers that there is “*a need for development on the national networks to support national and local economic growth and regeneration*”<sup>34</sup>, to improve resilience on networks and adapt to climate change<sup>35</sup> and that “*broader environment, safety and accessibility goals will generate requirements for development. In particular, development will be needed to address safety problems, enhance the environment or enhance accessibility for non-motorised users. In their current state, without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives*”.
- 7.18. With specific reference to the national road network, and the Strategic Road Network the NPS states that “*The Strategic Road Network provides critical links between cities, joins up communities, connects our major ports, airports and rail terminals. It provides a vital role in people’s Journeys, and drives prosperity by supporting new and existing development, encouraging trade and attracting investment. A well-functioning Strategic Road Network is critical in enabling safe and reliable journeys and the movement of goods in support of the national and regional economies*”. The NSP goes on to address the impact of traffic congestion constraints on the economy and quality of life, with the plan at Appendix A highlighting the regular congestion affecting the M62 in the north west and Warrington expecting to become severe by 2040. Significantly the NPS recognises the need to further improve road safety, it recognises, that “*road deaths and injuries are a tragedy for all affected, and accidents also have a major economic cost, estimated at over £14.7 billion a year. Incidents on the network also lead to increased unreliability and delay for other users*”<sup>36</sup>.
- 7.19. Whilst MSA’s are noted to be unlikely to be nationally significant infrastructure projects within the 2021 Framework, the primary function of an MSA is identified as supporting the safety and

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<sup>32</sup> Paragraph 2.1 National Policy Statement for National Networks, December 2014 (footnote 12, of which, references The Eddington Transport Study: The Case for Action 2006).

<sup>33</sup> Paragraph 2.2 National Policy Statement for National Networks, December 2014

<sup>34</sup> Paragraph 2.6 National Policy Statement for National Networks, December 2014

<sup>35</sup> Paragraph 2.7 National Policy Statement for National Networks, December 2014

<sup>36</sup> Paragraph 3.9 National Policy Statement for National Networks, December 2014

welfare of road users, and thus MSAs are critical in supporting a well-functioning Strategic Road Network and supporting national and regional economies. The National Policy Statement on National Networks is relevant in so far as it confirms the priorities for the Strategic Road Network, the drivers for improvements, and the need to continue to improve the safety of the Strategic Road Network. This supports the need for the Local Plan to address the needs for MSA's.

- 7.20. As considered within the 2021 Framework, Circular 02/2013 is also relevant to the preparation of the Plan and the development of policies contained therein.
- 7.21. Paragraph 8 of this document states that a well-functioning Strategic Road Network enables growth by providing for safe and reliable journeys. Paragraph 7 also reaffirms that the Strategic Road Network plays a key role in enabling and sustaining economic prosperity and productivity, whilst also helping to support environmental and social aims and contributing to wider sustainability objectives and improved accessibility to key economic and social services. Paragraph 12 to 20 confirm that the Highways Agency (now National Highways) will engage with the Local Plan process in order to support sustainable patterns of development, make efficient use of the capacity of the Strategic Road Network, ensure that development does not compromise the primary purpose of the Strategic Road Network, and support capacity enhancements and infrastructure required to deliver strategic growth.
- 7.22. Annex B specifically relates to roadside facilities for road users on motorways in England and sets out policy on the provision, standards and signage of roadside facilities on the Strategic Road Network. The Circular confirms that all such proposals will be considered in the context of the National Planning Policy Framework and, in particular, the statement that it includes regarding the primary function of roadside facilities being to support the safety and welfare of the road user (as now set out in paragraph 106 e and footnote 44, of the 2021 Framework).
- 7.23. In relation to spacing, paragraph B4 outlines that MSAs perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Paragraph B4 also confirms that motorists should stop and take a break of at least 15 minutes every two hours. Commercial and public service drivers are also required to take statutory breaks and are subject to working time limits and these MSA facilities assist in compliance with such requirements.

7.24. Paragraphs B5 and B6 set out that MSAs should be located at a maximum of 30 minutes travelling time. This can typically be a maximum distance of 28 miles, but on similar busy and congested sections of the Strategic Road Network, is an average of 15 to 20 miles. This distance can also be shorter, subject to compliance with the design requirements of the Design Manual for Roads and Bridges.

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

7.25. Paragraph B8 confirms that in determining applications for new MSAs, Local Planning Authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their own specific merits. Paragraph B8 is set out below:

*“The distances set out above are considered appropriate for to (sic) all parts of the strategic road network and to be in the interests of and for the benefit of all road users regardless of traffic flows or choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.”*

7.26. Paragraph B10 confirms the need for Local Authorities and developers, to discuss proposals for developing new roadside facilities with the Highways Agency (now National Highways) as early as possible. In terms of location, Paragraph B13 sets out that locations between junctions (On-line) should be considered first, followed by sites sharing a common boundary with the highway at a junction with the Strategic Road Network.

7.27. The Circular also contains detailed guidance on signing, parking charges, picnic areas, parking provision, access to the Strategic Road Network, retail activities, hotels, conference centres and business centres, coach interchanges, park and ride and park and share, facilities for low emission vehicles, driver and tourist information and on site power generation and other sustainability measures. Schedule I sets out parking requirements.

- 7.28. Further to the above, Extra MSA Group has obtained Leading Counsel’s Opinion on the interpretation of need based on the Framework and Circular 02/2013. Counsel advised (14<sup>th</sup> May 2019 – paragraph 11) that “*The 2013 Circular was a deliberate departure from previous policy in that the Government decided to make clear that once a gap of more than 28 miles has been identified, the need for an MSA will be established (i.e. the absence of an MSA in such a situation frustrates the Government’s objective of supporting the safety and welfare of the road user). The local planning authority in such a situation should not concern itself with the merits of spacing beyond asking itself whether (a) the proposed MSA will help ensure that the maximum distance of 28 miles is not breached, and (b) that the new facility will not breach the requirements set out in the Design Manual for Roads and Bridges. For the purposes of applying the policy on “need” as set out in the Circular, it is not permissible to take a graduated approach to need by reference to the number of drivers using a particular stretch of the strategic road network or any other considerations such as route choice or the nature of the journeys. The existence of the requisite gap is conclusive evidence of need, and in the particular circumstances of this case it removes any necessity to debate how many drivers will choose a particular route (for example M6 South – M62 East, in preference to any other route.*” A copy of the full advice is included in the Alternative Sites Assessment, please refer to Appendix I.
- 7.29. Circular 02/2013 is discussed in further detail within the Alternative Sites Assessment. The Circular is of clear relevance to the identification of the gaps in the provision of MSAs on the Strategic Road Network, supporting the operation of the provisions established within the Framework. The wider national policy therefore supports the need to, and establishes the framework for, providing for large scale transport services, including roadside services within the Plan, having regard to the provisions within the Framework.
- 7.30. Significantly, the Highways Agency produced a national report in January 2010 titled: “Spatial Planning Framework Review of Strategic Road Network Service Areas”. The 2010 Study was commissioned to assess the provision of service areas on the Strategic Road Network in England (paragraph 1.1). The purpose of the Study was to “encapsulate the results of the MSA study which provides a gap study of those MSAs located in each region”. Paragraph 1.3 confirmed that this Study comprised the following:--

*“Identification of the location of MSAs along the Motorway Network;*

*Determination of the separation of MSAs;*

Identification of any gaps in provision; and

Recommendations to address provision issues along the Motorway Network”.

7.31. It is recognised that this Study pre-dated Circular 02/2013 as it used a requirement of 40 miles or greater to identify a “gap”. This distance has now been superseded by the Circular 02/2013 requirement that “the maximum distance between motorway service areas should be no more than 28 miles”. The conclusions of the 2010 Study can therefore be considered extremely robust as the maximum size of the gap has subsequently been reduced. In the North West, the 2010 Study set out in Table 4.2 a Matrix Displaying MSA Separation in the North West. Figure 4.1 of the Study provides a spatial illustration of the Motorway Service Gap Analysis. These figures are reproduced below for ease of reference, and are included within Appendix I.

Table 4.2: Matrix Displaying MSA Separation in the North West

Motorway Service Area	Government Office Region	Birch	Blackburn with Darwen	Bolton West	Burton in Kendal NB	Burtonwood	Charnock Richard	Chester	Gretna (A74(M) Scotland)	Hartshead Moor	Killington Lake SB	Knutsford	Lancaster (Forton)	Lymm	Sandbach	Southwaite	Tebay	Terminus of A627(M) (Oldham)	Terminus of M53 (Chester)	Terminus of M53 (Wallasey)	Terminus of M55 (Blackpool)	Terminus of M56 (Chester)	Terminus of M57/M58 (Switch Island)	Terminus of M602 (M'cr City Centre)	Terminus of M65 (Colne)	Terminus of M67 (Mottram & Hyde)	Todhills	Truckhaven (Camforth)
Birch	North West	#	17		22	35	39			24			25					6					39	13	28	17		
Blackburn with Darwen	North West	#	16			15							25											32	18	35		
Bolton West	North West	17	16	#			16						28											18		30		
Burton-in-Kendal (Northbound O	North West				#												22											
Burtonwood	North West	22				#	20							10										18	16		34	
Charnock Richard	North West	35	15	16		20	#						25	23									19	30		48		
Chester	North West	39						#				20	14						6	20		6						
Gretna (A74(M) Scotland)	Scotland								#																		6	
Hartshead Moor	Yorkshire and North East	24								#								22										
Killington Lake (Southbound On	North West										#		26															15
Knutsford	North West							20				#	7	14														
Lancaster (Forton)	North West		25	28			25						26	#														13
Lymm	North West	25				10	23	14					7	#														26
Sandbach	North West												14		#													
Southwaite	North West															#	27											12
Tebay	North West																27	#										
Terminus of A627(M) (Oldham)	North West	6								22								#										
Terminus of M53 (Chester)	North West							6											#	22								
Terminus of M53 (Wallasey)	North West							20												22	#							
Terminus of M55 (Blackpool)	North West		26	28			26						28									#						
Terminus of M56 (Chester)	North West							8															#					
Terminus of M57/M58 (Switch Island)	North West	39					18	19															#	35		52		
Terminus of M602 (M'cr City Centre)	North West	13	32	18			16	30															35	#	38	26		
Terminus of M65 (Colne)	North West	28	18																					38	#			
Terminus of M67 (Mottram & Hyde)	North West	17	35	30			34	48					26										52	26		#		
Todhills	North West							6																			#	
Truckhaven (Camforth)	North West				5						15		12															#

**Motorway Service Station Gap Analysis  
 National Overview - Distance between MSA's**

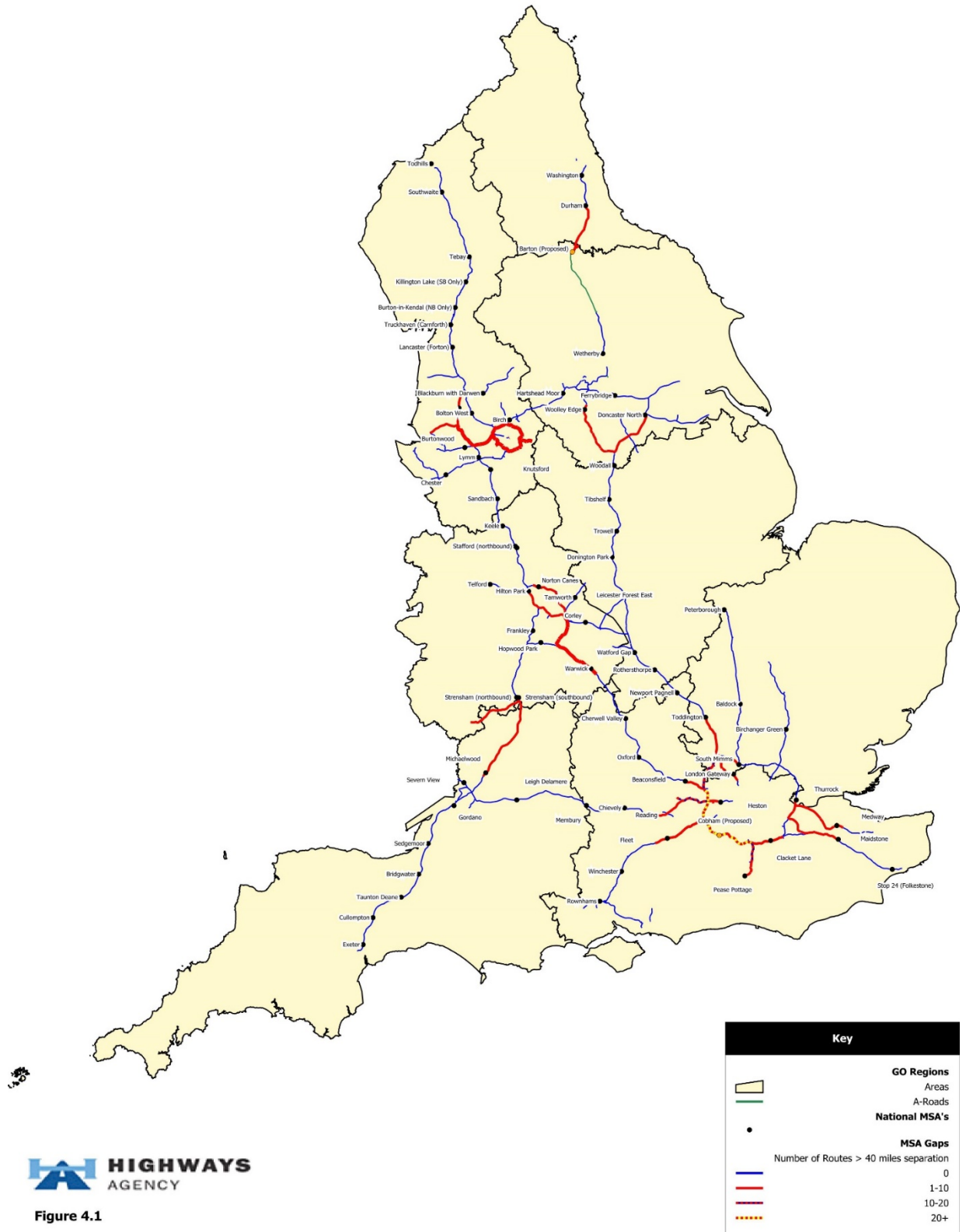


Figure 4.1

- 7.32. Paragraph 5.4 of the Study confirmed that “in the North West, Charnock Richard and the terminus of the M58 to the terminus of the M67 are both routes further than 40 miles long with no MSA provision. There are a further nine routes above the 28 miles threshold”.
- 7.33. Since the 2010 Study was published no new MSA provision has been delivered to meet any of these gaps in the North West region and hence the public safety need identified in 2010 has not been met. Circular Guidance 02/2013 has been produced since the 2010 Study which has reduced the maximum gap requirement from 40 miles to 28 miles and hence the “further nine routes above the 28 mile threshold” identified within the 2010 Study now also display a public safety need that must be met.
- 7.34. Based upon the gapping parameters contained within Circular 02/2013, **FOUR** defined policy gaps exist in the provision of MSA facilities on the Strategic Road Network within the North West Region where spacing between existing MSAs is greater than the maximum limit of 28 miles or a maximum travelling time of 30 minutes. These gaps are:
- On the M58/M6/M62/M60/M62 corridor between M58 Terminus (Switch Island) and Birch Services. (40 miles)
  - On the M6/M62/M60/M62 corridor between Charnock Richard Services and Birch Services. (35 miles)
  - On the M58/M6/M62/M60/M67 corridor between M58 Terminus (Switch Island) and M67 Terminus (Hattersley Roundabout). (52 Miles)
  - On the M6/M62/M60/M67 corridor between Charnock Richard Services and M67 Terminus (Hattersley Roundabout). (47 miles)



7.35. The distances set out above are clearly in excess of the 28 mile maximum distance and importantly the travelling time over these distances is significantly in excess of the 30 minute maximum time set out in Circular 02/2013 ‘The Strategic Road Network and the Delivery of Sustainable Development’.

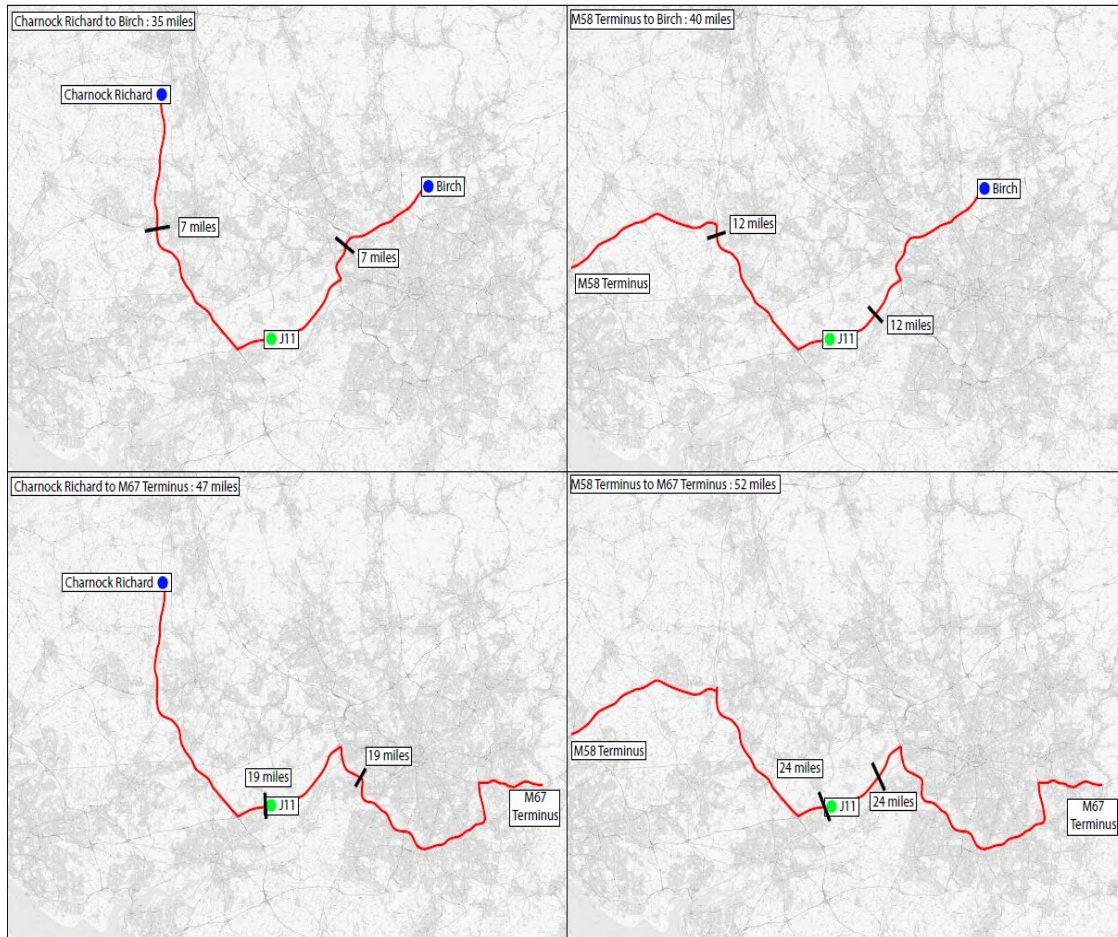


Figure 1 The Four Strategic Gaps in the Strategic Road Network

7.36. Charnock Richard Services are located on line between Junctions 27 and 28 of the M6. The location of this MSA is relevant to traffic heading south on the M6 as traffic heading south east on the M61 can use the facilities at Rivington services. Traffic from Liverpool on the M62 can use Burtonwood Services at Junction 8. Traffic coming from M58 (Switch Island) or any locations south of Charnock Richard and then heading south on the M6 and then on the M60 / M62 has no provision before Birch Services. Similarly traffic emanating from a similar location and then heading south on the M6, east on the M62 and then south east on the M60 (around

Manchester) and along the M67 towards the Pennines to reach the urban areas of Sheffield and Doncaster has no provision right through to the M67 terminus.

7.37. The gapping between existing MSA facilities on this section of the Strategic Road Network is significantly greater than the maximum 28 mile distance. It is also greater than the 30 minutes travelling time requirement given the often congested nature of the M6, M62 and M60 Motorways passing through the North West Region, as frequently occurs within this area. The needs of motorists, commercial drivers and their passengers are not being adequately met within this area.

7.38. Therefore in accordance with Circular 02/2013, there is a need fully supported by Policy, for an additional MSA to serve the identified gapping between:-

- M58 Terminus and M62 Birch Services;
- M6 Charnock Richard and M62 Birch Services;
- M58 Terminus and M67 Terminus; and
- M6 Charnock Richard and M67 Terminus.

7.39. The nature of the specific need within the North West region has been considered by Leading Counsel, instructed by Extra MSA Group. Counsel advised in paragraph 10 that *“It can be seen from the above that the existence of Burtonwood Services and Lymm Services do not address the identified gaps, for the simple reason that some drivers will take a journey whereby despite the existence of these two MSAs they will drive for more than 28 miles (and significantly longer than 30 minutes) before they encounter an MSA. How many such drivers there will be is irrelevant for the purposes of applying the Government policy on need – as paragraph B8 of the Circular makes explicit, once such a gap is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists (i.e. the existence of the gap is in and of itself conclusive evidence of need for planning purposes.”* A copy of the full advice is included in Appendix I of this Planning Statement.

7.40. As part of their pre application discussions in relation to the application at Junction 11 of the M62 Motorway, Extra MSA Group consulted with Highways England. Highways England confirmed at this time that based upon current distances between existing MSA facilities, it would have “no objection in principle to the proposed development of a new MSA at M62 J11 (“Warrington Services”) on the grounds of spacing”. A letter dated 11th June 2019 from Julie Prince (Senior Policy Advisor) at Highways England to Warrington Borough Council

confirming this gapping conclusion is enclosed at Appendix 2 of the Alternative Sites Assessment. Highways England's response of 1<sup>st</sup> October 2019 confirms the national importance of the Strategic Road Network, it does not raise any concerns in relation to Extra MSA Group's approach to the need for development. No objections to the principle of development of a MSA at Junction 11 of the M62 were made in the subsequent responses by Highways England on 12<sup>th</sup> November 2019, 20<sup>th</sup> December 2019, and 8<sup>th</sup> June 2020. It should be noted that Salford City Council responded to the Planning Application on 21<sup>st</sup> October 2019 and on 6<sup>th</sup> July 2020, and did not raise any concerns with the need for an MSA being addressed within Warrington Borough Council.

7.41. Critically, the Council has *“accepted that a need exists for the proposed MSA and the application site could address that need”* and state that *“officers consider that there is a clear and demonstrable need for the MSA when considered against the Government’s policy in Circular 02/2013 and Highways England identification of gaps on the network, and that the proposed location would meet this need. The extent of this need does not require further consideration, it is acknowledged that there is an existing need on highway safety grounds to address driver and passenger safety and welfare issue”*<sup>37</sup>.

7.42. In summary, there is a strategic need fully supported by policy, for a new MSA to serve the identified gapping between M58 Terminus and M62 Birch Services; M6 Charnock Richard and M62 Birch Services; M58 Terminus and M67 Terminus; and M6 Charnock Richard and M67 Terminus. This is based on Government policy in Circular 02/2013 which sets out the maximum acceptable distances between facilities. Extra MSA Group therefore consider that there is a policy imperative to address the needs for MSAs within Warrington and the wider SRN in the north west. **The needs for MSAs should be addressed in order for the Plan to be considered to be positively prepared, responding to objectively assessed needs for development that have been identified, and in order to be consistent with the provisions of the 2021 Framework, and therefore capable of being considered sound.**

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<sup>37</sup>Paragraph 8.204 and Paragraph 8.225. Planning Application Reference: 2019/35726, Development Management Committee Report, 9<sup>th</sup> June 2021

#### Economic and Public Safety Need

7.43. The Strategic Road Network plays a key role in the safe and efficient movement of goods, supplies and people around the United Kingdom; it is critical to the performance of the economy and is essential in helping to facilitate planned economic growth.

7.44. This is confirmed by Department for Transport report ‘Action for Roads: A Network for the 21st Century’ (July 2013) which states that *“The road network is vital to our nation and a crucial part of the national transport system. It provides real and direct economic benefits: to business, to workers, to consumers. Better connections support individual towns and cities and strengthen the country as a whole. Failures of the road network increase costs, stifle employment opportunities and make it harder to do business in the UK”*<sup>38</sup>.

7.45. The Highways England: The strategic road network: Planning for the future (September 2015) document confirms the approach that Highways England takes to engaging in the planning system in relation to the whole Strategic Road Network, comprising of motorways and all-purpose trunk roads in England. It confirms that the Document is written in the context of the NPPF and Circular 02/2013. The Document confirms that *“the Strategic Road Network (SRN) is arguably the biggest and single most important piece of infrastructure in the country and is the core of our national transport system”*. It also confirms that *“operating an effective and efficient SRN makes a significant contribution to the delivery of sustainable economic growth. Efficient and reliable connections enhance the UK’s image and reputation as a good place to invest. By enabling the efficient movement of people and goods the SRN helps create the conditions for growth through enabling businesses to:-*

- *Access the skills and ideas they need to perform and grow;*
- *Access their suppliers and control their costs;*
- *Serve the customers and reach out to new markets; and*
- *Create effective collaborations and partnerships.*

*The SRN is therefore essential to the growth, well-being and balance of the county’s economy”.*

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<sup>38</sup> Paragraph 1, page 5.

- 7.46. The Document has a section relating to “Roadside facilities, including Motorway Service Areas”. It confirms that “new and existing roadside facilities are subject to the provisions of relevant planning legislation and regulation, which together set the framework within which local planning authorities should consider the planning proposals for such developments”. As confirmed earlier, this legislation and regulation relates to the 2021 Framework and Circular 02/2013 (as well as the Town and Country Planning Development Management (Procedure) Order (England) 2015). In light of the above the Highways England 2015 Document supports the importance of public safety considerations and the contribution of the SRN to the national economy and re-affirms the role and relevance of both the 2021 Framework and Circular 02/2013.
- 7.47. The need to keep the Strategic Road Network flowing, supporting economic connectivity and mitigating the cost of delay is fundamental to national economic performance. The impact and costs of delays resulting from accidents on the Strategic Road Network can be significant and widespread. The Government estimates that the economic impact of a three lane carriageway closure on a busy motorway can be more than £500,000<sup>39</sup>. The social impact of accidents on the Strategic Road Network is also substantial and by 2020, Highways England has a target to reduce the number of people killed or seriously injured on the network by 50%<sup>40</sup>.
- 7.48. Driver fatigue is a recognised cause of road accidents and it is estimated that 20% of accidents on the Strategic Road Network are fatigue related. RoSPA highlight that “research shows that driver fatigue may be a contributory factor in up to 20% of road accidents, and up to 25% of fatal and serious accidents” and note that “crashes caused by tired drivers are most likely to happen on long journeys on monotonous roads, such as motorways”<sup>41</sup>. The Department for Transport reported that fatigues as the primary contributory factor in 2% of all road traffic accidents report in Great Britain in 2019, and 6% of all reported accidents on Great Britain’s Motorways.
- 7.49. Rule 91 of the Highway Code advises that in order to minimise risks, journeys should be planned to incorporate sufficient breaks. The Rule advises that the most effective ways to counter tiredness are to stop in a safe place, drink caffeinated coffee and take a short nap. Government advice is that motorists should stop and take a break of at least 15 minutes every

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<sup>39</sup> Paragraph 1.4, Review of Investigation and Closure Procedures for Motorway Incidents – Preliminary Report (May 2011). Department for Transport, Highways Agency, Association of Chief Police Officers and the Home Office.

<sup>40</sup> Annex D Highways England Delivery Plan 2020 – 2025, (2020) Highways England

<sup>41</sup> Road Safety Factsheet Driver Fatigue and Road Accidents Factsheet, RoSPA, July 2020

two hours. Drivers of many commercial and public service vehicles are also subject to a regime of statutory breaks and other vehicle time restrictions. The Circular Guidance notes in paragraph B4 that roadside services perform an important road safety function and Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Paragraph B8 confirms that this is “in the interests and for the benefit of all road users” and that the maximum and minimum spacing criteria are “established for safety reasons”. It is clear therefore that Government advice supports the requirement to meet the public safety need once it has been identified

7.50. The UK’s network of Motorway Service Areas therefore perform an essential road safety function in ensuring the safety and welfare of drivers and their passengers and underpin the safe and efficient operation of the M6, M62 and M60 in the North West of England and other Motorways throughout the country. MSAs create opportunities and facilities for motorists and commercial drivers and their passengers to take breaks, refresh and relax in safe and convenient locations on the Strategic Road Network. Appropriately spaced MSA provision is therefore fundamental to public safety, and therefore meeting National Highways objectives to reduce accidents on the Strategic Road Network.

7.51. Furthermore, in addition to the role of MSA in supporting economic objectives, the delivery of such facilities are also relevant to the 2021 Framework’s requirements for health and well-being, and supporting the drive to net zero. New MSAs can deliver new alternative technology fuels (subject to their availability and demand, such as hydrogen which can contribute to low carbon targets), and facilitate the provision of Electric Charging Stations, supporting objectives to respond to climate change and reduce carbon emissions.

#### Need for Lorry Parking

7.52. As Identified above the 2021 Framework is clear that “*planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance*”. Paragraph B4 of DfT Circular 02/2013 also states that Motorway Service Areas perform an important road safety function by providing opportunities for the travelling public to stop and take a break during the course of their journeys. The Circular states that “*drivers of commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements*”.

- 7.53. The Driver and Vehicle Standards Agency (DVSA) sets the maximum daily driving limit for HGV drivers which is 9 hours. For a driver to take the maximum daily allowance, they can drive for 4.5 hours, rest for 45 minutes and then drive for a further 4.5 hours before stopping for the day. The HGV's tachograph records the vehicle and therefore driver's travel time. Once a driver reaches the daily driving allowance, they must stop and rest. It is normal driver preference to stop as close to the Strategic Road Network as possible to ensure that driving time is maximised. Deviation from the route to find a place to stop causes delay and uses up driving time from the daily allowance. The legal requirement for commercial drivers to take a break reinforces the importance of having sufficient motorway capacity at Service Areas to allow drivers to safely stop and rest. MSAs provide an important highway safety function in this regard.
- 7.54. The former Under Secretary of State for Transport Minister Jesse Norman in the Ministerial Statement states that the government is focused on "improving the situation for business-as-usual lorry parking". In the Statement he confirmed that he has written to "local planning authorities to draw their attention to the survey results, which show a strategic national need for more lorry parking and highlight shortages in specific areas" (May 2018)
- 7.55. The DfT Road Haulage update of 21 May 2018, identified a strategic national need for more lorry parking. In addition, the National Survey of Lorry Parking (2017) found that a total of 61 additional lorry spaces are required within the North West and highlights that the lorry parking at nearby MSAs are all operating above critical levels (>85%).
- 7.56. Warrington BC has identified (in its Consultation Draft LTP4, March 2019) that existing lorry parking facilities on the periphery of Warrington are already at 'critical' levels of utilisation, which is evident by the existing issues with HGV parking within unauthorised areas around M62 J11 and in the neighbouring Birchwood Business Park. Inappropriate overnight roadside parking of HGVs has been a major public concern in in the neighbouring business park for many years and causes obstruction and nuisance to local businesses.
- 7.57. There is clearly an unmet need for HGV parking within the Borough. The emerging Local Plan does not allocate provision for additional HGV parking in the locality, although Policy INF 1 provides some policy support. There are however significant levels of new employment land allocated in the emerging Local Plan which could exacerbate this problem. In addition, Warrington has a strong history of attracting logistics based companies as a result of its location on the confluence of a number of motorways, and its proximity to a number of large

urban areas and major port and airport facilities. The existing employment areas, emerging employment allocations, and Warrington’s strategic location will continue to fuel an increase in the amount of HGVs in the area for the foreseeable future. The Plan should therefore seek to address the identified need for additional lorry parking requirements, consistent with the provisions of the 2021 Framework and in connection with addressing a public safety need.

7.58. Extra MSA Group therefore consider in order for the Plan to be found sound, a modification should be made, with an additional policy or an additional section within Policy DEV4 – Economic Growth and Development being made to address the need for roadside services, and HGV parking facilities. This could be in the form of a criteria based policy or policy and site allocation. In section 11, Extra MSA Group identify land at Junction 11 of the M62 Motorway which is eminently suitable, available and achievable, and therefore deliverable in the context of the 2021 Framework, and should be released from the Green Belt and allocated to meet the identified need. Extra MSA Group propose the following Strategic and or Detailed Policy Wording supporting the objectives W1.

7.59. Suggested Strategic Policy Wording:

*“The Council will continue to work with Highways England/National Highways and other parties to develop and implement a strategy for the M62 which enables it to function effectively as a major strategic route, thereby reducing consequential congestion on the local road network, and improving safety of road users, as well as the environment.”*

7.60. Suggested Detailed Policy Wording:

***“ The provision of additional roadside services (including facilities for refuelling, car and secure lorry parking, toilets, refreshment facilities and picnic and amenity areas) along the M62(or Strategic Road Network), will be supported***

***:at the following locations, as identified on the Policies Map:***

- ***Junction 11 of the M62***

***Or,***

***At a location within the Optimal Search Area shown on the Key Diagram to addresses the strategic gaps in provision to address public safety needs.***



7.61. *The Strategic Road Network provides a strategic function for transport access, and thus its effective operation is important to sustaining and supporting the growth of the economy within Warrington, and the wider region. The appropriate provision of roadside services can support economic growth, and importantly contribute towards improvements in road safety, as well as wider health and well-being, including the provision of rest stops and adequate/accessible toilets.*

7.62. *Therefore, the LPA will continue to work with National Highways to address the issues, including addressing highway safety. Proposals for additional Roadside services will be considered in the context of the demonstrable evidence of need. The need for new or extended roadside services, in the first instance has been identified by National Highways. Where operators come forward with proposals for new or extended roadside services along the M62 to meet this need, these should be fully justified, operators will be expected to liaise with National Highways, and clearly address a gap in provision.*

### **Proposed Change**

7.63. To overcome the objection and address soundness matters, the Council should:

- Address the need for Roadside Service Areas/Motorway Service Areas, and the need for HGV Parking.
- Include a policy under W1 to provide the policy framework for meeting the need for MSA and HGV parking.

## 8. Policy GB I: Green Belt

8.1. Extra MSA Group is **concerned** with some elements of the Green Belt Review.

### Test of Soundness

8.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

8.3. Extra MSA Group **supports** the need for a Green Belt review in order to deliver the ambitions and objectives of the Council and ensure that the needs for development are met.

8.4. However, Extra MSA Group are concerned, that the policy Part I indicates that it will maintain the general extent of the Green Belt to at least 2050, Extra MSA Group does not consider that sufficient land of the right type, in the right locations have been allocated or safeguarded to meet all of the established needs for development.

8.5. The explanatory text in 5.1.16 of the Plan states “*The Plan makes provision for development beyond the Plan period for housing land. The Council has included flexibility of supply in its allocations for Housing Land. The land that has been removed from the Green Belt to facilitate the South East Warrington Urban Extension and Fiddler’s Ferry allocations will provide a supply of new homes that will extend a number of years beyond the Plan period.*”

8.6. *The Council consider that there will still be a realistic supply of brownfield land beyond the Plan period although it is acknowledged that the availability of brownfield land will decrease over time. Further supply may arise from Neighbourhood Plans making minor amendments to Green Belt boundaries.*

- 8.7. *When this potential land supply is compared against future development needs, the Council is able to demonstrate that the revised Green Belt boundaries will endure well beyond the end of the Plan period without having to identify any ‘safeguarded’ areas of land.”*
- 8.8. *“The Council recognises that there are uncertainties over Warrington’s longer term employment land supply beyond the end of the Plan period. As such the Council is committed to undertaking a review into Warrington’s employment land needs before the end of the Plan period to ensure the long term supply of employment land. At this stage it is likely that key infrastructure improvements, including the western link and motorway junction improvements will have been delivered and the impacts of any further required employment allocations can be fully appraised”.*
- 8.9. Extra MSA Group are therefore concerned that the Plan is inconsistent in this respect in that in respect of employment land, the Plan cannot maintain the extent of the Green Belt to 2050. As we have demonstrated herein there is also an established need for MSA provision that should be addressed within the Plan. This will require the release of GB land to facilitate the delivery within an appropriate location in Warrington.
- 8.10. Part 3 identifies land to be removed from the Green Belt but as identified, Extra MSA Group considers that there is need for the Local Plan to have regard to the need for a new MSAs. There is an identified gap in the provision of MSAs in the north west. The Alternative Site Assessment, contained at appendix I, confirms the identified gaps and identifies an Optimal Search Area which is capable of addressing the four strategic gaps in provision that exist in the north west. It is considered that there are no alternative non Green Belt sites to meet this need and this has been accepted by the Council in the Development Management Committee Report of 9<sup>th</sup> June 2021. Furthermore, as set out within Section 7 and Section 8 ‘exceptional circumstances’ have been shown in respect of the policy and public safety need to address the gap in provision of services, the economic benefit of supporting the efficient operation of the SRN and the lack of alternative sites capable of meeting the locational and operational requirements of such provision. Extra MSA Group consider that there is a need to release additional land from the Green Belt in order to meet the established needs for MSA within the Borough.
- 8.11. Extra MSA Group considers that land at Junction 11 of the M62 Motorway, as identified in figure 3, Appendix 3 and Section 10 should be released from the Green Belt to meet this need. The Alternatives Sites Assessment contained within appendix I, confirms that there are no alternative non Green Belt sites, and that the site is the sequentially most preferable

location having regard to the locational requirements of an MSA, and environmental, planning, and engineering constraints.

- 8.12. It is noted that in response to the earlier Regulation 19 consultation the promoters of Site R18/135, consider that their site at Junction 21 of the M6 is suitable for the provision of MSA but that it is also promoted for employment provision. Extra MSA Group would reiterate that permission has previously been sought in 1995 for the delivery of an MSA at this location. The Secretary of State refused planning permission in 2002 in line with the Inspectors Report (APP/M0655/V/00/000199 and 200). The site has already been fully considered as an MSA by the Secretary of State and dismissed. The decision letter states that *“the Secretary of state agrees with the Inspectors view that given the harm identified elsewhere, the arguments about need and safety would have to be compelling. Given that currently the existing MSAs at Knutsford and Charnock Richards are not at full capacity; that there is doubt about future demand forecasts; and that there is a possibility of further spaces being provided at both the existing MSAs, but more likely at Knutsford, and given that no safety argument has been substantiated, the Secretary of State does not consider a compelling case for need and safety has been demonstrated”*. The Inspector further elaborated within paragraph 173 where he noted that *“the spacing of existing MSAs already generally meets the desirable aim of services at approximately 30 mile intervals”*. This appeal was dismissed in 2002 and since then the 2010 Highways Agency Report has been produced which did not identify any part of the M6 (south of the M62) as having a gap over 40 miles.
- 8.13. The Junction 21 M6 site therefore is not identified within a gap route location which corroborates the Secretary of State’s decision in 2002. The site promotor has produced no evidence of either a gap or a need for an MSA on the M6 (south of the M62). The representations provide no evidence that a proposal at this location would address the strategic gaps in the network as defined by Highways England (National Highways), and therefore whether it is capable of addressing the needs addressed by the provision of services at Junction 11 of the M62. The Site at Junction 11 of the M62 is located within the Optimal Search Area, established to respond to the identified strategic gaps in provision.
- 8.14. The explanatory text, particularly paragraphs 5.1.5 to 5.1.10, should be revised, to ensure that this reflects all the development needs of Warrington, including the need for MSA provision, and any further liaison with Duty to Cooperate partners, further to Extra MSA Groups representations contained within Section 3.

- 8.15. Part II of the policy requires a scheme of compensatory improvements to the environmental quality and accessibility of the land remaining in the Green Belt. It considers that financial contributions will be considered where this would help to ensure that the benefits of compensatory improvements can be maximised by providing them in the most appropriate location. Extra MSA Group consider that it is essential that compensatory improvements are proportionate and reasonably and fairly related to the scale and location of the site, and are not set at a scale that could undermine the delivery of the Plan, consistent with the provisions of the Framework<sup>42</sup>. Extra MSA Group, consider that part II of the policy and/or the explanatory test should be amended to clarify that compensatory improvements will be proportionate to the scale of the proposals, with the explanatory text providing confirmation of the arrangements and nature of mechanisms that will be used to secure the improvements.
- 8.16. Section 10 sets out the compensatory Green Belt improvements, consistent with the guidance established within the PPG that can be achieved through the allocation and subsequent delivery of an MSA at Junction II of the M62, and includes the delivery of improvements to access to the Green Belt, through improvements to the public right of way network, achievement of net biodiversity gain, and net gain in tree planting.

## Proposed Change

- 8.17. To overcome the objection and address soundness matters, the Council should:
- Review Policy GB I and the explanatory text to identify the need for MSA provision within Warrington, identify Land at Junction II of the M62 Motorway as land to be removed from the Green Belt, and consequential amendments to Figure 6. Amended Green Belt Boundaries.
  - Revise the explanatory text in relation to ‘exceptional circumstances’ to ensure that this reflects the need for MSA provision, and the need to meet the public safety requirement for an MSA within Warrington.
  - Review Part II of Policy GB I to ensure that compensatory improvements are proportionate and reasonably related to the land that is being released from the

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<sup>42</sup> Paragraph 57 and 34

Green Belt, and to clarify the mechanisms for delivering compensatory improvements.

## 9. Policy INF I: Sustainable Travel and Transport

9.1. Extra MSA Group **is concerned** that the General Transport Principles are not fully consistent with the objectives of the policy, which seeks to improve the safety and efficiency of the network.

### Test of Soundness

9.2. Extra MSA Group considers that the Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

9.3. Extra MSA Group acknowledges and agrees with the analysis of the challenges in relation to transport identified in paragraph 7.1.3 of the Proposed Submission Plan which highlights that “*Good transport links are crucial for a successful economy, a thriving town and villages, and for giving a good quality of life to local residents*”. It also identifies the challenges for the Local Plan to address “*identified shortfalls in infrastructure provision, improve connectivity and network efficiency to support economic growth, whilst reducing the need to travel by car, improving safety, tackling air quality, encouraging active life styles, contributing towards the Climate Change agenda, and supporting the transformational change*”.

9.4. Extra MSA Group support the objective set out Policy INF I to “*Improve the safety and efficiency of the transport network, tackle congestion, reduce carbon emissions and improve air quality...*”. However, Extra MSA Group do not consider that these objectives are fully reflected within the General Transport Principles in Part I of the policy, and accordingly seek amendments to Part I to ensure that the principles reflect the objective to improve the safety of the transport network. This could be achieved either through an additional principle, or a modification to the principle in part f) which currently states “*mitigate its impact(s) or improve*

*the performance of Warrington’s Transport Network, including the Strategic Road Network, by delivering site specific infrastructure”.*

- 9.5. The General Transport Principles also seek to provide infrastructure for charging of plug in and other ultra low emission vehicles in line with the Councils Parking Standards SPD. Extra MSA Group, consider that MSA’s have a clear role in supporting the achievement of principle c of Policy INF1, and the Government’s environmental objectives, to move towards a low carbon economy, through the provision of Electric Charging Stations, and the ability to support the delivery of alternative new technology fuels, subject to availability and market demand.
- 9.6. Extra MSA Group have highlighted within this representation the policy imperative to address the needs for HGV parking facilities, and the need within Warrington, and therefore are supportive of the aims of Part 5 of Policy INF1 which seeks to ‘Improve Freight Transport Provision’ including the provision of overnight parking facilities, where there is an identified need for the provision of overnight facilities.
- 9.7. Extra MSA Group consider that the need to address the provision of roadside services should be considered within the Strategic Policies, due to the cross boundary nature of the provision, however if this approach was not supported, an additional section to policy INF1, in line with the proposed wording suggested in section 7, may be an appropriate alternative.

## **Proposed Change**

- 9.8. To overcome the objection and address soundness matters, the Council should:
- Amend Part I ‘General Transport Principles’ to reflect the objectives of the need to improve the safety of the transport network.



## 10. Omission Site: Land at Junction 11 of the M62 Motorway.

10.1. Extra MSA Group **objects** that the land at Junction 11 of the M62 Motorway is not allocated for the provision of a Motorway Service Area (MSA) and associated facilities. Extra MSA Group consider that this site is eminently suitable, available and achievable, and therefore deliverable in the context of the Framework.

### Test of Soundness

10.2. Extra MSA Group considers that the Local Plan is **unsound** and recommend changes to ensure that it can be made sound.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

### Justification

10.3. Extra MSA Group has highlighted **concerns** with the Vision, Objectives, Spatial Strategy, Key diagram, and the identified needs for development in so far as they fail to fully reflect the needs for roadside services within Warrington consistent with the provisions of the 2021 Framework.

10.4. In response to the Vision, Objectives, Spatial Strategy, the Policies relating to Objective W1, and Policy INF1 contained herein, Extra MSA Group has set out concerns that the Plan, as currently presented, has failed to recognise the needs for roadside/motorway services. This is contrary to the provisions of the 2021 Framework, and is not consistent with other national policy namely Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development, and Annex B: Roadside Facilities for Road Users on Motorways and All Purpose Trunk Roads in England'. The representations set out the compelling policy and public safety need to address the gaps in the provision of MSAs within the Strategic Road Network, and

the strategic gaps in the provision that exist within the north west region, which have not been addressed since their identification in 2010.

10.5. **Extra MSA Group considers that the Plan should address the identified gaps in the provision of MSAs within the Strategic Road Network.**

10.6. As a result of the Plan's failure to consider the need for MSAs the Council have not sought to identify sites to meet this need. The site at Junction 11 of the M62 has not been assessed in relation to the Development Options and Site Assessment report. However, the General Area and Parcel within which the Site is located have been assessed through the Green Belt Assessment, both within the 2016 assessment and the subsequent Addendum in 2017. The Addendum reflected the location of the HS2 safeguarding route.

10.7. Extra MSA Group considers the proposed Site is available, suitable and achievable and is therefore in accordance with the 2021 Framework, a deliverable site able to come forward in the short term. **Extra MSA Group has previously submitted an outline planning application accompanied by a Planning Statement and an Environmental Statement, itself supported by a wealth of technical evidence, which demonstrates the deliverability of the proposed scheme. A summary of the proposals and the technical assessments that have been undertaken on the Site is included below.**

### Overview of Proposals

10.8. The deliverability and benefits of the Site at Junction 11 of the M62 Motorway are as follows:

#### Site Context

10.9. The Site is located to the northeast of the urban area of Warrington, approximately 8.5 km (5 miles) from the centre of Warrington. The centre of Manchester is located approximately 19.3 km (12 miles) to the east of the Site. The centre of Liverpool lies approximately 33.8 km (21 miles) to the west.



Figure 2: Regional Context Plan

- 10.10. The M62 Motorway corridor runs in an east/west direction to the north of Warrington. It is the west-east Trans-Pennine Motorway in Northern England, connecting the two major ports of Liverpool and Hull and the associated Freeports, via intervening conurbations including Manchester, Warrington, St Helens and Leeds, and plays an important role in the connectivity between the Liverpool, Manchester and Leeds City Region.
- 10.11. The Site is located to the north of the M62 Motorway at Junction 11, within its north east quadrant and has direct access to Junction 11 via a spur to the motorway junction roundabout (Birchwood Way). The M62 Motorway also provides access to the wider Strategic Road

Network, with the M6 Motorway running north/south, approximately 4km (2.5 miles) to the west of the Site, and the M60 Motorway, which runs around Manchester, approximately 10km (6.5 miles) to the east of the Site.

- 10.12. Junction 11 of the M62 Motorway also provides access to the A574 Birchwood Way and the Birchwood area of Warrington, which is located to the south of the M62 Motorway corridor and consists of Birchwood Park (a business park) and beyond this, residential areas of Gorse Covert and Oakwood, which are suburbs to Warrington.
- 10.13. Immediately to the west of the Site is a former landfill site (Risley Landfill), where landfilling began in 1979, but which has now ceased, and the site restored and planted. There are a series of permissive footpath routes across the restored landfill site. To the east and north is arable farmland. A disused railway line crosses the farmland that is beyond the Site boundary, and arches to the east and north approximately 0.6km (0.4 miles) from the Site boundary. The settlement of Culcheth lies to the north west of the Site, with its centre approximately 2 km (1.2 miles) from the Site. There is an extensive Public Right of Way Network within close proximity of the site, with Footpath No13 on the sites western boundary connecting to Footpath 25, 14a (via Footpath 28 or 25), and Footpath 27 to the north, providing connectivity to the settlements of Culcheth, and Gorse Covert.



**Figure 3: Site Boundary Plan, Planning Application Red Line Boundary**

### **Site Description**

- 10.14. The Site boundary encompasses the M62 J11 Motorway Roundabout, spur from the roundabout and the main part of the Site. The main part of the Site relates to an area of land of approximately 15.41ha in extent. The total land within the redline boundary, for the previously submitted planning application, includes the highway works to M62 J11 Motorway Roundabout and extends to 16.81ha. The Site is greenfield and located within the Green Belt. It comprises agricultural land and rough grassland. The agricultural land within the Site comprises a large arable field (11.58 ha). A small triangular area of rough grassland is present to the west of the Site (approximately 1.0 ha), this land previously formed part of a larger agricultural field, the majority of which was incorporated into the Risley Landfill Site. The

remnant field area was removed from agricultural use by the operation of the landfill site and is therefore considered to be non-agricultural. All other land within the Site is also non-agricultural comprising areas of restored landfill and hardstanding. The agricultural land is partially located over peat deposits, which are located predominantly to the south western section of the Site.

- 10.15. The M62 J11 Motorway roundabout and the spur from the roundabout junction into the Site is at a higher level to the rest of the Site. The roundabout is vegetated to its edges with grass, shrubs and trees. The M62 Motorway Corridor and Junction 11 is lit in the vicinity of the Site.
- 10.16. Whilst the Site is set at a lower level than the M62 Motorway Junction 11 and its associated slip roads, it sits higher than the M62 Motorway itself, to the east. From the Motorway Junction and the spur to access the site, the land falls away sharply into the main part of the Site, which is set at a lower level and is relatively level across the remainder of the Site.
- 10.17. There are trees to the eastern, and part of the southern and south western boundaries. A post and rail fence marks the southern boundary. The Site is bounded to the east, north and part of the western boundary by a water course, which is a dry ditch and classed as a non-main river. To the western boundary is another water course, known as Silver Lane Brook that extends into part of the Site as a 'dog leg'.
- 10.18. Silver Lane Brook It is identified by the Environment Agency as a main river. The Site is within Flood Risk Zone 1 and as such at low risk of flooding.
- 10.19. A Public Right of Way (Footpath number 13) runs along the western boundary of the Site and leads north to Silver Lane Pools, and west around the adjacent restored landfill site, before heading north to Culcheth and east to Holcroft Lane. Footpath number 28 continues around the north of the restored landfill site, connecting to Footpath 14a to the western boundary, which connects to Footpath 25 to the southern boundary, before reconnecting with Footpath 13 adjacent to the Application Site. This also links to a footpath at the spur of the Junction 11 roundabout and around the roundabout, before linking to footpath 25 to the south eastern quadrant of the Junction 11 roundabout in Birchwood.

10.20. The HS2 Safeguarded Land corridor arcs around the north eastern corner of the Site and is located outside the Redline Site Boundary, however informs the boundary of the site to the north east.

**Proposed Allocation – Nature of Development**

10.21. The proposed allocation is to remove land from the Green Belt, for the purposes of delivering a Motorway Service Area, comprising a facilities building (up to 4500 sq.m), a 80 to 100 bed hotel with ancillary uses, a fuel filling station for cars and HGV's with associated retail outlet, external amenity space for the facilities visitors, service yard and on-site parking for car's, HGV's (including secure overnight parking), coaches, caravans, motorbikes and cycles.

10.22. An indicative masterplan and landscape masterplan has been provided in appendix 3 to demonstrate how a scheme can be developed within the parameters established through the development of the Outline Planning Application. The site layout has been developed to provide the necessary services in a compact form to maximise soft landscape areas and ecological enhancement and assimilate the development into the landscape.

10.23. The location of different elements of the Proposed Development has been determined to minimise their visual impact from key vantage points. The Facilities Building is located at the base of the restored landfill slope so that it does not break the skyline when viewed from the east. The parking is to be located around these buildings in a landscape setting so as to reduce their visual impact.

10.24. The circulation has been developed to offer a logical and legible arrangement that separates HGV and car users at the earliest opportunity and has been designed to maximise safety for Site users both in their vehicles and as pedestrian. The location of the Facilities Building reduces the distance users will need to walk from their vehicles to the building to a minimum.

10.25. The indicative Facilities Building design has been developed in a way that references the local area. A sinuous wall, constructed in a manner reminiscent of peat stacks is a reference to the local peat moss and historic peat cutting that took place in the area. This will serve to guide people to the main entrance and the Hotel entrance and forms a key feature within the central space of the Facilities Building and the hotel reception. Above this wall sits a series of simple linear pitched roof elements that as a cluster reflect the form and grouping of local farm buildings. Their fragmented form reduces the visual impact of the building at a distance. The selection of materials will also reference the local vernacular. The interaction of these linear

forms and the sinuous wall beneath provides an interesting series of internal spaces that provide an efficient and commercial layout alongside a series of interesting views and protective and expansive spaces to provide for the various needs of the travelling public.

- 10.26. The design is based on the development of the ‘new concept’ Motorway Service Area, which offers travellers a break from their journey in a warm and welcoming environment. The building will be designed to create links with external amenity spaces and the wider area, particularly the adjacent Restored Risley land fill site.
- 10.27. The development will include a Facilities Building of up to 5,000m<sup>2</sup> GIA, with tenant units located around a central space. There will be a Hotel with up to 100 bedrooms, which will integrate with the Facilities Building. Car parking, HGV parking, Electric Charging Station (ECS) and a Fuel Filling Station are also located on-Site, with layouts developed to make the most of the on-Site opportunities. Integrating the building design with the landscaping proposals will be key. Landscaping buffers will be created to the extents of the Site and in key locations on-Site to screen elements where necessary.
- 10.28. Access to the Site will be taken from the existing Junction 11 of the M62 Motorway, via the existing spur from the roundabout at Junction 11. Access to the Site will be from a signal controlled connection to the M62 Motorway Junction 11 roundabout. It is proposed to signalise Junction 11 as part of the scheme to facilitate safe movement of pedestrians, including staff, to and from the Site. A controlled access point to provide access to the former landfill site, when required, is also proposed.
- 10.29. The Facilities Building will be a maximum of 5,000m<sup>2</sup> and principally provide:
- A food court and ancillary retail, incorporating facilities for the sale and consumption of hot and cold food and beverages on and off the premises.
  - Free toilet, hand washing facilities for all drivers and disabled visitors.
  - Free showers and washing facilities for all HGV drivers.
  - Staff areas including kitchen, catering storage, staff rooms, retail storage, refuse areas and office space. Some of these areas will be accommodated at first floor level.
- 10.30. Other associated uses will include:



- Fuel Filling Station which will include a domestic forecourt and a HGV forecourt and a forecourt shop of a maximum of 500m<sup>2</sup>. Alternative new technology fuels will be considered (subject to availability and market demand, such as hydrogen to contribute to Low Carbon targets).
- Electric Charging Station (ECS)

10.31. Hotel:

- Up to 100 bedrooms with supporting ancillary uses.

10.32. Parking facilities for:

- 536 light vehicles
- 105 HGV spaces
- 1 abnormal load HGV space
- 16 coach spaces
- 15 car plus caravan / motorhome / vehicle plus trailer spaces
- 15 motorcycle spaces

10.33. A minimum of six active high powered electric charging points, with appropriate infrastructure to enable the installation of up to 50 mixed charging points. Further electric vehicle charging spaces can be delivered, when additional power can be delivered to the site, in order to meet any future demand. The final design and layout will allow for the potential introduction of a hydrogen refuelling station once there is sufficient market demand.

10.34. Access and circulation roads and footpaths will be provided between the various on-Site facilities. Street lighting will be provided to ensure vehicular and pedestrian safety in-line with Highway Standards. The street lighting within the MSA development will conform to the obtrusive light limitations commensurate with the surrounding environmental zone.

10.35. Due to the presence of local skyglow, existing artificial urban and highway lighting bordering the Proposed Development, as prescribed by the Institutes of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light 2011, it is professionally judged that this area is typical of an E2 / partial E3 zone. However, due to the rural nature of the location and areas

of natural conditions, on a precautionary approach, the assessment threshold limits are based on E2 Zone classification (Low district brightness).

10.36. Non-vehicular forms of connectivity will be provided within the Site, with links also being provided to the Public Rights of Way network that currently exists within the Site, thereby allowing linkages to the wider non-definitive and definitive footpath network and the permissive footpaths across the adjacent restored landfill site.

10.37. There will be amenity areas within the landscaping areas, providing picnic and a dog walking zone. An indicative Landscape Masterplan has been prepared and is provided in Appendix 3.

**Deliverability**

10.38. The Site at Junction 11 of the M62 Motorway provides a development opportunity that is available, suitable and achievable and therefore it is considered that the Site is deliverable, in accordance with national planning policy and guidance. It is promoted by Extra MSA Group which further demonstrates the site's deliverability within the Plan period. The subsequent sections summarise the sites availability, suitability and achievability.

**Availability**

10.39. The land is being promoted by Extra MSA Group. The site is therefore available in accordance with the 2021 Framework and the National Planning Practice Guidance (PPG).

10.40. The proposed development can make an efficient and attractive use of the land. The Site represents an excellent opportunity for the delivery of an MSA, responding to identified gaps, and therefore meeting the identified need for roadside services, and meeting a public safety need for development. This Site allows the MSA to be delivered within an appropriate location, responding the locational requirements of the sector.

**Suitability**

10.41. The need for an MSA has been detailed elsewhere within this representation, in which it is confirmed that there is a policy imperative and public safety need to meet the needs for an MSA. Four strategic gaps were identified in the North West of England, which have not been addressed despite gaps being identified as far back as 2010. Furthermore, there is an identified need for secure HGV parking to support the logistics industry, a key enabling sector in the economic growth and recovery of the UK and Northern Powerhouse.

10.42. The 2021 Framework recognises that policies and decisions should have regard to the specific locational requirements of different sectors. MSAs have specific operational and locational

requirements and an Alternative Site Assessment was prepared to support the Outline Planning Application, attached at Appendix I. This set out a detailed approach to site identification, responding to the identified strategic gaps, and identified an Optimal Search Area which would be capable of addressing the four established gaps on the corridors of the Strategic Road Network, to achieve policy compliant distances. The Site at Junction 11 of the M62 is capable of addressing all of the four identified gaps at a single location. It was found to be the most sequentially preferable location upon which to site a new MSA, having regard to the specific locational requirements to meet the identified need alongside the consideration of planning, engineering, safety, operational and environmental factors. The Site was found to have the least impact on the Green Belt of the identified sites. This is outlined further below.

- 10.43. The development will address the identified gaps in the provision of roadside services that will benefit Warrington and the wider sub region with economic, environmental and social benefits, and serve to support improvements in the operation of the Strategic Road Network. It is therefore considered that the development is suitable.

**Green Belt**

- 10.44. Due to the significant need and demand for housing and economic growth, and the need for supporting infrastructure, including enhancements in the performance and safety of the Strategic Road Network there is clearly a requirement for a strategic review of the approach to locations for future growth within the Borough. The need for a Green Belt Review and the release of some Green Belt land to support the growth of the Borough has been accepted by the Council, however the need for motorway/roadside services has not been sufficiently explored through the Local Plan process. As set out elsewhere within this statement there are identified gaps in MSA provision, accepted by the Council and hence the land at Junction 11 of the M62 provides an opportunity to respond to these gaps.

- 10.45. The 2021 Framework explains that there are five purposes of including land within the Green Belt, which are:

1. To check the unrestricted sprawl of large built up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

- 10.46. The Site is of mixed urban fringe and rural character and consists of a large arable field. The Site is devoid of existing development. Nevertheless, the presence of the adjacent Risley Landfill site (in the form of a mound), neighbouring industrial parks to the south and the M62 and its junction 11, all have a strong visual influence on the character of the Site. In addition, the M62 motorway and the Risley Landfill mound are strongly defining man made features in this area, which also fragment the rural character of the area.
- 10.47. The Site Proposals would introduce buildings, comprising a Facilities Building, Hotel and a Fuel Filling Station, into the Site along with associated infrastructure, and car and lorry parking. It is accepted that the introduction of these built elements will inevitably have an adverse impact upon the openness of the Green Belt by the introduction of built development where there was previously none. However, the indicative scheme identifies that the footprint of the buildings on the Site (amenity building and fuel filling station) cover an area of approximately 0.53 hectares and therefore the vast majority of the Site will remain open. Nevertheless, it is acknowledged that approximately 8.97 ha of the Site will accommodate car or lorry parking which equates to approx. 53% of the total Site area, with approximately 6.44 ha of the Site comprising Green Infrastructure which equates to a figure in the region of 38% of the Site.
- 10.48. We consider therefore that much of the Site will remain free from buildings and hence the Site will retain a feeling of “openness” but that a larger proportion of the Site will be urbanised through the extent of car and lorry parking proposed.
- 10.49. Assessment to support the Planning Application at the Site consider the visual impact of the development. Of relevance to the openness issue is the topography and nature of views and how they would affect the Green Belt openness rather than whether there is a visual impact upon adjoining properties. To the north, the land slopes gently towards a disused railway line. Whilst certain locations offer longer distance views towards the north and east, the proposed

alignment of HS2 along this northern Site boundary will truncate these views. Views south are urban in nature due to the effect of the M62 but beyond the M62 to the south they are more rural but these are largely screened from extending beyond the M62 motorway, other than from raised land to the south of the M62. Views east are also generally contained by existing vegetation along the eastern boundary of the Site. Views from the west are impeded by the Risley Landfill mound which is a man-made feature within the landscape. The views of the Proposed Development are therefore “contained” from the west and south by the Risley Landfill mound, M62 and industrial parks; whilst views from the north and east are more open in nature but will be more contained if the HS2 alignment is built as is currently proposed.

- 10.50. On this basis Extra MSA Group consider that the existing Site features limit the impact of new buildings and structures in terms of visual impact on the locality, and they also serve to “contain” the development in terms of the impact on openness of the Green Belt.
- 10.51. Notwithstanding the existing urbanising influences within close proximity to the Site and the degree of “containment” of the Site by existing landscape features, we accept that the introduction of the new buildings and structures will have an impact upon the Green Belt openness due to their scale and height as will the introduction of car and lorry parking areas.
- 10.52. A Green Belt Assessment Final Report (October 2016) has been produced on behalf of the Council to inform the Local Plan Review. An ‘Additional Site Assessment of Call for Sites’ Responses and SHLAA Green Belt sites was undertaken in May 2017. Amendments in relation to the Site, related to the consideration of the HS2 Safeguarding Routes. The Assessment was made in the context of the significant employment and housing land need identified within the Borough. The 2017 assessment remains the most relevant in relation to the Site.
- 10.53. The Site is located within General Area GA2. The Assessment confirms that GA2 makes a moderate contribution to the Green Belt purposes but the findings related to a much larger area of land than just the Application Site. The Assessment went on to split the General Areas into a number of potential development parcels based on their proximity to built-up areas. The application Site was identified as falling within Parcel WRI4, which was identified as making an overall ‘Weak’ contribution to the Green Belt purposes. The Overall Conclusions of the Assessment were as follows:-

*“The parcel makes a moderate contribution to two purposes, a weak contribution to two purposes and no contribution to one purpose. In line with the methodology, the parcel has been judged to*

*make a weak overall contribution. The parcel makes a moderate contribution to safeguarding from encroachment as it supports a strong degree of openness and has non-durable boundaries between the parcel and the countryside but has durable boundaries between the parcel and the settlement. The parcel performs weakly in terms of preventing sprawl and preventing neighbouring towns from merging.”*

10.54. Extra MSA Group broadly support the assessments conclusions. The five purposes of the Green Belt are addressed below:

**Purpose 1 – Check the Unrestricted Sprawl of large built up areas.**

10.55. The Site is adjacent to the Warrington urban area, albeit the existing boundary is the M62. The application Site would remain within the Green Belt and the M62 would remain the durable Green Belt boundary. The extent of built development within the proposal is contained by the existing boundary features of the Site which serve to restrict any further outward expansion. The proposals would not therefore constitute “unrestricted” urban sprawl and would not represent the outward expansion of the Warrington urban area. A significant area of Green Belt would remain undeveloped between Warrington and Culcheth. Therefore, the Proposed Development is not in conflict with this Policy requirement and there is no harm to this purpose.

**Purpose 2 Prevent neighbouring towns from merging into one another.**

10.56. The Council’s Green Belt Assessment confirms that Site forms a “less essential gap” between the Warrington urban area and Culcheth, which is a settlement to the northwest. The boundaries of the application Site are a significant distance from Culcheth. The development of the proposals at the Site would not result in the towns merging. The application proposal would not therefore have any impact upon the Green Belt “purpose” of preventing neighbouring towns merging into one another. The Proposed Development is not in conflict with this Policy requirement and there is no harm to this purpose.

**Purpose 3 Assist in safeguarding the countryside from encroachment.**

10.57. We accept that the Proposed Development will lead to encroachment into the countryside, however as previously identified, the locality of the Site already has significant urbanised influences by virtue of the adjacent Risley Landfill mound, industrial estates and M62 motorway. Equally, the land is also enclosed by durable boundaries to the west by the Risley Landfill mound, to the south by the M62 and to the west and north by existing boundary vegetation. Furthermore, the buildings have been designed to be unobtrusive within the landscape utilising an agricultural vernacular whilst sitting within an extensively landscaped

setting. As a result, the MSA will not appear as a heavily urbanising feature in this respect. These features help to mitigate the extent of the encroachment, but we accept that there will be limited harm to this purpose.

**Purpose 4 Preserve the setting and special character of historic towns.**

- 10.58. The application Site lies to the north of the historic town of Warrington but is not within 250m of Warrington Town Centre Conservation Area and does not cross any important viewpoints of the Warrington Parish Church and hence has no effect upon the setting and special character of historic towns. The Appeal Proposals are not in conflict with this Policy requirement and there is no harm to this purpose.

**Purpose 5 Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**

- 10.59. The Council's Green Belt Assessment highlights that there is no single correct method for assessing Purpose 5 and some other Local Authority Assessments choose to screen this Purpose from their Assessments. The Council's Green Belt Assessment has adopted a uniform approach to this issue, given this provides a high-level view of the role of the Green Belt in encouraging the recycling of derelict and other urban land. The Assessment takes this uniform approach to the assessment of this purpose and confirms all parcels assessed make a "moderate" contribution to this purpose, based on the brownfield urban capacity across the whole Borough as defined in their SHMA. However, it should be noted that there are no alternative sites that could accommodate the development in the urban area or other sites outside the Green Belt, that are capable of meeting the identified needs, as demonstrated within the Alternative Sites Assessment (please refer to Appendix I). This has been accepted by the Council, consequently the Proposed Development at this Site is not considered to offend this purpose.

- 10.60. Extra MSA Group consider that there is only limited harm to two of the Green Belt purposes.

- 10.61. The 2021 Framework states that Green Belt boundaries should be drawn so as not to include land which it is unnecessary to keep permanently open. Extra MSA Group consider that the new Green Belt boundary, should be defined by the existing field boundary to the east of the Site. This boundary will be reinforced though additional tree planting, and will be supported by the diverted brook and permissive right of way. To the northern boundary of the Site the existing tree coverage will be enhanced, and the Green Belt boundary will be provided through the enhanced landscaping the permissive footpath and diverted brook at this location. To the west the boundary will be provided by the diverted Public Right of Way. This boundary would

accord with the 2021 Framework and ensure that the Green Belt is clearly defined using readily recognisable features to ensure permanency reinforcing the urban context whilst providing a robust boundary for the future.

- 10.62. All the boundaries have the potential to be further reinforced within the Site through additional planting to ensure an effective transition between the development and the countryside beyond.

**Compensatory Green Belt Measures**

- 10.63. The 2021 Framework<sup>43</sup> states that Plans “Should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land”. Extra MSA Group consider that it is essential that these measures are proportionate and reasonably and fairly related to the scale and location of the Site, and are not set at a scale that could undermine the delivery of the Plan, consistent with the provisions of the 2021 Framework<sup>44</sup>. PPG provides guidance<sup>45</sup> on the ways in which the impact of removing land from the Green Belt can be offset by compensatory measures, including through: new or enhanced green infrastructure; woodland planting; landscape and visual enhancements beyond those needed to mitigate the immediate impacts of the proposal); improvements to biodiversity, habitat connectivity and natural capital; new or enhanced walking and cycle routes; and improved access to new enhanced, or existing recreational and playing field provision.

- 10.64. The Proposed Development will lead to improved access to the countryside, through the provision of parking which will support access the adjacent Restored Risley land fill site and to the nearby Silver Lane Lakes. The existing footpath to the western boundary of the Site, will be diverted in order to avoid crossing of the sites access and improved, including the removal of stepped access. A new permissive footpath will be delivered within the Site which will connect with the wider public right of way network, and permissive routes on the restored landfill site. Additional tree and shrub planting will be provided within the Site, and to the Site’s boundaries. The development will deliver at least 10% biodiversity net gain above the current requirements.

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<sup>43</sup> Paragraph 142

<sup>44</sup> Paragraph 57 and 34

<sup>45</sup> Paragraph 002 Reference ID: 64-002-20190722



**Achievable**

10.65. A significant range of technical work has been undertaken in order to support the Planning Application. From the assessments there are no technical issues that would prevent development or are insurmountable and this is confirmed by the officer recommendation for approval of the planning application. The Site is therefore considered to be achievable and therefore deliverable in accordance with national guidance. A summary of the non-policy considerations is provided below, followed by a brief summary of the technical evidence to support the proposals:-

Non Policy Designation or Planning Consideration	Site Address / Proximity to the Site
Heritage Assets	<p>The site does not contain any Listed Buildings or Ancient Monuments and is not located within a Conservation Area.</p> <p>Grade II* listed Holcroft Hall (NHLE: 1159651) is located 1.54km north-east of the Site.</p>
Tree Preservation Orders	None
SSIs/SSSIs and other Ecological Designations	<p>Holcroft Moss SSSI &amp; SAC is located approximately 1km to the east of the Application Site. Risley Moss SSSI &amp; SAC and Risley Moss Local Nature Reserve are located approximately 1.4km to the south of the site</p>
Flood Risk Zone	Flood Zone 1 with a low risk of flooding.
Air Quality Management Area	A 50m Buffer Motorway Air Quality Management Area (MAQMA) runs along the Motorway corridor.
Rights of Way	<p>A Public Right of Way (Footpath number 13) runs along the western boundary of the Site and leads north to Silver Lane Pools, and west around the adjacent restored landfill site, before heading north to Culcheth and east to Holcroft Lane. Footpath number 28 continues around the north of the restored landfill site, connecting to Footpath 14a to the western boundary, which connects to Footpath 25 to the southern boundary, before reconnecting with Footpath 13 adjacent to the Application Site. This also links to a footpath at the spur of the Junction 11 roundabout and around the roundabout, before linking to footpath 25 to the south eastern quadrant of the Junction 11 roundabout in Birchwood.</p>
AONB or Landscape Designation	The site has no formal landscape designation.
Gas Pipelng	<p>A 96m easement from the location of the gas pipeline is located along the western boundary, forming the HSE Inner Consultation Zone. This Restricts the building uses with sensitive end –use within this zone.</p>
HS2 Safeguarding	The HS2 Safe Guarding route is locate to the north eastern corner of the Site, informing the Site Boundary at this location.

**Landscape**

10.66. A Landscape and Visual Impact Assessment has been prepared which recognised that there are residential and recreational receptors (walkers on PRoWs, permitted pathways and bridleways, and within a Local Wildlife Site) having a high sensitivity in terms of views of the Site, located within 1 km of the Site boundary. Equally, the assessment identified that any good quality view is related to views from PRoWs, from elevated permitted paths on the adjacent former landfill site and from adjacent farmland. The LVIA acknowledges that the Proposed Development will change the nature of the existing arable fields to a Motorway Services Area incorporating retained hedgerows, scrub and new hedgerows, woodland blocks and belts, scrub and species-rich acid grassland. A comprehensive landscape infrastructure strategy would incorporate the establishment of vegetation within public circulation spaces to help soften the proposed built form and assimilate the Development into the wider landscape context. These include hedgerows incorporating trees to car park areas, flower-rich acid grassland and a wide Silver Lane Brook corridor, diverted along the east of the Site.

10.67. The LVIA proposes a number of mitigation measures to reduce the impact on receptors. These measures include retention of existing vegetation, where this is feasible, including trees and hedgerows, and their enhancement through additional planting and appropriate management and maintenance. Equally, applying general design principles through the masterplan will help further assimilate the development into the surrounding landscape, which will include careful siting of the open space, play space, infrastructure planting and orientation of the proposed MSA buildings. Some residual effects have been identified, however it is considered that the effects will reduce in significance over 15 years.

**Ground Conditions**

10.68. A Phase I Environmental Assessment sets out the details of the ground conditions on the Site. The Site is considered to present an overall Low to Moderate risk from past and present use and adjacent operations. Equally, the potential for existing contamination at the Site is considered to be limited, but it is possible that some made ground may be present associated with previous demolition on Site. There is also the risk of ground gas from the peat deposits in the east of the Site and also a risk of leachate and gas migration onto the Site from the adjacent landfill.

- 10.69. The Phase I Environmental Report identified the presence of peat in the east of the Site will need to be considered within the Development Proposals. It also considered that it is likely that a contamination investigation would be required prior to redevelopment of the Site to confirm the presence and extent of any made ground and/or contamination on the Site and also to assess the gas risk both from the peat and the adjacent landfill. It's overall conclusion was that some minor remedial measures may be necessary depending on the nature and extent of the made ground present.
- 10.70. A further Preliminary Site Investigation was carried out to assess the geotechnical nature of the ground. This confirmed the presence of topsoil, peat, sands and clays over the majority of the Site.
- 10.71. The Proposed Development has been designed to maximise the area of undisturbed (avoided) peat, with disturbed peat to be retained within the Site for beneficial reuse in the creation of peatland type habitat. The area of undisturbed peat equates to approximately 50.1% of the peat resource on Site, including the deepest peat areas to the south east. The remaining 49.9% of peat within the development area will need to be excavated to allow the construction works for the Proposed Development and directly placed within the Peat Habitat Zone to create a peatland type habitat.
- 10.72. Through the implementation of standard control and management measures for the handling and storage of soil and peat, soil/peat loss, and the associated impairment of the remaining soils and peats function, quality and resilience, would be reduced. The above measures would minimize the loss of soil resources such that over 95% of soil resources would be retained in a state suitable for reuse and the effect of the Proposed Development in terms of disturbance or damage to soil and peat properties would be not significant, with the residual impact considered negligible.
- 10.73. Within the Peat Habitat Zone, a mosaic of habitats such as regenerating scrub, dry and wet heathland areas and bog pools, would be created as a peatland type habitat. The resulting landscape proposals, of which the new peatland type habitat is a key element, will result in at least a 10% increase in biodiversity value across the whole Site.

**Transport and Storage.**

- 10.74. The Site is located to the north of the existing roundabout of Junction 11 of the M62 – a five arm roundabout which forms a junction between the M62 Motorway (off-slip roads) running east-west and the A574 Birchwood Way to the south. The northern arm of the roundabout is currently restricted to providing access to the former landfill site only. Silver Lane, a minor un-adopted road, forms the fifth arm of the junction.
- 10.75. Access to the Site will be taken from a new connection to this northern arm of the roundabout. Vehicular access to the Site is proposed via a direct signal-controlled connection to the M62 Motorway Junction 11. It is proposed to signalise the motorway junction as part of the scheme.
- 10.76. The proposed access arrangements have been designed taking account of the committed improvements at M62 J11 and Birchwood Way which have been implemented by WBC as part of its Warrington East Phase 3 scheme. They also take account of the changes resulting from the Smart Motorway Scheme completed in January 2021.
- 10.77. It is noted that the HE Smart Motorway Scheme includes abnormal load bays within M62J11. The Proposed Development will provide an abnormal load bay within the MSA site (in the vicinity of the FFS) alongside welfare facilities for drivers. It is overall considered that these schemes will provide greater capacity and safety at M62J11 and therefore will enhance access to the Site.
- 10.78. The Site access arm will consist of two lanes in each direction. As the access road continues into the Site, the traffic will be carefully managed to allow safe and efficient circulation and ease of access to the relevant parking areas and FFS, whilst also considering non-vehicular access and circulation. A central reserve is proposed between the inbound and outbound carriageways.
- 10.79. At present no public transport services pass the Site. A number of public transport routes serve the Birchwood area to the south-west, with frequent peak and day-time bus services passing through the local area and around Birchwood Park, although there are limited evening and weekend services. Currently the nearest bus stops to the Site are c.1.5km away, located on Gorse Covert Road in the residential area to the south, with further stops located on Faraday Street, off Birchwood Way. Birchwood rail station is located c.3.5km to the south-west of the Site and provides direct services to Warrington town centre and Liverpool to the west, and Manchester to the east (serving a number of intermediate stops).

- 10.80. Existing cycle and pedestrian routes to the south of the motorway are largely segregated off-road routes, in keeping with the character of Birchwood. From the Site to the south, pedestrian and cycle connectivity are via a segregated path which runs parallel to Birchwood Way, which branches off through the wider area.
- 10.81. To the north-west and west of the Site, a number of Public Rights of Way (PRoWs) are present, including footpath routes that run through the restored landfill site towards Culcheth. A Public Right of Way runs through the Site. This would be diverted as part of the Proposals and will run southward along the western side of the access road. The access junction will include signal-controlled pedestrian crossings over the access road, to link with the proposed pedestrian improvements at M62J11. The signalisation of the pedestrian crossing will improve the environment for non-motorised users passing through the junction, including staff travelling to/from the Proposed Development.
- 10.82. The Proposed scheme is proposing to provide parking for Cars, HGVs, Abnormal Load Vehicles Coaches, Caravans/Motorhomes/Vehicles and Trailers, Motorcycles and visitors associated with the hotel. A number of spaces will be provided for disabled users. The parking provision on the site will be provided in line with Circular 02/2013.
- 10.83. The number of HGV parking spaces to be provided is 23 more than that required by the Circular. It is considered that the additional HGV parking is justified because of identified deficiency of lorry parking within the region. The DfT Road haulage update of 21 May 2018, identified a strategic national need for more lorry parking. In addition, the National Survey of Lorry Parking (2017) found that a total of 61 additional lorry spaces are required within the North West and highlights that the lorry parking at nearby MSAs are all operating above critical levels (>85%). Furthermore, WBC has identified (in its Consultation Draft LTP4, March 2019) that existing lorry parking facilities on the periphery of Warrington are already at 'critical' levels of utilisation, which is evident by the existing issues with HGV parking within unauthorised areas around M6J11 and in the neighbouring Birchwood Business Park. Thus the provision of an appropriate number of HGV parking spaces over and above the Circular requirements is considered to be of benefit to both the North West region and to the Borough.
- 10.84. The Transport Assessment (TA) that has been prepared to support the planning application advises that the main function and purpose of the MSA is to provide for the travelling public on the motorway network. As such, the vast majority of the visits to the MSA will be made

by private vehicle. However the TA acknowledges that staff will access the MSA by a range of travel modes.

10.85. The TA identifies that M62J11 is the optimal location for satisfying the unmet 'need' for the new MSA to fill the strategic gaps in the network between Charnock Richard Services on the M6 and Birch Services on the M62. The TA goes on to conclude that the Extra MSA proposals at M62J11 will not have a severe impact on the safety and operation of the local and strategic road networks and satisfactory and safe access can be provided. Furthermore, it identifies that the Proposals will provide a significant road safety benefit by satisfying a currently unmet road safety related 'need' for services on this section of the motorway network and the proposals are in full accord with Circular 02/2013.

10.86. There are no highways impacts that would preclude the development of the Site.

**Ecology**

10.87. The Site has been considered in detail in terms of ecology and biodiversity. Multiple habitat and species surveys were undertaken to inform the ecological assessment of the Proposed Development.

10.88. The Ecology Survey recognised that the Proposed Development would result in the permanent loss of existing arable fields albeit which have limited ecological value, areas of woodland, trees, neutral and marshy grassland and scrub. The survey recorded no habitats on the Site which are considered to be of intrinsic ecological value.

10.89. A number of specialist surveys were carried out to ascertain whether there are any protected species on the Site. The surveys identified the presence of breeding and wintering birds present on the arable field and therefore the Site is considered to be of local level importance in this respect. The surveys also identified the presence of a single adult Great Crested Newt (GCR), but no eDNA was recorded within the nearby waterbodies. Therefore as there are no ponds within the Site itself and very limited potential terrestrial habitat for GCRs it was concluded that there would be no adverse effects to this species. There was no evidence of bat roosts on the Site and in terms of foraging and commuting habitats, the habitats within the Site are considered to be of 'Low' habitat quality. There was no evidence of badgers, water voles or reptiles recorded on the Site.

10.90. The Ecological Assessments recommended a number of mitigation measures including habitat retention via site design, habitat enhancement and creation including woodlands, trees,

meadow grasslands, and more detailed measures to protected species. These recommendations have been fully integrated within the schemes development. The MSA development will involve the diversion of the existing Sliver Lane Brook that flows through the site; new landscaping and tree planting; and the creation of a new peatland type habitat. The new brook diversion will flow around the western edge of the proposed MSA and beyond it (to the east) a peatland type habitat area will be created that has the benefit of retaining the carbon within the existing peat within the Site but also allowing the existing peat resource to be restored and enhanced for considerable biodiversity gain. This will be complemented by new woodland and meadow / grassland planting around the northern, eastern and southern site boundaries along with further landscaping within the Site.

10.91. The Biodiversity Assessment demonstrates that the mitigation measures will result in at least a 10% improvement in the overall biodiversity value of the Site. The habitats that are created and retained will be the subject of ongoing management and maintenance regimes to ensure that the biodiversity enhancement are maintained.

10.92. The Ecology considerations are not anticipated to preclude the development of the site.

#### **Heritage Assets**

10.93. A Heritage Statement has been undertaken which identified no harm to the significance Grade II\* listed Holcroft Hall and that the Proposed Development would not result in changes to elements of its setting which affect its archaeological, historic and architectural interests.

10.94. The potential impact to buried archaeological remains has been assessed to be of no higher than moderate adverse significance only. This has been informed by an Archaeological Desk Based Assessment which has established a potential impact to a number of archaeological receptors, most notably the potential remains of a boundary between the Pestfurlong and Holcroft estates, the potential remains of a post medieval farmstead and deposits of peat which have the potential to hold remains of palaeoenvironmental potential. However, it concludes that if present, archaeological remains are likely to be of low (local) to medium (county) importance such that any intrusive archaeological fieldwork could be attached to a condition of permission; there being no evidence to indicate the presence of remains of high (national) importance which would preclude development.

#### **Air Quality**

10.95. An Air Quality assessment has been undertaken in respect of the Proposals.

10.96. The assessment predicts a negligible impact on concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at all existing sensitive receptors considered, with the development in place. In addition, all predicted pollutant concentrations are well below the relevant health-based air quality objectives/limit values in all scenarios considered. Air Quality matters would not preclude the development of the Site.

**Utilities**

10.97. A Utilities Statement has been prepared which confirms that a connection to the utilities networks is feasible. The scale of development and the nature of proposed use of the Site, meant that the installation of a ground source heat pump would be feasible, with the potential to meet up to 48% of the overall energy demands arising from the proposed development. Carbon savings could be further improved through the use of roof space for solar PV to generate the additional electrical demand from pump operations. Discussions are ongoing with the operators of the neighbouring Landfill Site, exploring the potential to use some of the energy created by landfill gas. This integrated approach would create a low carbon system on Site.

10.98. Furthermore, there is an existing Gas Pipeline which runs through the site, the exact location of which has been determined by National Grid, as shown on the Parameter Plan. A 96m easement (The Health and Safety Executive (HSE) Inner Consultation Zone) from the location of the gas pipeline is provided in line with HSE Policy. This restricts buildings and uses with a sensitive end-use within this zone such as the Facilities Building and overnight HGV parking areas. The layout of the development proposals, identified in Annex 3 has been developed in order to respond positively to the identified constraints, including the location of the of the HSE Gas Pipeline.

10.99. Based on the assessments undertaken to date, there are no known constraints cannot be mitigated and would preclude the development of an MSA at the Site

**Effective Use of Land**

10.100. The Site is easily accessible and it can be accessed from a spur from the Junction 11 roundabout, and there is existing footpath connectivity to the site. The scheme is therefore making an efficient and effective use of land and infrastructure.

**Meeting Objectively Assessed Needs**

10.101. The 2021 Framework requires Local Planning Authorities to meet their full objectively assessed needs. There is an identified need for an MSA and secure HGV parking. Extra MSA



Group considers that the Site at Junction 11 of the M62 Motorway is deliverable in the short term and would support the economic growth the Borough and wider sub region, including as a result of addressing public safety needs, and the associated economic costs of associated traffic and congestion. The Site is fully capable of being delivered in the next 5 years.

**A Positive Response to the Key Objectives of the Framework**

10.102. The 2021 Framework sets out the Government’s approach in relation to supporting economic growth, the requirement to address the needs for roadside services, carbon reduction and the need to recognise the needs for overnight parking.

10.103. In relation to the 2021 Framework:

- The proposal responds positively towards national planning and transport policy guidance.
- The Site is appropriate for meeting the identified need for an MSA and secure HGV parking, improving public safety, and supporting economic growth.
- The proposed Site is accessible to existing local communities supporting access to employment opportunities.
- The Site has been assessed and is available, suitable and achievable for development and this has been supported through the Committee Report for the MSA application.

**Land at Junction 11 of the M62 Motorway**

10.104. The development of the Site would provide significant benefits. The Site would deliver a new MSA that would meet the identified needs for an MSA in Warrington and the wider region. Therefore this Site provides a unique opportunity in a sustainable location.

10.105. In accordance with the 2021 Framework this representation has shown that:

- The Site is suitable for an MSA.
- The proposal will deliver a new concept MSA.
- The scheme uses land efficiently and effectively.
- The scheme will create 97 FTE gross jobs during the Construction Phase.
- The proposals will provide the opportunity for 4 construction related professional apprenticeships, and 8 construction related apprenticeships.

- The delivery of the scheme will result in approximately 228 FTE gross jobs on Site, with further new employment in the local economy due to the economic activity created on Site.
- The proposal will generate an estimated £8.47 million net additional GVA per annum.
- The scheme will generate approximately £1.05 million per annum in business rates.
- The scheme will maximise local employment opportunities, providing a range of entry level and skilled jobs, with potential for in work training.
- It will play a significant public safety role including reducing fatigue related accidents and fatalities, with associated economic benefits arising from reduced accidents and associated congestion.
- It will provide accessible rest and toilet facilities.
- It will deliver a net biodiversity gain.
- It will restore and enhance the existing peat resource so that it can become a biodiverse peat habitat, retaining the carbon store provided by the existing peat within the Site.
- It will deliver new woodland planting to the northern, eastern and southern Site boundaries, resulting in a net gain in tree coverage.

10.106. The proposal is an appropriate site to address the identified gaps in MSA provision, and identified public safety needs, consistent with the 2021 Framework, and national advice contained within Circular 02/2013. It will therefore support the objectives of the local plan to enhance the performance of the Strategic Road Network (INF1).

10.107. The site is available, suitable and achievable and therefore deliverable in accordance with the 2021 Framework.

## Proposed Change

10.108. To overcome the objection and address soundness matters, the Council should:

- Allocate the site at Junction 11 of the M62 Motorway for Motorway Services and associated facilities.

## **Appendix I: Alternative Site Assessment**

**Extra MSA Group**

# **M62 J11 Warrington Services**

## **Need and Alternative Sites Assessment**

Revision 05 August 2019



## Revision Record

Revision Reference	Date of Revision	Nature of Revision	Author	Checked By
04	02/08/2019	Update	DR	DR
05	08/08/2019	Update	KG	DR

<b>Report Author</b>	
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## Appendices

1. Counsel’s written opinion on Highway Need
2. Email from Highways England confirming gapping

# I. Introduction

I.1. A need has been identified to provide an additional Motorway Service Area (MSA) on the M6 / M62 / M60 corridors of the Strategic Road Network in the North West of England. Spawforths in conjunction with i-Transport are instructed on behalf of Extra MSA Group to undertake a Need and Alternative Sites Assessment in order to identify the most appropriate location upon which to locate a new MSA to meet the identified need.

## Structure of the Report

- Section 2** Outlines the key national transport policy context relating to the Strategic Road Network and the provision of roadside facilities on motorways in England. This includes national spacing requirements between MSAs.
- Section 3** Considers the need to provide a new MSA on the Strategic Road Network having regard to the policy context set out in Section 2.
- Section 4** Considers general locations on the Strategic Road Network where the identified need could best be met. It demonstrates that there are four “gaps” in provision that amount to a need for a new MSA. This section identifies an area of search for the Alternative Sites Assessment to meet the full need i.e. all four “gaps”.
- Section 5** Discusses potential On-line and Off-line (Junction) locations within the area identified to meet all four “gaps” having regard to the requirements of National Policy Guidance.
- Section 6** Considers whether there are any suitable On-line locations within the identified area of search where a new MSA could be accommodated.
- Section 7** Considers whether there are any suitable Off-line locations within the identified area of search where a new MSA could be accommodated.
- Section 8** Sets out the high level Alternative Sites Assessment that has been undertaken. This section considers the characteristics and potential of a number of alternative sites to accommodate a new MSA and identifies the most sequentially preferable location upon which to site such a facility having regard to locational, planning, engineering and environmental constraints.
- Section 9** Summarises the findings of the report and concludes the assessment.



## 2. Background and Policy Context

- 2.1. The Strategic Road Network plays a key role in the safe and efficient movement of goods, supplies and people around the United Kingdom; it is critical to the performance of the economy and is essential in helping to facilitate planned economic growth.
- 2.2. This is confirmed by a Department for Transport report 'Action for Roads: A Network for the 21st Century' (July 2013) which states that *'The road network is vital to our nation and a crucial part of the national transport system. It provides real and direct economic benefits: to business, to workers, to consumers. Better connections support individual towns and cities and strengthen the country as a whole. Failures of the road network increase costs, stifle employment opportunities and make it harder to do business in the UK'*<sup>1</sup>.
- 2.3. The need to keep the Strategic Road Network flowing, supporting economic connectivity and mitigating the cost of delay is fundamental to national economic performance. The impact and costs of delays resulting from accidents on the Strategic Road Network can be significant and widespread. The Government estimates that the economic impact of a three lane carriageway closure on a busy motorway can be more than £500,000<sup>2</sup>. The social impact of accidents on the Strategic Road Network is also substantial and by 2020, Highways England has a target to reduce the number of people killed or seriously injured on the network by 40%<sup>3</sup>.
- 2.4. Driver fatigue is a recognised cause of road accidents and it is estimated that 20% of accidents on the Strategic Road Network are fatigue related. Rule 91 of the Highway Code advises that in order to minimise risks, journeys should be planned to incorporate sufficient breaks. The Rule advises that the most effective ways to counter tiredness are to stop in a safe place, drink caffeinated coffee and take a short nap. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public

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<sup>1</sup> Paragraph 1, page 5.

<sup>2</sup> Paragraph 1.4, Review of Investigation and Closure Procedures for Motorway Incidents – Preliminary Report (May 2011). Department for Transport, Highways Agency, Association of Chief Police Officers and the Home Office.

<sup>3</sup> Page 4 Highways England Delivery Plan 2015 – 2020, (March 2015) Highways England

service vehicles are also subject to a regime of statutory breaks and other vehicle time restrictions.

- 2.5. The UK's network of Motorway Service Areas therefore perform an essential road safety function in ensuring the safety and welfare of drivers and their passengers and they underpin the safe and efficient operation of the M6, M62 and M60 in the North West of England and other Motorways throughout the country. MSAs create opportunities and facilities for motorists and commercial drivers and their passengers to take breaks, refresh and relax in safe and convenient locations on the Strategic Road Network.

### **Establishing the 'Need' case – Policy Test**

#### Department for Transport (DfT) Circular 02/2013

- 2.6. Government Policy relating to the Strategic Road Network is contained within Department for Transport (DfT) Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.
- 2.7. Paragraph 8 of this document states that a well-functioning Strategic Road Network enables growth by providing for safe and reliable journeys. Paragraph 7 also reaffirms that the Strategic Road Network plays a key role in enabling and sustaining economic prosperity and productivity, whilst also helping to support environmental and social aims and contributing to wider sustainability objectives and improved accessibility to key economic and social services.
- 2.8. Annex B specifically relates to roadside facilities for road users on motorways in England and sets out policy on the provision, standards and signage of roadside facilities on the Strategic Road Network. The Circular confirms that all such proposals will be considered in the context of the National Planning Policy Framework (NPPF 2019) and, in particular, the statement that it includes within paragraph 104 footnote 42, regarding the primary function of roadside facilities being to support the safety and welfare of the road user.
- 2.9. Although MSAs are privately owned and operated, they exist primarily to meet a **public safety need** on the Strategic Road Network, the need being to provide facilities which support the safety and welfare of the travelling public. The absence of such facilities in areas where there is a need places the safety and welfare of the travelling public at risk and increases the chances of accidents. Some 20% of all major accidents are fatigue related and the provision of properly gapped MSAs does significantly assist in reducing fatigue related accidents.

2.10. In line with paragraph 104 (e) of the National Planning Policy Framework (NPPF 2019), it is clear that the purpose of an MSA is to ensure the safety of drivers on the Strategic Road Network. This point is reinforced in Annex B of the Circular, which states at paragraph B4:

*“Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.”*

2.11. **Highways England’s objective and clear recommendation set out at paragraphs B5 and B6 is that the maximum distance between motorway services areas should be no more than 28 miles which is typically 30 minutes travelling time.** This distance can also be shorter, subject to compliance with the design requirements of the Design Manual for Roads and Bridges. This requirement or “need”, to ensure driver safety through the provision of an MSA at maximum intervals of 30 minutes leads directly to the recommendation of the Highways Agency that there should not be a gap of more than 28 miles between MSAs. Paragraph B6 is set out below in full:

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

2.12. In order to meet the Government’s objective of ensuring the safety and welfare of road users, there is a need to provide an MSA on those stretches of the Strategic Road Network where there is an existing gap between MSAs of more than 28 miles. Paragraph B8 confirms that in determining applications for new MSAs, Local Planning Authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their own specific merits. Paragraph B8 is set out in full below:

*“The distances set out above are considered appropriate for to (sic) all parts of the strategic road network and to be in the interests of and for the benefit of all road users regardless of traffic flows or choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.”*

- 2.13. The Circular does not include provision for traffic flows to form part of a weighting process to evaluate the importance of a gap. **A gap either exists or it does not; flows and route choices are irrelevant.**

National Planning Policy Framework (NPPF 2019)

- 2.14. The National Planning Policy Framework (NPPF 2019) sets out the Government’s planning policies for England and how these should be applied. The NPPF (2019) is a material consideration in planning decisions (paragraph 2) but it also notes that *“other statements of government policy may be material when preparing plans or deciding applications”* (paragraph 6). The main purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, economic, social and environmental:

*“**an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

***an social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

***an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve*

*biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

- 2.15. Paragraph 82 of the NPPF (2019) relates to “building a strong, competitive economy”. It notes that that planning decisions should “*recognise and address the specific locational requirements of different sectors*”.
- 2.16. In relation to “promoting sustainable transport”, Paragraph 102 requires that “*transport issues should be considered from the earliest stages of development proposals*”, including the environmental impacts of traffic and transport infrastructure, and opportunities to promote walking, cycling and public transport use. Paragraph 103 notes that “*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*”.
- 2.17. The NPPF (2019) states in paragraph 104(e) that “*Planning policies should:-*
- e) Provide for any large-scale transport facilities that need to be located in the area (42), and the infrastructure and wider development required to support their operation, expansion, and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a national significant infrastructure project and any relevant national policy standards*”.
- 2.18. Footnote 42 states that “*Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be national significant infrastructure projects)*”.
- 2.19. Paragraph 107 requires that planning decisions “*should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance*”.
- 2.20. **It is clear that within the NPPF (2019), the starting point for the consideration of an MSA is paragraph 104(e) footnote 42 which provides that “The primary function of roadside services should be to support the safety and welfare of the road user” and that this point is reinforced in Annex B of Circular 02/2013. The Circular guidance is**

a material consideration in the determination of MSA applications by virtue of paragraph 6 of the NPPF (2019): “*other statements of government policy may be material when preparing plans or deciding applications*”. In establishing the need for an MSA above, it is also clear that such an MSA should contribute towards sustainable development (paragraph 7) but that planning decisions should recognise the “specific locational requirements” of sectors such as MSA (paragraph 82); and that operational issues such as lorry parking are also important (paragraph 107).

#### Leading Counsel Opinion

- 2.21. Extra MSA Group has obtained Leading Counsel’s Opinion on the interpretation of need based on the NPPF (2019) and Circular 02/2013. Counsel advised (14<sup>th</sup> May 2019 – paragraph 11) that “*The 2013 Circular was a deliberate departure from previous policy in that the Government decided to make clear that once a gap of more than 28 miles has been identified, the need for an MSA will be established (i.e. the absence of an MSA in such a situation frustrates the Government’s objective of supporting the safety and welfare of the road user). The local planning authority in such a situation should not concern itself with the merits of spacing beyond asking itself whether (a) the proposed MSA will help ensure that the maximum distance of 28 miles is not breached, and (b) that the new facility will not breach the requirements set out in the Design Manual for Roads and Bridges. **For the purposes of applying the policy on “need” as set out in the Circular, it is not permissible to take a graduated approach to need by reference to the number of drivers using a particular stretch of the strategic road network or any other considerations such as route choice or the nature of the journeys. The existence of the requisite gap is conclusive evidence of need, and in the particular circumstances of this case it removes any necessity to debate how many drivers will choose a particular route (for example M6 South – M62 East, in preference to any other route.**” A copy of the full advice is included in Appendix I.*

#### Highways England: The Strategic Road Network Planning for the Future (September 2015)

- 2.22. The Highways England: The Strategic Road Network: Planning for the Future (September 2015) document confirms the approach that Highways England takes to engaging in the planning system in relation to the whole Strategic Road Network, comprising of motorways and all-purpose trunk roads in England. It confirms that the Document is written in the context of the NPPF and Circular 02/2013. The Document confirms that “*the Strategic Road Network (SRN) is arguably the biggest and single most important piece of infrastructure in the country and is*

*the core of our national transport system*". It also confirms that **"operating an effective and efficient SRN makes a significant contribution to the delivery of sustainable economic growth. Efficient and reliable connections enhance the UK's image and reputation as a good place to invest. By enabling the efficient movement of people and goods the SRN helps create the conditions for growth through enabling businesses to:-**

- **Access the skills and ideas they need to perform and grow;**
- **Access their suppliers and control their costs;**
- **Serve the customers and reach out to new markets; and**
- **Create effective collaborations and partnerships.**

**The SRN is therefore essential to the growth, well-being and balance of the county's economy".**

- 2.23. The Document has a section relating to *"Roadside facilities, including Motorway Service Areas"*. It confirms that *"new and existing roadside facilities are subject to the provisions of relevant planning legislation and regulation, which together set the framework within which local planning authorities should consider the planning proposals for such developments"*. As confirmed earlier, this legislation and regulation relates to the NPPF and Circular 02/2013 (as well as the Town and Country Planning Development Management (Procedure) Order (England) 2015). In light of the above the Highways England 2015 Document supports the importance of public safety considerations and the contribution of the SRN to the national economy and re-affirms the role and relevance of both the NPPF and Circular 02/2013.

### 3. Establishing the ‘Need’ for a New MSA

3.1. Section 2 has set out the key National Transport Policy context relating to the Strategic Road Network and the provision of roadside facilities on Motorways in England, including national spacing requirements between MSAs. This Section will now consider the need to provide a new MSA on the M6 / M62 / M60 corridors of the Strategic Road Network in the North West of England having regard to this context.

3.2. **The Highways Agency produced a national report in January 2010 titled: “Spatial Planning Framework Review of Strategic Road Network Service Areas”.** The 2010 Study was commissioned to assess the provision of service areas on the Strategic Road Network in England (paragraph 1.1). The purpose of the Study was to “*encapsulate the results of the MSA study which provides a gap study of those MSAs located in each region*”. Paragraph 1.3 confirmed that this Study comprised the following:--

*“Identification of the location of MSAs along the Motorway Network;*

*Determination of the separation of MSAs;*

*Identification of any gaps in provision; and*

*Recommendations to address provision issues along the Motorway Network”.*

3.3. It is recognised that this Study pre-dated Circular 02/2013 as it used a requirement of 40 miles or greater to identify a “gap”. This distance has now been superseded by the Circular 02/2013 requirement that “*the maximum distance between motorway service areas should be no more than 28 miles*”. The conclusions of the 2010 Study can therefore be considered extremely robust as the maximum size of the gap has subsequently been reduced.

3.4. In the North West, the 2010 Study set out in Table 4.2 a Matrix Displaying MSA Separation in the North West:



**Table 4.2: Matrix Displaying MSA Separation in the North West**

Motorway Service Area	Government Office Region	Birch	Blackburn with Darwen	Bolton West	Burton in Kendal NB	Burtonwood	Charnock Richard	Chester	Gretna (A74(M) Scotland)	Hartshead Moor	Killington Lake SB	Knutsford	Lancaster (Forton)	Lymm	Sandbach	Southwaite	Tebay	Terminus of A627(M) (Oldham)	Terminus of M53 (Chester)	Terminus of M53 (Wallasey)	Terminus of M55 (Blackpool)	Terminus of M56 (Chester)	Terminus of M57/M58 (Switch Island)	Terminus of M602 (M'cr City Centre)	Terminus of M65 (Colne)	Terminus of M67 (Mottram & Hyde)	Todhills	Truckhaven (Camforth)
Birch	North West	#	17			22	35	39		24				25				6					39	13	28	17		
Blackburn with Darwen	North West		#	16			15						25								26			32	18	35		
Bolton West	North West	17	16	#			16						28								28			18		30		
Burton-in-Kendal (Northbound O	North West				#												22											
Burtonwood	North West	22				#	20							10									18	16		34		
Charnock Richard	North West	35	15	16		20	#						25	23							26		19	30		48		
Chester	North West	39						#				20		14					6	20		6						
Gretna (A74(M) Scotland)	Scotland								#																		6	
Hartshead Moor	Yorkshire and North East	24								#								22										
Killington Lake (Southbound On	North West										#		26															15
Knutsford	North West							20				#		7	14													
Lancaster (Forton)	North West		25	28			25				26		#															13
Lymm	North West	25				10	23	14				7		#												26		
Sandbach	North West											14			#													
Southwaite	North West															#	27											12
Tebay	North West																27	#										
Terminus of A627(M) (Oldham)	North West	6									22							#										
Terminus of M53 (Chester)	North West							6											#	22								
Terminus of M53 (Wallasey)	North West							20											22	#								
Terminus of M55 (Blackpool)	North West		26	28			26						28									#						
Terminus of M56 (Chester)	North West							8															#					
Terminus of M57/M58 (Switch Island)	North West	39					18	19															#	35		52		
Terminus of M602 (M'cr City Centre)	North West	13	32	18			16	30															35	#	38	26		
Terminus of M65 (Colne)	North West	28	18																					38	#			
Terminus of M67 (Mottram & Hyde)	North West	17	35	30			34	48						26									52	26		#		
Todhills	North West								6								12										#	
Truckhaven (Camforth)	North West				5						15		12															#

# Motorway Service Station Gap Analysis National Overview - Distance between MSA's



Key	
	<b>GO Regions</b>
	Areas
	A-Roads
	<b>National MSA's</b>
	<b>MSA Gaps</b>
	Number of Routes > 40 miles separation
	0
	1-10
	10-20
	20+

Figure 4.1

- 3.5. **Paragraph 5.4 of the Study confirmed that “in the North West, Charnock Richard and the terminus of the M58 to the terminus of the M67 are both routes further than 40 miles long with no MSA provision. There are a further nine routes above the 28 miles threshold”.**
- 3.6. Since the 2010 Study was published no new MSA provision has been delivered to meet any of these gaps in the North West region and hence the public safety need identified in 2010 has not been met. As has been noted in Section 2, Circular Guidance 02/2013 has been produced since the 2010 Study which has reduced the maximum gap requirement from 40 miles to 28 miles and hence the “further nine routes above the 28 mile threshold” identified within the 2010 Study now also display a public safety need that must be met.
- 3.7. The M6 / M62 / M60 Motorways are amongst the busiest and most important in the UK. The M62 has daily traffic flows of circa 115,000 vehicles in the vicinity of Junction 11 (24 hours AADT 2016). It is the west – east trans-Pennine Motorway in Northern England, connecting the two major ports of Liverpool and Hull, via intervening conurbations including Manchester, Warrington, St Helens and Leeds, and it also connects the two City Regions of Liverpool and Manchester. The area around Greater Manchester, Warrington and St Helens accommodates a convergence of other significant Motorway and major road networks (M6 / M58 / M60 / M62) that also make connections from the east to the west; north to south; and to the orbital around Manchester.
- 3.8. There are six existing MSAs located on the Strategic Road Network in and around the North West of England. These are listed in Table I and illustrated on the plan below.

Motorway	MSA	Location
M6	Charnock Richard	On-line between J27 and J28
M62	Birch Services	On-line between J18 and J19
M62	Burtonwood Services	Off line at J8
M61	Rivington Services	On-line between J6 and J8
M6	Knutsford Services	On-line between J18 and J19
M56	Chester Services	Off line at J14

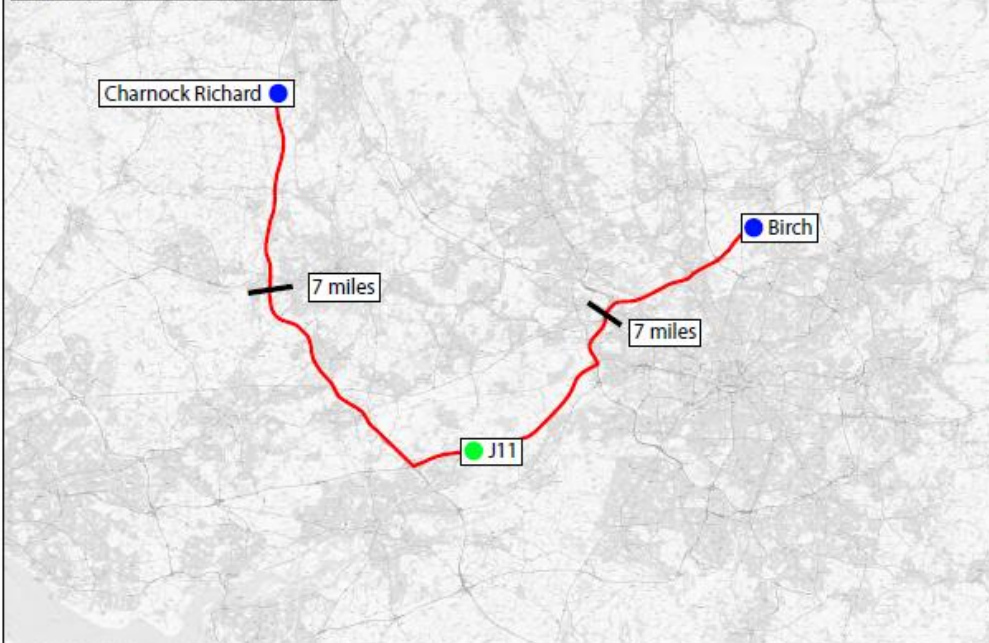
Table 1: Existing MSA locations in and around the North West Region

### Gaps on the Network

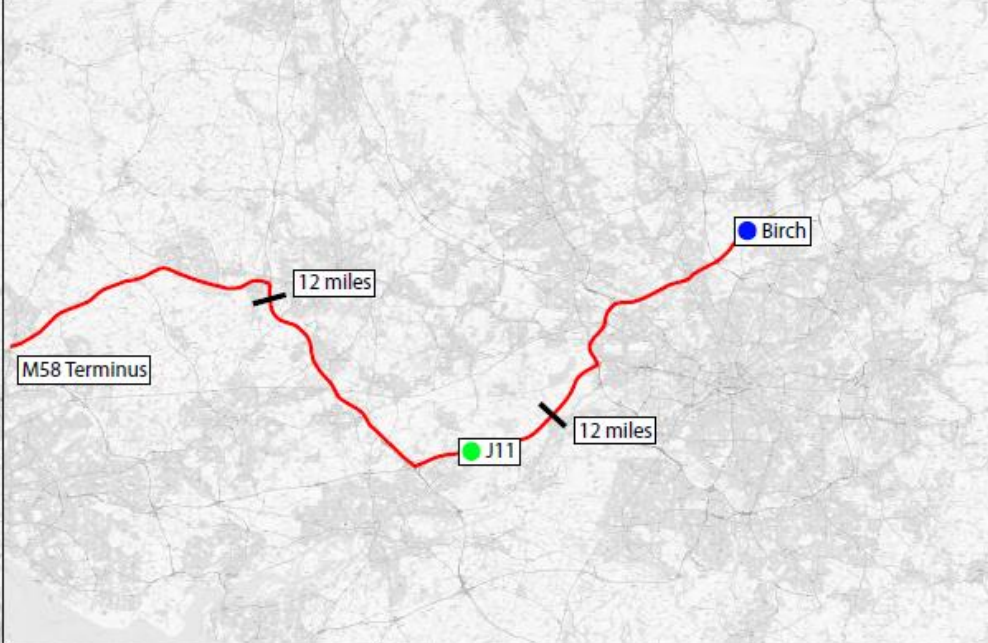
3.9. Based upon the gapping parameters contained within Circular 02/2013, **FOUR** defined policy gaps exist in the provision of MSA facilities on the Strategic Road Network within the North West Region where spacing between existing MSAs is greater than the maximum limit of 28 miles or a maximum travelling time of 30 minutes. These gaps are:

- On the M58/M6/M62/M60/M62 corridor between M58 Terminus (Switch Island) and Birch Services.
- On the M6/M62/M60/M62 corridor between Charnock Richard Services and Birch Services.
- On the M58/M6/M62/M60/M67 corridor between M58 Terminus (Switch Island) and M67 Terminus (Hattersley Roundabout).
- On the M6/M62/M60/M67 corridor between Charnock Richard Services and M67 Terminus (Hattersley Roundabout).

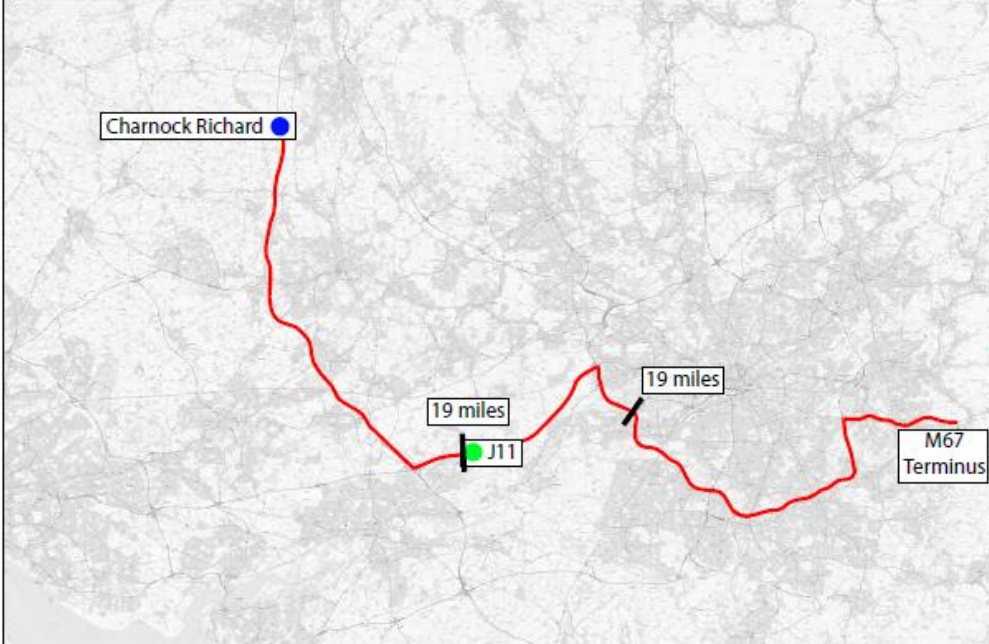
Charnock Richard to Birch : 35 miles



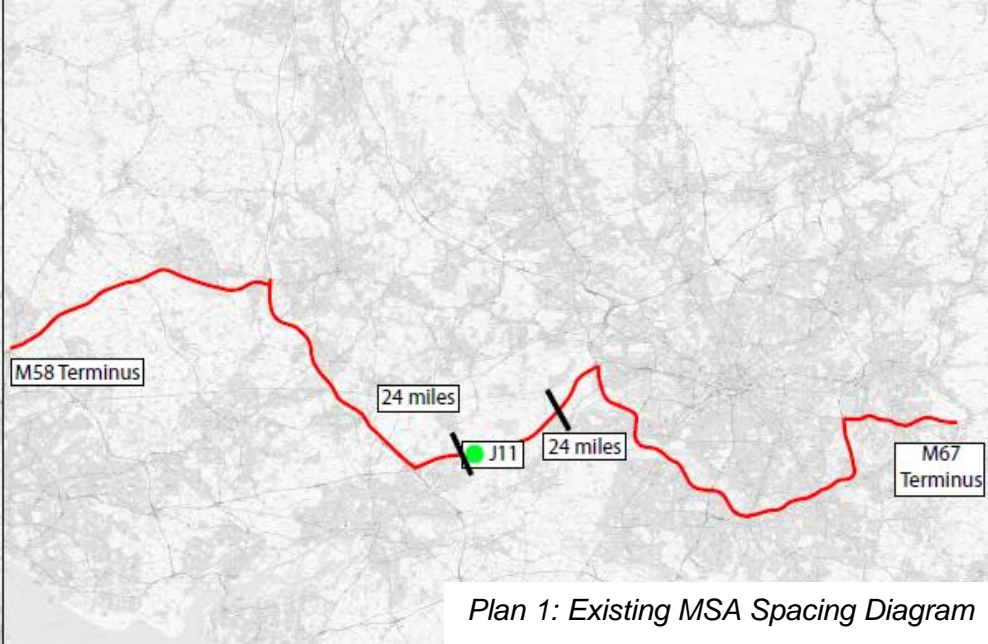
M58 Terminus to Birch : 40 miles



Charnock Richard to M67 Terminus : 47 miles



M58 Terminus to M67 Terminus : 52 miles



Plan 1: Existing MSA Spacing Diagram

3.10. The current distance spacing between the aforementioned MSA facilities is set out in Table 2 below and illustrated on the above plan.

From	To	Current Route	Current Distance
M58 Terminus (Switch Island)	Birch Services	M58/M6/M62/M60/M62	40 miles
Charnock Richard Services	Birch Services	M6/M62/M60/M62	35 miles
M58 Terminus (Switch Island)	M67 Terminus (Hattersley Roundabout)	M58/M6/M62/M60/M67	52 miles
Charnock Richard Services	M67 Terminus (Hattersley Roundabout)	M6/M62/M60/M67	47 miles

Table 2: Existing gaps of greater than 28 miles between MSAs in the North West Region

3.11. The distances set out above are clearly in excess of the 28 mile maximum distance and importantly the travelling time over these distances is significantly in excess of the 30 minute maximum time set out in Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

3.12. Charnock Richard Services are located on line between Junctions 27 and 28 of the M6. The location of this MSA is relevant to traffic heading south on the M6 as traffic heading south east on the M61 can use the facilities at Rivington services. Traffic from Liverpool on the M62 can use Burtonwood Services at Junction 8. Traffic coming from M58 (Switch Island) or any locations south of Charnock Richard and then heading south on the M6 and then on the M60 / M62 has no provision before Birch Services. Similarly traffic emanating from a similar location and then heading south on the M6, east on the M62 and then south east on the M60 (around Manchester) and along the M67 towards the Pennines to reach the urban areas of Sheffield and Doncaster has no provision right through to the M67 terminus.

3.13. **The gapping between existing MSA facilities on this section of the Strategic Road Network is significantly greater than the maximum 28 mile distance. It is also greater than the 30 minutes travelling time requirement given the often congested nature of the M6, M62 and M60 Motorways passing through the North West Region, as frequently occurs within this area. The needs of motorists, commercial drivers and their passengers are not being adequately met within this area.**

3.14. **Therefore in accordance with Circular 02/2013, there is a need fully supported by Policy, for an additional MSA to serve the identified gapping between:-**

- **M58 Terminus and M62 Birch Services;**
- **M6 Charnock Richard and M62 Birch Services;**
- **M58 Terminus and M67 Terminus; and**
- **M6 Charnock Richard and M67 Terminus.**

3.15. The nature of the specific need within the North West region has been considered by Leading Counsel, instructed by Extra MSA Group. Counsel advised in paragraph 10 that *“It can be seen from the above that the existence of Burtonwood Services and Lymm Services do not address the identified gaps, for the simple reason that some drivers will take a journey whereby despite the existence of these two MSAs they will drive for more than 28 miles (and significantly longer than 30 minutes) before they encounter an MSA. How many such drivers there will be is irrelevant for the purposes of applying the Government policy on need – as paragraph B8 of the Circular makes explicit, once such a gap is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists (i.e. the existence of the gap is in and of itself conclusive evidence of need for planning purposes.”* A copy of the full advice is included in Appendix 1.

#### **Confirming this Gap**

3.16. As part of their pre application discussions, Extra MSA Group has consulted with Highways England. **Highways England confirmed at this time that based upon current distances between existing MSA facilities, it would have “no objection in principle to the proposed development of a new MSA at M62 J11 (“Warrington Services”) on the grounds of spacing”.** A letter dated 11<sup>th</sup> June 2019 from Julie Prince (Senior Policy

Advisor) at Highways England to Warrington Borough Council confirming this gapping conclusion is enclosed at Appendix 2.

### **Summary**

- 3.17. In summary, there is a strategic need fully supported by policy, for a new MSA to serve the identified gapping between M58 Terminus and M62 Birch Services; M6 Charnock Richard and M62 Birch Services; M58 Terminus and M67 Terminus; and M6 Charnock Richard and M67 Terminus. This is based on Government policy in Circular 02/2013 which sets out the maximum acceptable distances between facilities. The need has also been supported as recently as 11<sup>th</sup> June 2019 by Highways England.

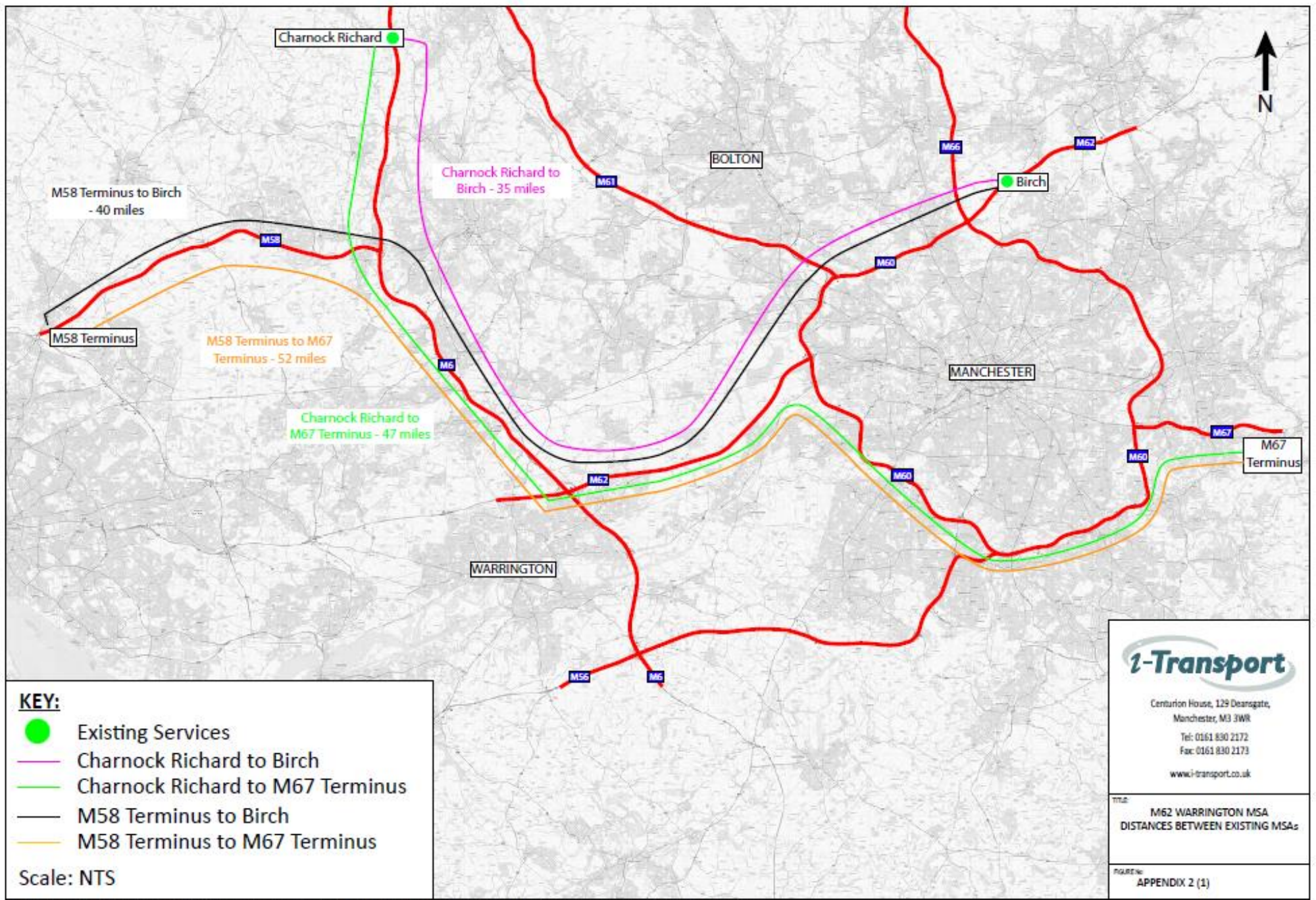


## 4. Meeting the Need for a New MSA

- 4.1. Section 3 has explained why a need, fully supported by policy, exists for a new MSA to serve the **FOUR** identified gaps in the North West of England and how despite those gaps being identified in 2010, no new provision has been made to fill these gaps.
- 4.2. The next stage in this assessment is to consider general locations on the Strategic Road Network where the identified need could best be met and identify an area of search to form the basis of the Alternative Sites Assessment.

### Area of Search

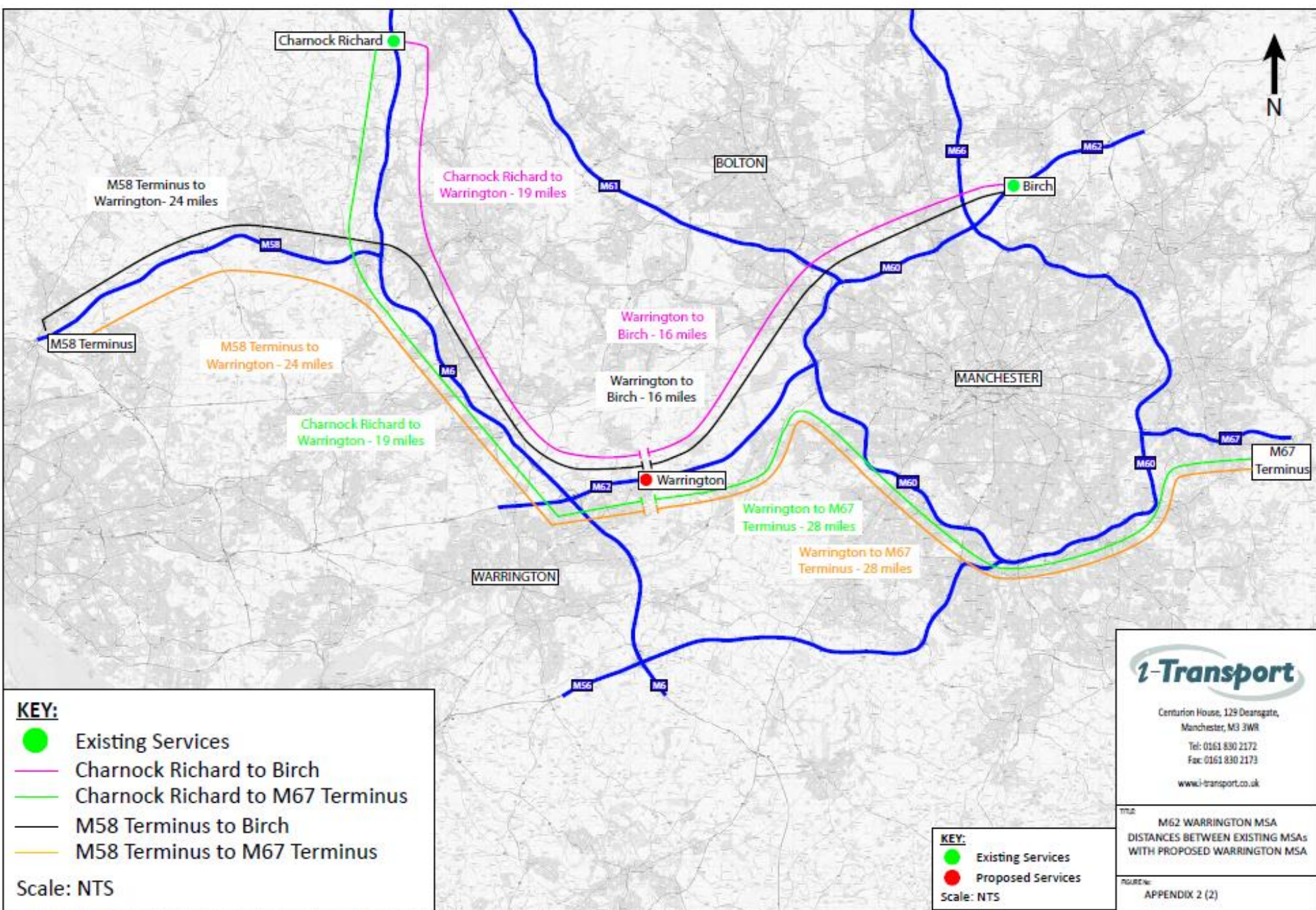
- 4.3. As previously discussed, Circular 02/2013 sets a maximum distance of 28 miles between motorway service areas; this typically translates to a maximum drive time of 30 minutes but on busy and congested sections of the Strategic Road Network, this can be shorter.
- 4.4. The diagram below (Plan 2) illustrates the current gaps between existing MSAs on the Strategic Road Network in this area:



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Plan 2: Distances between Existing MSA

- 4.5. The diagram below (Plan 3) illustrates that the introduction of a new MSA at either Junction 11 of the M62 or on line to the east of the junction (defined as the Optimal Search Area) would reduce all **FOUR** of the established gaps on the corridors of the Strategic Road Network to policy compliant distances.



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Plan 3: Distances between existing MSA and the Optimal Search Area

4.6. An MSA within the area identified at and to the east of Junction 11 of the M62 would achieve the following:

From	To	Current Route	Current Distance	New Route	Proposed Distance (range)
M58 Terminus (Switch Island)	Birch Services	M58/M6/M62/M60/M62	40 miles	M58/M6/M62	24 – 28 miles
Charnock Richard Services	Birch Services	M6/M62/M60/M62	35 miles	M6/M62	19 – 23 miles
M58 Terminus (Switch Island)	M67 Terminus (Hattersley Roundabout)	M58/M6/M62/M60/M67	52 miles	M62/M60/M62	25 - 28 miles
Charnock Richard Services	M67 Terminus (Hattersley Roundabout)	M6/M62/M60/M67	47 miles	M62/M60/M67	25 - 28 miles

Table 3. Gap reductions table

4.7. The diagram confirms that **outside** of this Optimal Search Area, all **FOUR** gaps could not be satisfied:-

- MSA provision within the M62 and M6 corridor to the west of the Optimal Search Area could only meet two of the public safety gaps and hence two public safety gaps would still exist (Birch to Charnock Richard and Birch to M58 Terminus);
- MSA provision within the M62 corridor to the east of the Optimal Search Area could also only meet two of the public safety gaps and hence two public safety gaps would still exist (Charnock Richard to M67 Terminus and Charnock Richard to Birch); and

- MSA provision within the M60 corridors north and south of the M62 / M60 interchange could only meet two of the public safety gaps and hence three public safety gaps would still exist (Charnock Richard to M67 Terminus and Charnock Richard to Birch).

4.8. Since the public safety need has been established within the North West area and it equates to **FOUR** clearly defined corridors then it is appropriate to initially consider alternative sites that could meet the full need (i.e. all **FOUR** gaps). This will have the benefits of:-

- Meeting all gaps and hence satisfying the full public safety need;
- Delivering a single MSA to meet this full need that has been established since 2010 and which remains unmet;
- Being located within the key M62 stretch of motorway that links the Liverpool and Manchester conurbations.
- Providing a single MSA to meet all gaps to optimise its viability and deliverability.

4.9. **On this basis, the Alternative Sites Assessment will focus upon the Optimal Search Area and hence other areas within the M62 / M6 corridors to the west; M62 corridor to the east; and the M60 corridor to the north and south of M62 Junction 12 have been excluded from the initial area of search for the purposes of this Alternative Sites Assessment.**

4.10. A high level assessment of these areas (outside of the Optimal Search Area) has been undertaken to ascertain whether an on-line MSA facility could be accommodated with regard to the minimum desirable weaving lengths identified in TD22/06 "Layout of Grade Separated Junctions".

4.11. The high level assessment shows that the whole of M62 corridor to the east of the Optimal Search Area and the M60 corridors north and south of the M62 / M60 interchange fail to meet the minimum weaving length requirements and hence this reconfirms that they should be excluded from any further assessment. It also shows that the whole of the M62 corridor to the west of the Optimal Search Area does not meet the minimum weaving length requirements as does the majority of the M6 corridor other than one short section between Junction 25 and 26. This area has complications with regard to the existing slip-road

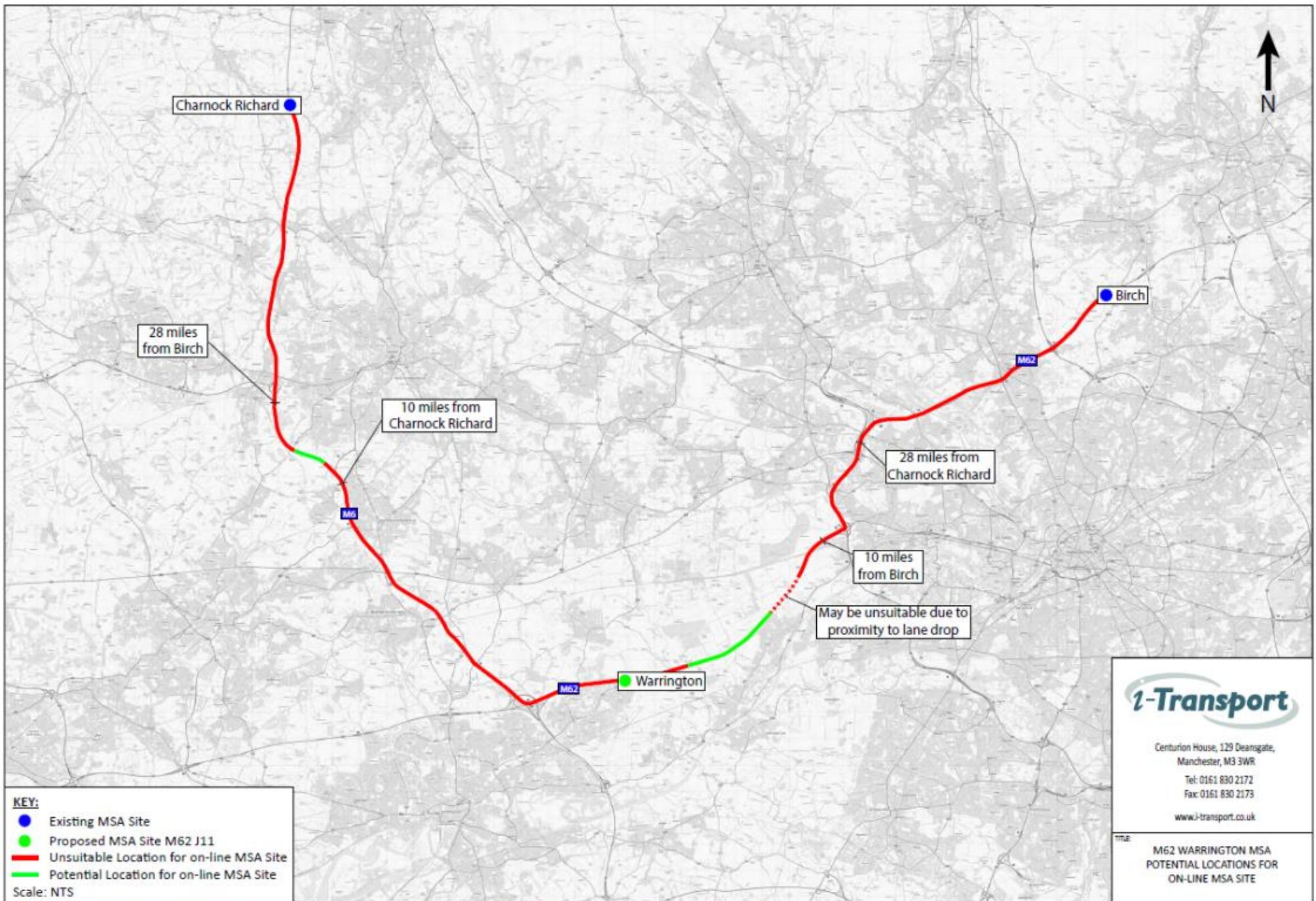
arrangements at Junction 25 and any potential new MSA junction slip-road lengths. Since this is only a very short stretch (3 miles); has potential DMRB complications; and could only meet two of the gaps (leaving two unmet) then this potential on-line opportunity is not taken forward in this Assessment.

4.12. Any potential off-line MSA sites at the M6 / M62 / M60 junctions to the east or west of the Optimal Search Area would be less beneficial than an off-line facility within the Optimal Search Area as they could only accommodate two, one or none of the gaps. For this reason, no potential off-line (Junction) sites outside of the Optimal Search Area have been taken forward in this assessment at this stage. This may be revisited if no suitable site for an off-line (Junction) MSA can be identified within the Optimal Search Area.

4.13. **Following consideration of the above as the means to meet all FOUR gaps, it is determined that it is only possible to meet all FOUR gaps by siting an MSA in the Optimal Search Area identified on the plan below. At present this encompasses the potential for:-**

1. **an on-line location area between Junction 11 and J12 of the M62;**
2. **an off-line location at Junction 11 of the M62 Motorway; and**
3. **The potential for a new Junction 11A off-line facility.**

4.14. **This catchment therefore forms the Optimal Search Area for the purposes of this Alternative Sites Assessment and the appraisal therefore proceeds on this basis.**



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Plan 4: Optimal Search Area Plan



## 5. On-line Vs Off-line (Junction) Sites

- 5.1. In identifying an appropriate location for a new MSA, it is also relevant to consider the requirements of national planning policy guidance having regard to on-line and off-line (Junction) sites. In this respect, Paragraphs B13 – B15 of Circular 02/2013 are of relevance as is the advice within the NPPF (2019).
- 5.2. Circular 02/2013 advises that on-line (between junctions) service areas are considered to be more accessible to road users and as a result are more attractive to and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions. Paragraph B14 notes that *“on the assumption that all other factors are equal, the Highways Agency has a preference for new facilities at on-line junction”*. Paragraph B15 notes however that *“where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, a site sharing a common boundary with the highway at a junction with the Strategic Road Network is to be preferred to the continued absence of facilities”*. The latter is an off-line facility.
- 5.3. The NPPF (2019) confirms that the primary function of roadside services should be to support the safety and welfare of the road user but it also seeks to promote sustainable transport, and hence it requires that the environmental impacts of traffic and transport infrastructure, and opportunities to promote walking, cycling and public transport use are also important through the location of significant development on locations which are or can be made sustainable, thereby limiting the need to travel and offering a genuine choice of transport modes. In this regard the NPPF (2019) seeks to balance economic, social and environmental considerations to further the objective of sustainable development.
- 5.4. Leading Counsel instructed by Extra MSA Group (14th May 2019 – paragraphs 12 – 14) has considered this issue and concludes as follows:

*“12. Annex B of the Circular at B13 to B15 provides that where competing MSA sites are under construction, the Highways Agency has a preference for on-line locations over off-line locations. It must however be noted that, firstly, this is a “preference” only (i.e. it is not a mandatory requirement that an on-line location must always be selected over an off-line location); and secondly the preference is subject to the very important caveat “on the assumption that all other factors are equal”.*

*“13. All other factors are rarely equal in life, and the sphere of planning is no exception. So, for example, the Circular itself at B15 acknowledges that an on-line facility may simply not be possible because of safety, operational or environmental constraints. We would go further and add that such a facility may be available, but the safety, operational or environmental disbenefits of such a location may outweigh the advantages that flow from being on-line as opposed to off-line, such that the latter location is considered preferable once regard is had to all matters that are relevant to what is ultimately a planning decision”.*

***“14. If there is a choice to be made between on-line and off-line facilities, the planning authority must have regard to all material considerations relevant to that choice, and that will include not only the Highways Agency “preference” (understood subject to the express caveats provided in the Circular itself), but also all of the benefits that a particular off-line location may provide when compared with a particular on-line location. So, for example, on the specific facts of a case, the off-line location may provide the broader sustainability benefits when compared with the only on-line location that is in contention”.***

### **On-line Sites**

- 5.5. As noted above, the Highways Agency (now Highways England) have a preference for on-line locations. Older MSA facilities traditionally provided separate facilities for travellers on either side of the carriageway. However, in order to avoid the duplication of facilities and reduce the amount of land required for development, the majority of recent MSAs provide a Facilities Building and car park on one side of the Motorway with access from both sides of the carriageway.
- 5.6. Consideration should be given with any on-line sites to maximize the opportunity for accessibility by non-car borne modes for staff. Opportunities could include alternative modes of travel for staff (usually accessible from lower order roads / paths / cycleways with restricted access into the on-line MSA) to ensure that all staff movements will not have to be undertaken via the Strategic Road Network.

### **Junction (Off-line) Sites**

- 5.7. The Highways Agency recognise that *'in circumstances where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, a site sharing a common boundary with the highway at a junction with the strategic road network is to be preferred to the continued absence of facilities'*.
- 5.8. In considering off-line locations, the impact of any additional traffic using the junction to access an MSA will need to be fully assessed to ensure that the residual cumulative impact on the road network would not be severe. Such locations should also seek to ensure that they maximize the opportunity for non-car borne modes of travel for staff journeys.

### **The Adopted Approach**

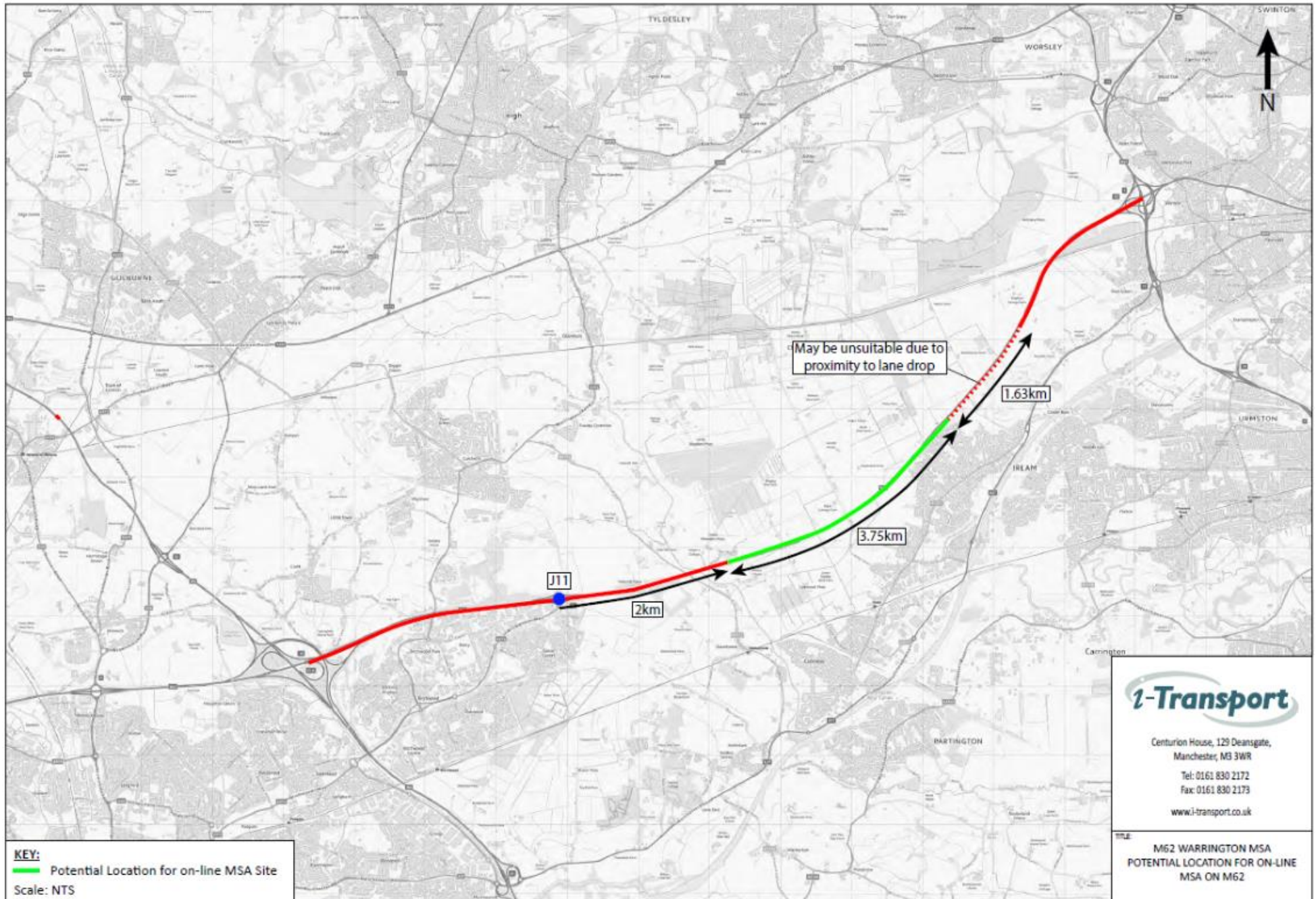
- 5.9. In undertaking this Alternative Sites Assessment, the advantages and constraints of both on-line and off-line (Junction) locations within the Optimal Search Area have been considered in order to robustly identify the most appropriate location in which to site an MSA to meet the acknowledged need. This Assessment has been undertaken within the context of both paragraphs B13 to B15 of Circular 02/2013 which gives preference to on-line locations subject to all other factors being equal, and the requirements of NPPF (2019) in relation to sustainable development principles. This Assessment is set out at Section 8 of this Report.

## 6. Identifying Potential On-Line Sites

- 6.1. This section considers whether there are any suitable on-line locations within the Optimal Search Area identified along the 4 mile (6km) corridor of the M62 Motorway from Junction 11 to 3 miles west of the M62 / M60 junction where a new MSA could be accommodated.

### Safety and Operational Considerations

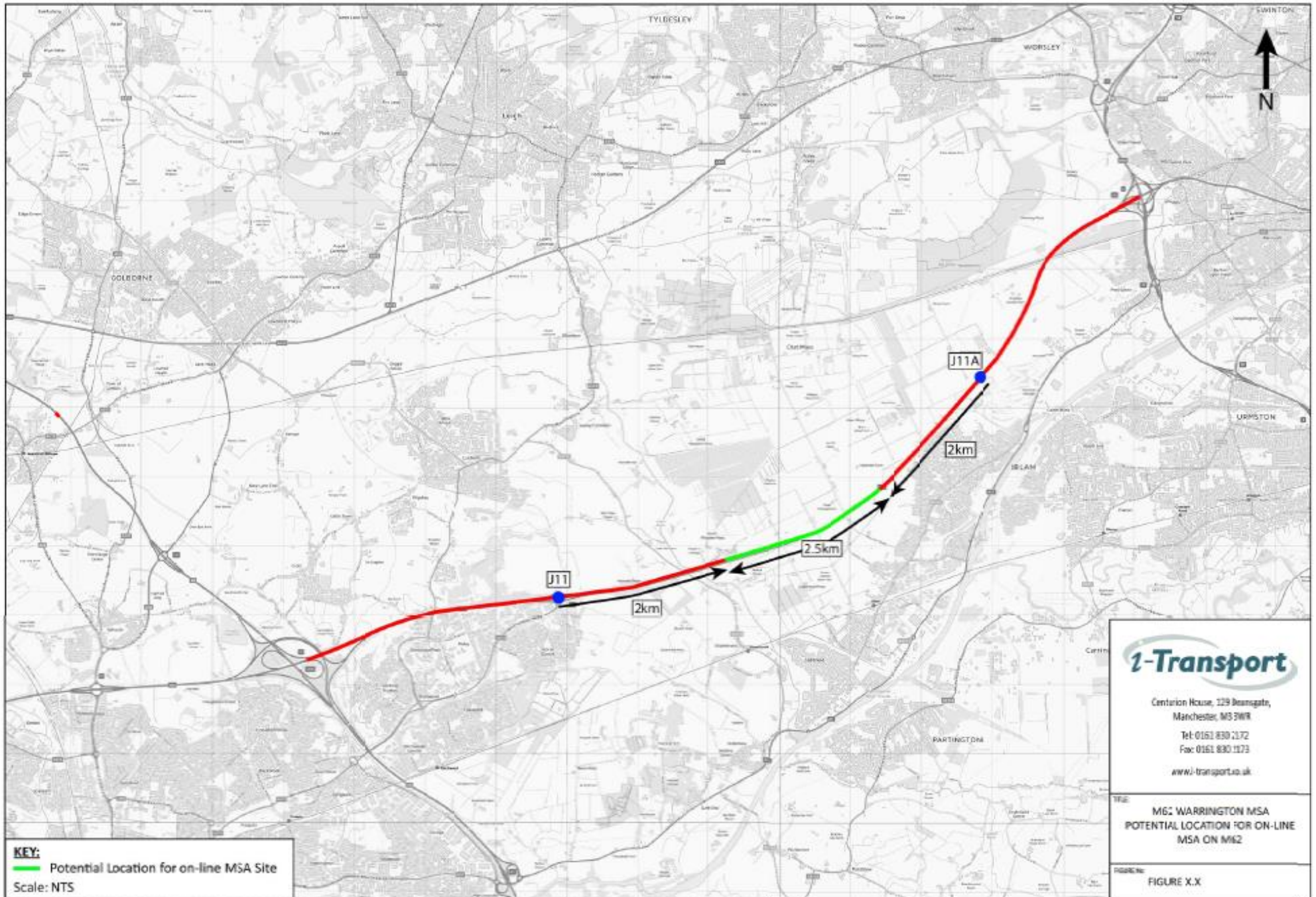
- 6.2. There are a number of safety and operational constraints relating to the Strategic Road Network that need to be met in order for an on-line location to be deemed appropriate to accommodate a new MSA. Locations that do not meet prevailing standards must therefore be excluded from the site search process.
- 6.3. TD22/06 'Layout of Grade Separated Junctions' (DMRB, Volume 6, Section 2, Part 1) recommends minimum desirable weaving lengths of 2km. Where weaving lengths are less than this minimum desirable length then Departures from Standard are needed which has the potential to complicate delivery. In this context, sites which do not meet the minimum desirable weaving lengths have been excluded from further analysis.
- 6.4. There is an area east of Junction 11 of the M62 which can potentially meet the DMRB requirements for a new motorway service area. This area is shown on Plan 5 below



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Plan 5 – On line opportunities within the Optimal Search Area

- 6.5. This area is approximately 4 miles (6.5 km) in extent as noted above. Outside of this area both to the east and west, a potential new motorway service area would not meet the minimum weaving length requirements of Design Manual for Roads and Bridges.
  
- 6.6. This area has however been further refined as shown on Plan 6 to reflect the potential for a new Junction 11A on the M62. The potential for this Junction will be addressed in more detail in the next section but analysis by i-transport has shown that an area of approx. 1.5m (2.5km) of the M62 could accommodate a potential on-line motorway service area even with a new Junction 11A in place.



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Plan 6: On line potential within Optimal Search Area

- 6.7. The area shown on Plan 6 is therefore confirmed as the only area with potential to become an on-line motorway service area within the Optimal Search Area.

### Conclusions

- 6.8. Paragraph B6 of the Circular 02/2013 indicates that the requirements of the Design Manual for Roads and Bridges must be met in respect of junction separation.

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

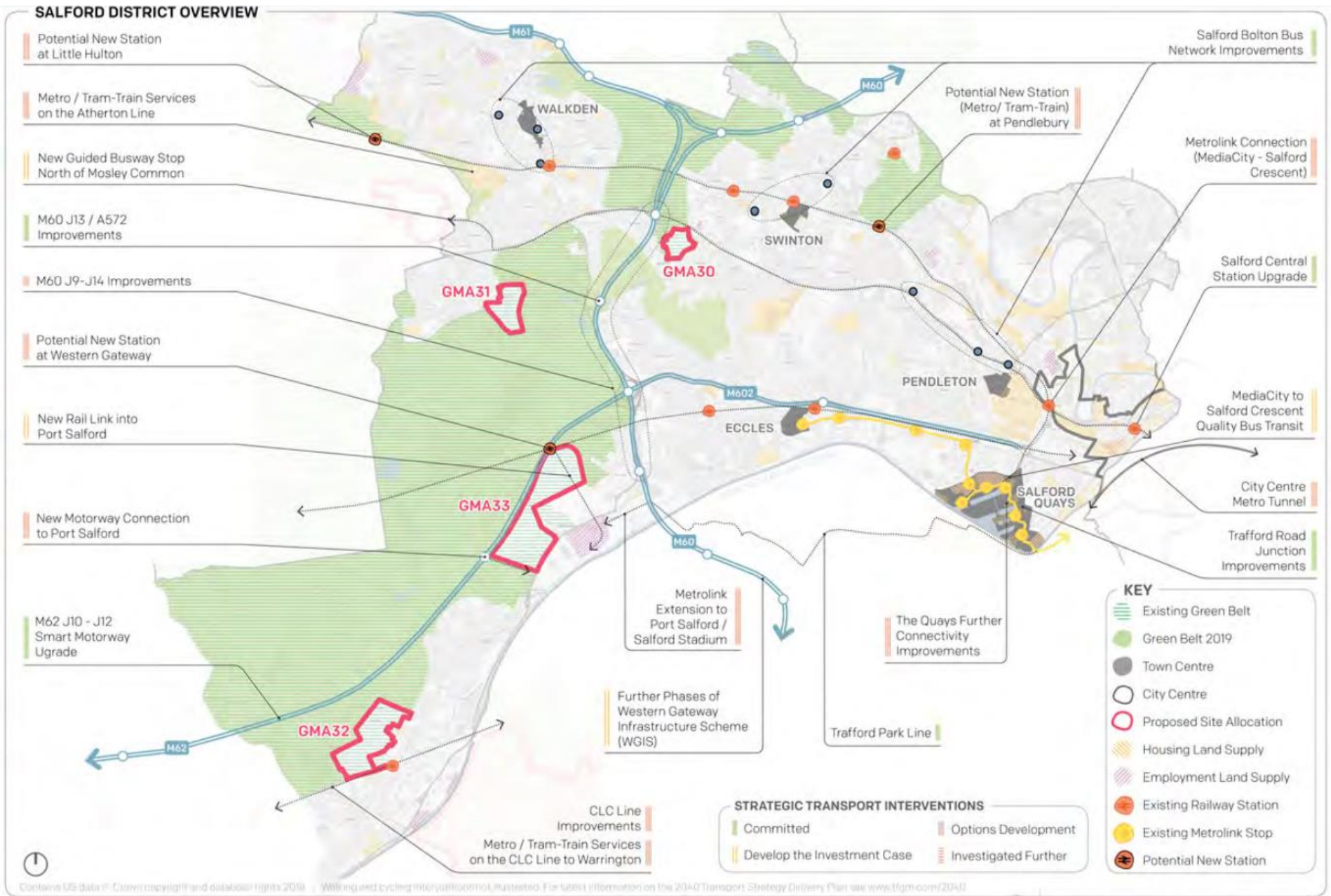
- 6.9. **The above assessment shows that within the Optimal Search Area, there is a stretch of the M62 that could in principle provide an on-line MSA and still comply with the requirements of the Design Manual for Roads and Bridges which must be met in respect of junction separation.** This is however complicated by the Greater Manchester Spatial Framework (Jan 2019) proposals which identify the potential for a new junction in this location which would change the separation distances between junctions. I-transport have given consideration to this potential new Junction IIA and have refined the potential on-line area of potential further as shown on Plan 6. **This refined area of potential is taken forward for consideration within the Alternative Sites Assessment in Section 8 of this Report. All areas to the east and west of this area do not comply with the requirements of the Design Manual for Roads and Bridges and hence are not taken forward in the Alternative Sites Assessment.**



## **7. Identifying Potential Off-line (Junction) Sites**

- 7.1. Following the consideration of on-line locations in Section 6, this Section now considers whether there are any suitable off-line (Junction) locations within the Optimal Search Area. Within the Optimal Search Area there is only one current junction of the M62 (Junction 11) where a new MSA could be accommodated. Off-line (Junction) locations are defined in Paragraph B15 of Circular 02/2013 as sites that share a common boundary with the highway at a junction with the Strategic Road Network.
- 7.2. The Greater Manchester Spatial Framework (January 2019) however identifies the potential for a new motorway junction on the M62 to the east of Junction 11 to serve Port Salford. We have referred to this as Junction 11A for the purposes of this assessment and identified it on Plan 6 (earlier). Whilst this junction does not currently exist, for completeness, it too is assessed.

Figure 11.8 Illustrative overview of proposals in Salford



## Junction 11

7.3. Junction 11 is an all movements roundabout providing access to the south to the A574 (Birchwood Way), a closed stub access to the north and Silver lane as a fifth arm.

The following four quadrants of land have been identified around Junction 11:

- Land North East of M62 (NE Quadrant)
- Land North West of M62 (NW Quadrant)
- Land South East of M62 (SE Quadrant)
- Land South West of M62 (SW Quadrant)

7.4. **The North East Quadrant** has the benefit of a stub access onto Junction 11 and is agricultural land free from any buildings. It **has therefore been taken forward into the Alternative Sites Assessment in Section 8 of this Report.**

7.5. **The North West Quadrant** also has the benefit of a stub access onto Junction 11. It is a former landfill site that has been restored and is the subject of ongoing aftercare. **It has therefore been taken forward into the Alternative Sites Assessment in Section 8 of this Report.**

7.6. **The South West Quadrant** is fully developed as part of the Birchwood Technology Park and hence it cannot accommodate an MSA. **This SW Quadrant has not been taken forward for further assessment.**

7.7. **The South West Quadrant** is bounded by the Gorse Cove residential area (Inglewood Close) and comprises the Gorse Cove Mounds which are owned and looked after by the Woodland Trust. Whilst the environmental quality of the quadrant and its ownership by the Woodland Trust as well as its recreational use by the public is unlikely to mean that it can be developed as an MSA, **this SE Quadrant has been taken forward for further assessment for completeness.**



## New Junction IIA

7.9. Junction IIA does not currently exist but the potential for a new junction to support Port Salford is being considered as part of the Greater Manchester Spatial Framework (GMSF - Jan 2019). We have made efforts to understand more about the rationale for and nature of this junction from Highways England and also from the Greater Manchester Combined Authority. It is understood that the potential for a new Junction IIA is being promoted by the landowners, Peel Holdings, and Salford Council as a means of enabling development at Port Salford. It is further understood from Highways England that the new junction has no status within their activities and that they have seen nothing more than the schematic representation in the GMSF. They have not had sight of any preliminary feasibility engineering drawings, and hence they have not undertaken any technical consideration of the concept. They indicate that a Transport Study Task Group has been set up to consider the implications of the various GMSF proposals and their implications on the Strategic Road Network. The potential new junction has no funding support from Highways England (HE). The general location of the new junction is shown on the GMSF (Jan 2019) Salford District Overview plan (page 290- extract shown earlier in this Report).

7.10. In light of the above, we consider that a realistic potential process and timeline for delivery of a new Junction at this point is as follows:-

1. Evaluation of need for the new junction to support the Port Salford draft allocation (GMA 33) as part of the GMSF process – 2019 – 2021.
2. Consideration of the benefits of the new Junction as part of the North West Quadrant Study – 2019 – 2021.
3. Confirmation of the justification for the new junction (scheme objectives) – 2021.
4. Outline Business Case; Scheme development; Full Business Case; Design development; Planning Permission / Development Consent Order; consultation; Procurement; Build; Completion and Opening – 2021 – 2028 (based upon experience from Junction 7a of M11)

7.11. The likely cost of such a Junction could be £40 - £50m and at present it has no Highways England funding support. Such funding support could potentially be in the form of Highway

England's Road Investment Scheme (RIS) Programme. The next RIS period runs from 1 April 2020 to 31 March 2025 and finalization of that programme is occurring during 2019. In light of HE's comments on the status of the new Junction scheme it is unlikely to be part of the next RIS package (RIS 2) and hence it would have to seek to be part of RIS 3 which runs from 2025 – 2030. **Whilst it may be possible for this timescale to be accelerated if no public sector funding was sought and design work was pursued at risk, the above would indicate that an appropriate assumption for the completion of a new junction at J11A is likely to be around 2028. It is recognised that this could either be advanced or slipped and hence for the purposes of this Assessment, we consider this Junction potential to be in the medium term (i.e. at least 5 years away).**

7.12. The following three quadrants of land have been identified around Junction 11A:

- Land North of M62 (N Quadrant)
- Land South East of M62 (SE Quadrant)
- Land South West of M62 (SW Quadrant)

7.13. **The Northern Quadrant** is agricultural land with scattered farm buildings. It **has therefore been taken forward into the Alternative Sites Assessment in Section 8 of this Report.**

7.14. **The South East Quadrant** is bounded by the M62 to the north, and Barton aerodrome to the south. It comprises part of the Barton Golf Course. It **has therefore been taken forward into the Alternative Sites Assessment in Section 8 of this Report.**

7.15. **The South West Quadrant** is bounded by the M62 to the north, and residential properties to the south. It comprises part of the Barton Golf Course. It **has therefore been taken forward into the Alternative Sites Assessment in Section 8 of this Report.**



## Conclusions

- 7.16. Access can be gained to/from the Strategic Road Network at Junction 11 of the M62 and this is the only current Junction within the Optimal Study Area. Four sites (Quadrants) have been identified around Junction 11 of the M62 Motorway but the SW Quadrant has been rejected at this stage as incompatible with accommodating an MSA due to it being fully developed. The NE, NW and SE Quadrants have however been taken forward for more detailed consideration in the next stage of the assessment.
- 7.17. The potential for a new junction on the M62 east of Junction 11 (referred herein as Junction 11A) is being considered as part of the Greater Manchester Spatial Framework (GMSF Jan 2019). Whilst it does not currently exist, the N, SE and SW Quadrants have however been taken forward for more detailed consideration in the next stage of the assessment.
- 7.18. These potential sites will be considered in more detail in the following section in order to establish whether they are suitable to accommodate an MSA.



## 8. Alternative Sites Assessment

- 8.1. Section 7 has identified an on-line section of the M62 (east of Junction 11); the NE, NW and SE Quadrants of Junction 11 of the M6 Motorway; and the N, SE and SW Quadrants of a potential new junction 11A on the M62 as potentially being capable of accommodating an MSA to meet the need identified. This Section will now consider the characteristics and potential of these sites to accommodate a new MSA to identify the most sequentially preferable location upon which to site such a facility.

### Assessment Methodology

- 8.2. In order to assess the potential alternative sites, the following four stage methodology has been adopted:

**Stage 1** considers the ability of the identified locations to meet the policy defined need having regard to the maximum distances between MSAs set out in Circular 02/2013.

**Stage 2** considers whether there are any key planning or environmental constraints that could prevent the development of any of these sites unless no other sites are available.

**Stage 3** considers whether there are any other planning, highways, engineering safety, operational or environmental constraints that would preclude development on any of these sites having regard to the list of criteria set out in Circular 02/2013.

**Stage 4** draws together all of the above information and identifies a preferred location for a new MSA to meet the identified policy need. This is the site that best meets the need with the least development constraints.

### Sites to be Assessed

Based upon the analysis undertaken in Sections 6 and 7, the following sites will be considered as part of this assessment:

On-Line Locations:

- Section of the M62 east of Junction 11 (Site 1).

Existing Junction Locations:

- Junction 11 North East Quadrant (Site 2)
- Junction 11 North West Quadrant (Site 3)
- Junction 11 South East Quadrant (Site 4)

Potential new Junction locations:-

- Junction 11A Northern Quadrant (Site 5)
- Junction 11A South East Quadrant (Site 6)
- Junction 11A South West Quadrant (Site 7)

## Alternative Sites Assessment

### Stage 1 – Ability to Meet the Identified Need: Locational Requirements

- 8.3. Circular 02/2013 sets out that MSAs should be located at a maximum distance of 28 miles which can typically be a maximum of 30 minutes travelling time but on busy and congested sections of the Strategic Road Network is often much less. The starting point for this exercise is therefore to establish maximum distances between existing and potential MSAs locations in order to identify whether the potential sites are able to address the policy defined need. This exercise is set out in Table 3 below. Distances that exceed 28 miles are not fully policy compliant as they would not meet all of the identified need.

<b>From</b>	<b>To</b>	<b>Current Route</b>	<b>Current Distance</b>	<b>On-line (Site 1) Proposed Distance</b>	<b>Junction 11 MSA (sites 2, 3 and 4) Proposed Distance</b>	<b>New Junction 11A (sites 5, 6 and 7) Proposed Distances</b>
M58 Terminus (Switch Island)	Birch Services	M58/M6/M62/M60/M62	40 miles	26 – 28 miles	24 miles	28 miles
Charnock Richard Services	Birch Services	M6/M62/M60/M62	35 miles	21 – 23 miles	19 miles	24 miles
M58 Terminus (Switch Island)	M67 Terminus (Hattersley Roundabout)	M58/M6/M62/M60/M67	52 miles	26 – 28 miles	24 miles	28 miles
Charnock Richard Services	M67 Terminus (Hattersley Roundabout)	M6/M62/M60/M67	47 miles	25 – 27 miles	28 miles	24 miles

*Table 4: Maximum distances between existing MSAs and potential new MSA locations (miles)*

8.4. Upon consideration of the above information, it is concluded that a new MSA in an on-line location within Site 1; an off-line location at Junction 11 (Sites 2, 3 and 4); or an off-line location at a potential new Junction 11A (Sites 5, 6 and 7) would meet the identified policy need to provide a new MSA to serve the North West area. On this basis, no sites have been excluded from Stage 1 of this assessment and all are carried forward for further review at Stage 2.

## Stage 2 – Identifying Potential Sites for Assessment: Key Characteristics

8.5. Paragraph B15 of Circular 02/2013 establishes that planning, safety, operational and environmental constraints are all factors that need to be taken into account when determining whether on-line locations are most suitable to accommodate a new MSA or whether any off-line Junction locations perform better against these requirements. Paragraph 16 of Circular 02/2013 also recognizes the need to promote sustainable transport solutions through Local Plans and paragraphs 28 – 30 confirm that robust travel plans should be prepared to promote the use of sustainable transport modes such as walking, cycling and public transport.

8.6. The following planning and environmental constraints have been identified as potentially **precluding** development on a site unless no other more suitable sites are available:

### Planning:

- Land with an existing use (other than agricultural land).
- Land with planning permission that is committed for alternative development and is likely to come forward.
- Land containing Heritage Asset / Listed Structures or located within the curtilage of a Listed Structure.

### Environmental:

- Sites located within Flood Zone 3.
- Other significant environmental designations e.g. SSSIs.

### Site area:

- Sites of less than 12 ha have also been excluded from the assessment as it is not possible to accommodate an MSA with the necessary facilities on sites of less than this.

8.7. It has been established in Section 6 that there is one potentially suitable on-line location (Site 1) along the M62 corridor within the Optimum Search Area where a new MSA could be

accommodated. Stage 2 of this assessment therefore focuses upon this location. This exercise is therefore set out below.

### Stage 2 Assessment of Potential Site

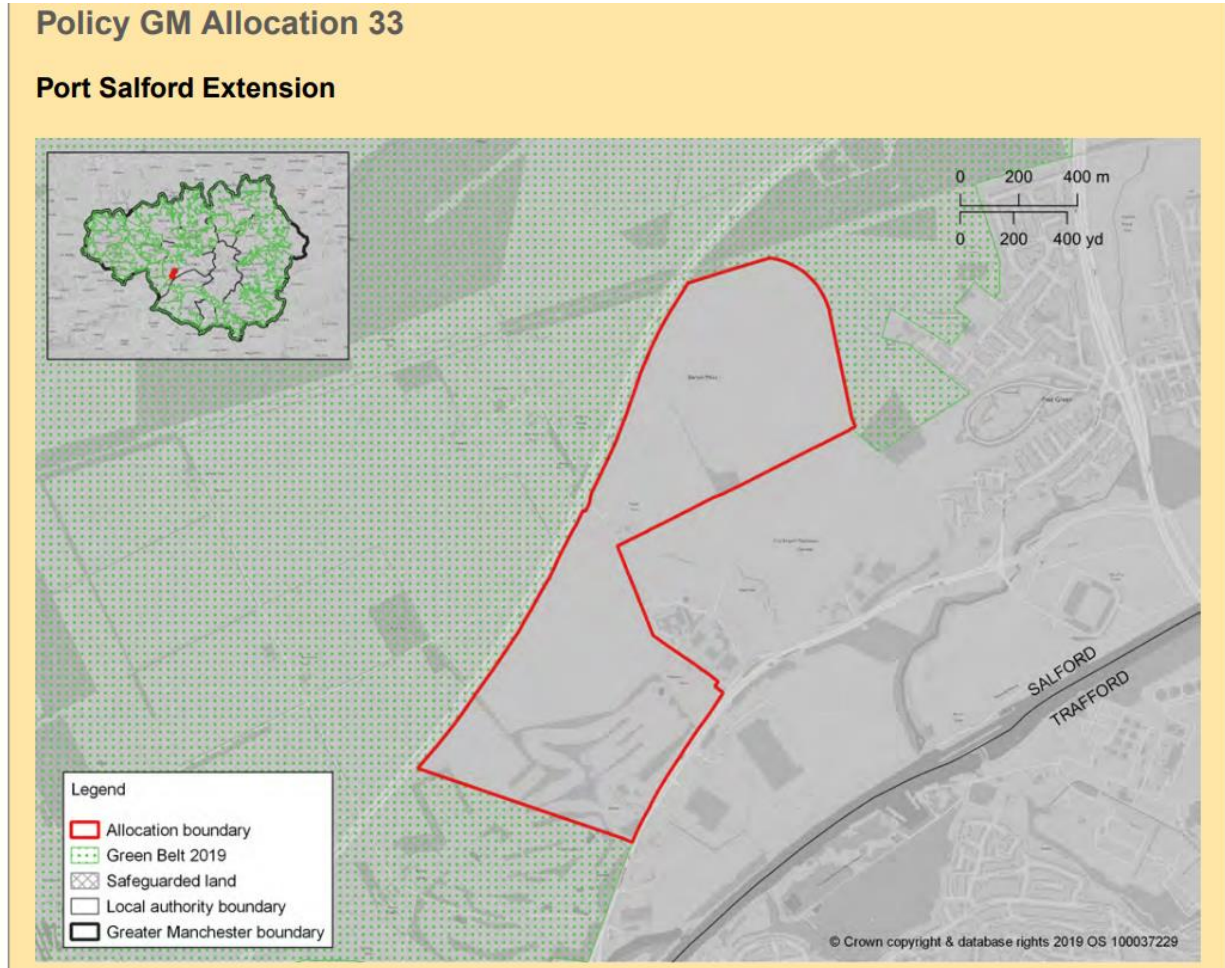
- 8.8. The following paragraphs consider Site 1 against these planning and environmental constraints that have been identified as potentially **precluding** development. This will establish if any areas within Site 1 should be set aside at this stage of the Assessment.

#### Planning: Land with an Existing Use

- 8.9. None of the areas within Site 1 are built out and hence none of the site is therefore unavailable.

#### Planning: Land with a Committed Use

- 8.10. Land within the Southern Quadrant of Site 1 forms part of the draft Greater Manchester Spatial Framework (GMSF Jan 2019) housing allocation (GM Allocation 33) to provide for 1600 new dwellings. On this basis this part of the Site 1 is unlikely to be available to accommodate an MSA. On this basis, this element of land within this Site is excluded at Stage 2 and will not be assessed any further.



### **Planning: Heritage Constraints**

- 8.11. None of Site 1 falls within a Grade II Registered Park and Garden. Grade II Listed Great Woolden Hall and Scheduled Ancient Monument are located approx. 360m to the south of the site across the M62. Grade II Listed Glazebrook Station is located approx. 440m to the west of the site. These are not considered showstoppers at this stage.

### **Environmental: Flood Zone 3**

- 8.12. Site 1 is located within Flood Zone 1.

### **Environmental: Other Significant Environmental Designations e.g. SSSI**

- 8.13. Part of the southern quadrant of Site 1 is within the Holcroft Moss SSSI Impact Risk Zone, approx. 770m to the west but this is not considered to be a showstopper at this stage.

### **Site Area**

- 8.14. Site 1 is of the requisite site area to accommodate an MSA.

### **Stage 2 Assessment Summary**

- 8.15. Site 1 is not currently being promoted as an MSA and hence further assessment is required of its delivery potential. One part of Site 1 is being promoted for an alternative use (residential) and hence it has been discounted, but the remainder of Site 1 will be taken forward for more detailed assessment to ascertain whether it is deliverable to meet the identified need and whether in comparison to any off-line (Junction) sites, it is the most appropriate location to accommodate an MSA.

## **Stage 3 – Alternative Sites Assessment**

- 8.16. Following the Stage 1 and 2 assessments, the following sites have been taken forward for Stage 3 assessment:

#### **On-Line Locations:**

- Section of the M62 east of Junction 11 (Site 1) (reduced site area).

#### **Junction Locations:**

- Junction 11 North East Quadrant (Site 2)
- Junction 11 North West Quadrant (Site 3)

- Junction I I South East Quadrant (Site 4)

Potential new Junction locations:-

- Junction I I A Northern Quadrant (Site 5)
- Junction I I A South East Quadrant (Site 6)
- Junction I I A South West Quadrant (Site 7)

These sites are illustrated on the plan below:





### Assessment Criteria

- 8.17. The Stage 3 assessment will now consider whether there are any planning, highways, engineering safety, operational or environmental constraints that would preclude development on each of these sites having regard to the following criteria set out in Circular 02/2013:

#### Planning Criteria

- Green Belt Status – whether there are any non-Green Belt alternatives to meet the MSA need within the Optimal Search Area. It is essential to establish each site's Development Plan status at an early stage in order to ensure that non-Green Belt sites are prioritised for development before Green Belt sites are considered for development.
- Existing Use – sites that are unavailable or committed for alternative development have been excluded at Stage 2. The existing use of the site is however also an important consideration for Stage 3.
- Planning Policy Position – consideration of the existing and emerging planning policy position can be useful in determining whether land may be considered to be an appropriate development site.
- Impact on Adjacent Uses – consideration needs to be given as to whether an MSA would be compatible with surrounding land uses and whether any sensitive uses need to be taken into account.
- Proximity of Residential Properties – given the 24 hour nature of an MSA, consideration needs to be given to the location of any existing properties in relation to any potential site.
- Impact on Heritage Assets – consideration needs to be given as to whether an MSA would have any significant adverse impact upon any surrounding Listed Buildings or Scheduled Ancient Monuments; albeit recognising that the M62 Motorway will already have a degree of impact upon setting.

- Relevant Planning History – consideration needs to be given as to whether planning permission has already been granted for alternative development upon any of the sites and if so, whether there are reasonable prospects of this development coming forward.
- Minimising the need for car borne travel – consideration needs to be given to whether sites can offer modal choice for staff in terms of public transport, walking or cycling alternatives to the private car or whether staff trips will be made by car which will require local trips being made on the Strategic Road Network.

### **Engineering, Safety and Operational Issues**

- Highways Engineering – the potential of a site to be able to provide an appropriate access to an MSA in highway engineering terms needs to be considered.
- The ability of a site to provide safe access to an MSA is a key consideration. Key considerations include the layout of the junction and connecting roads; capacity on the Road Network; whether safe and suitable access can be achieved at a reasonable cost; the convenience of access / egress; and any impact of additional vehicular movements upon the Road Network.

### **Environmental Considerations**

- Other Environmental Constraints – these include matters such as Flood Zone / Risk; Ecology and Bio-diversity; topography; ground conditions; existing infrastructure; agricultural land grade and any landscape and visual impacts.

8.18. This assessment is intended to provide a high level strategic comparison of sites which can then be used to prioritise suitable locations for a new MSA. Detailed site appraisals and potential layouts have not been produced for each site at this stage and full account has not been taken as to how any impacts could be mitigated although some consideration has been given to these matters where possible.

## On-line Sites

### Site I – Section of M62 East of Junction 11



<b>Planning</b>	<b>Comment</b>
Green Belt Impact	All the land is within the Green Belt within the Salford Unitary Development Plan (UDP). The Green Belt in this location is expansive and generally open in character. Development of an MSA in this location would have an adverse impact upon this openness. In terms of Green Belt purposes, development of the site for an MSA could result in sprawl of the built up area of Caddishead (dependent upon where the MSA was sited); and development will result in encroachment into the countryside. It is not considered that it would result in neighbouring towns merging into one another nor would it affect the setting and special character of historic towns.
Existing Use	The existing uses are predominantly agricultural.
Planning Policy Position	All the land is within the Green Belt within the Salford UDP. It is also subject to policy EN11 in relation to Mosslands. The Revised Draft Salford Local Plan proposes to retain the majority of the Site within the Green Belt (other than the proposed GMSF housing allocation (Allocation 32)).
Impact on Adjacent Uses	The Site is large and there are opportunities to mitigate impact upon residential properties (subject to detailed design).
Proximity of Residential Properties	The northern Quadrant accommodates scattered farm buildings and houses. The southern Quadrant abuts housing to the south and east.
Impact on Heritage Assets	Grade II Listed Great Woolden Hall and Scheduled Ancient Monument are located approx. 250m to the west and Grade II Listed Glazebrook Station is located approx. 440m to the west of the of the southern Quadrant of the Site.
Relevant Planning History	None applicable
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	Safe access: likely to be achievable with appropriate weaving distances to J11 and J12. Would require some land either side of the M62 and new bridge over mainline to access site (at significant cost).
Highways Safety and Impact on the Road Network	Impacts: Likely to be acceptable following completion of Smart Motorway improvements.
<b>Environmental</b>	<b>Comment</b>
Flood Zone	The Site is within Flood Zone 1.

Other Constraints	The western half of the Site is within Holcroft Moss SSSI Impact Risk Zone, approx. 680 - 770m to the west and Bedford Moss SAC approx. 1.8km to the north (of the northern quadrant).
<b>Conclusion</b>	
<p>Since the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Development of an MSA in this location could have a significant adverse impact upon the openness of the Green Belt in this location as well as adverse impact upon two of the purposes of Green Belt (unrestricted sprawl of large built up areas; and safeguarding countryside from encroachment). Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.</p>	
<p>There are no other environmental or operational constraints that could not be addressed at a more detailed stage. As such the site is in principle capable of accommodating an on-line MSA.</p>	

Table 5: Site 1

### On-Line Site Summary- Site 1

- 8.19. The Site lies within the Green Belt and due to its open character, there would be policy harm related both to impact upon openness and to two Green Belt purposes from the development of this site as an MSA. There is sufficient land to accommodate an MSA within Site 1 and it may be possible to mitigate the environmental and heritage issues raised with this Site.
- 8.20. Site 1 is in several ownerships. There is no evidence at this stage that their interests are aligned nor that they would support an MSA on the Site. Whilst the Site has the potential to accommodate an MSA, there is no evidence that it will be brought forward as a potential MSA in the near future. The multiple ownership delivery constraints associated with this Site and the significant highway engineering costs are relevant material considerations in this Alternative Sites Assessment.
- 8.21. In light of the above assessment, it can be concluded that:-
- Whilst Site 1 has the potential to accommodate an on-line MSA there will be adverse Green Belt impacts which would need to be overcome by very special circumstances but it is **unlikely to be delivered in the short term** to meet the identified need

due to multiple ownerships and significant highway reengineering costs associated with the Site.

## Off-Line (Junction) Sites

### Site 2 - Junction 11 North East Quadrant



<b>Planning</b>	<b>Comment</b>
Green Belt Impact	The Site lies within the Green Belt in the adopted Warrington Local Plan Core Strategy. In the Green Belt Assessment (June 2017) that supports the draft Warrington Local Plan the site is shown as part of Parcel 2B which has a “moderate contribution” to the Green Belt but Appendix B subdivides Parcel 2B and identifies the site as WR14. WR14 is identified as having a “weak” contribution to Green Belt.
Existing Use	The Site is currently in agricultural use.
Planning Policy Position	The Site is Green Belt within the adopted Warrington Local Plan Core Strategy. It is proposed to be retained as Green Belt in the submission draft Warrington Local Plan (2017 – 2037).
Impact on Adjacent Uses	The adjacent uses are open in nature and hence an MSA would not present a constraint on adjacent uses. The alignment of HS2 is proposed along the northern boundary of the Site.
Proximity of Residential Properties	There are no existing residential properties in close proximity to the site.
Impact on Heritage Assets	Grade II Listed Hope Farmhouse is located approx. 1.6km from the western boundary of the site and hence an MSA will have no impact upon this heritage asset.
Relevant Planning History	Planning permission was refused and an appeal dismissed (August 2008) for the extension of the adjacent Risley Landfill onto the Site. The Inspector considered that “very special circumstances” had not been proven in that case.
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	Safe access: access could be taken via northern stub arm of M62 J11. Should be possible to create a safe access at reasonable cost. Convenience of access / egress: access directly available from circulatory carriageway of M62 J11 roundabout.
Highways Safety and Impact on the Road Network	Impacts: MSA traffic could be accommodated at roundabout junction, with some potential improvements (signalisation) required.
<b>Environmental</b>	<b>Comment</b>

Flood Zone	All the Site is within Flood Zone I.
Other Constraints	<p>The Site is agricultural land with a public footpath running along its western edge. The site also accommodates a gas pipeline running north to south towards its eastern edge. There are no nationally or local nature designations on the site.</p> <p>A detailed Environmental Assessment of the Site and MSA proposal has been undertaken which shows that there are no significant environmental issues that cannot be suitably mitigated.</p>
<b>Conclusion</b>	
<p>Since the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Site has been shown in the Warrington Local Plan Green Belt assessment to have a “weak” contribution to the Green Belt. It does not lie within a strategic gap between settlements and its existing boundaries will preclude both unrestricted sprawl and the level of encroachment into the open countryside. The Site is visually well contained by the existing adjacent landforms and hence development of it as an MSA will not have a significant impact upon Green Belt openness. Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.</p> <p>A full Transport Assessment has been undertaken to show that there are no highways engineering, safety and operational issues that would preclude development.</p> <p>A detailed Environmental Assessment of the Site and MSA proposal has been undertaken which shows that there are no significant environmental issues that cannot be suitably mitigated.</p> <p>There are no over-riding planning considerations that would preclude development of the Site as an MSA.</p>	

Table 6: Site 2



### Site 3 - Junction 11 North West Quadrant



Planning	Comment
Green Belt Impact	The Site lies within the Green Belt in the adopted Warrington Local Plan. In the Green Belt Assessment (June 2017) that supports the draft Warrington Local Plan the site is shown as part of Parcel 2B which has a “moderate” contribution to the Green Belt.
Existing Use	The Site is a former landfill operated by Biffa.
Planning Policy Position	The Site is Green Belt within the adopted Warrington Local Plan Core Strategy. It is proposed to be retained as Green Belt in the submission draft Warrington Local Plan (2017 – 2037).

Impact on Adjacent Uses	The adjacent uses are open in nature and hence an MSA would not present a constraint on adjacent uses. The alignment of HS2 is proposed along the northern boundary of the Site.
Proximity of Residential Properties	There are no existing residential properties in close proximity to the Site.
Impact on Heritage Assets	<p>The Site has been the subject of landfill and restoration and hence it is unlikely to have any remaining below ground heritage assets.</p> <p>Grade II Listed Hope Farmhouse is located approx. 645m from the western boundary of the Site and hence an MSA will have no impact upon this heritage asset.</p>
Relevant Planning History	The Site has the benefit of planning permission (2008 / 13753) for waste disposal operations and restoration of the Site. The permission was the subject of a Section 106 Agreement and conditions requiring landscape restoration of it. The Section 106 Agreement also precludes any further landfilling or waste treatment development. The landscape restoration and wetland areas scheme has been approved pursuant to the discharge of conditions and the Section 106. The restoration works are now complete and aftercare obligations are in place during the site life required for the waste in the landfill to become inactive (currently 30 years).
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	<p>Safe access: access could be taken via northern stub arm of M62 J11. Should be possible to create a safe access at reasonable cost.</p> <p>Convenience of access / egress: access directly available from circulatory carriageway of M62 J11 roundabout.</p>
Highways Safety and Impact on the Road Network	Impacts: MSA traffic could be accommodated at roundabout junction, with some potential improvements (signalisation) required.
<b>Environmental</b>	<b>Comment</b>
Flood Zone	All the Site is within Flood Zone 1.

Other Constraints	<p>The landscape restoration scheme creates a new woodland, grassland and wetland habitat along with controlled recreational use through new paths within the development.</p> <p>The Site has been the subject of landfill and is being monitored for both settlement and gas.</p>
<b>Conclusion</b>	
<p>Since the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Site has been shown in the Warrington Local Plan Green Belt assessment to have a “moderate” contribution to the Green Belt. It does not lie within a strategic gap between settlements and its existing boundaries will preclude both unrestricted sprawl and the level of encroachment into the open countryside. The Site comprises a large mound in what is an otherwise relatively flat landscape. Development of an MSA on raised land will have an adverse impact upon the openness of the Green Belt. Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.</p> <p>From the above assessment, it is clear that the Site cannot be developed as an MSA due to its former use as a landfill which would mean very difficult ground conditions and highly expensive stabilisation and also its recent restoration and ongoing aftercare (including controlled public access) obligations mean that it is unavailable as it is now a landscape, bio-diversity and recreational asset. The impact of development of an MSA upon Green Belt openness and purposes would be greater for this Site than for Site 2.</p>	

Table 7: Site 3.

## Site 4 - Junction 11 South East Quadrant



Planning	Comment
Green Belt Impact	The Site lies partially within the Green Belt and partially within an area identified as a Local Wildlife Site in the adopted Warrington Local Plan. In the Green Belt Assessment (June 2017) that supports the draft Warrington Local Plan the Site is shown as part of Parcel 3A which has a “Strong” contribution to the Green Belt.
Existing Use	The Site comprises in part, the Gorse Covert Mounds which is a bio-diversity and recreational area owned by the Woodland Trust. The rest of the site is agricultural land.
Planning Policy Position	The Site is partially Green Belt within the adopted Warrington Local Plan Core Strategy and it is proposed to be retained as Green Belt in

	the submission draft Warrington Local Plan (2017 – 2037). The rest of the site is a Local Wildlife Site in the adopted Warrington Local Plan Core Strategy and it is proposed to be retained as such in the Submission Draft Warrington Local Plan (2017 – 2037).
Impact on Adjacent Uses	The adjacent uses are residential properties on Inglewood Close. The 24 hour uses at an MSA could have a significant adverse amenity effect on them. Similarly the Gorse Covert Mound contains statutorily protected species such as Great Crested Newts and hence a new access from Junction 11 of the M62 could adversely affect these protected species.
Proximity of Residential Properties	There are existing residential properties in close proximity to the Site which could be adversely affected by an MSA.
Impact on Heritage Assets	Grade II Listed Hope Farmhouse located approx. 1.8km from the western boundary of the Site and hence an MSA will have no impact upon this heritage asset.
Relevant Planning History	The Pestfurlong Mounds which form part of Gorse Covert Mounds are manmade, created from spoil heaps formed from the demolition of a bomb factory in the 1960s.
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	Safe access: Realignment and upgrade of Silver Lane required to form 5 <sup>th</sup> arm to roundabout. Would likely require a dual carriageway access, in addition to the future dualled Birchwood Way immediately adjacent, which will be difficult to achieve requisite standards. Convenience of access / egress: access directly available from circulatory carriageway of M62 J11 roundabout
Highways Safety and Impact on the Road Network	Impacts: will create a relatively heavily trafficked roundabout arm in very close proximity to westbound slip-road, Birchwood Way (dual carriageway) and westbound slip-road. This would lead to several conflicting traffic movements needing to be accommodated within a limited space; adequate mitigation potentially difficult to identify and provide.
<b>Environmental</b>	<b>Comment</b>
Flood Zone	All the Site is within Flood Zone 1.

Other Constraints	<p>The Gorse Covert Mounds provide recreational walks as well as providing woodlands, ponds and meadows. The Gorse Covert Mounds also include Pestfurlong Hill and Moss which are protected as a Site of Importance for Nature Conservation. The Woodland Trust confirm that the area contains bog land, woodland, ponds and meadow. They also confirm that it contains marsh marigolds, Great Crested Newts, orchids and many bird species. The Site is owned by the Woodland Trust and maintained for bio-diversity and public access.</p> <p>Part of the Site has been created from demolition material from a former bomb factory and hence may suffer from settlement and landfill gas.</p>
<b>Conclusion</b>	
<p>The Gorse Covert Mounds are protected for their bio-diversity value. They also provide public access for recreational purposes. They are owned by the Woodland Trust for the above uses. These uses are incompatible with an MSA and its access from Junction 11 of the M62. Residential properties lie immediately adjacent to the Site which could also be incompatible with a 24 hour MSA.</p> <p>Access from Junction 11 of the M62 is difficult to achieve due to the junction arrangements of the Birchwood Way and its recent improvements. Any access corridor from the Junction could have adverse impacts upon the Gorse Covert Mounds area.</p> <p>Since part of the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Site has been shown in the Warrington Local Plan Green Belt assessment to have a “strong” contribution to the Green Belt. It forms part of the strategic gap between Warrington and Caddishead. It has no strong western boundaries and hence development of it could result in both unrestricted sprawl and a level of encroachment into the open countryside. Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.</p> <p>In light of the above assessment, the Site cannot be developed as an MSA due to the restricted access opportunities; environmental quality of the land in question, ownership by the Wildlife Trust, current use for recreation and public access; and the proximity to existing residential properties.</p>	

Table 8: Site 4.

### Off-line Site Summary – Sites 2, 3 and 4.

8.22. In light of the above assessment, it can be concluded that:-

- **Site 2 (NE Quadrant of Junction I I) can accommodate an MSA** without any planning, highways, engineering safety, operational or environmental constraints that would preclude development.
- **Site 3 (NW Quadrant of Junction I I) cannot accommodate an MSA** due to the former landfill activities within the Site and the restoration and aftercare proposals that will be retained in place during the Site life required for the waste in the landfill to become inactive (currently 30 years).
- **Site 4 (SE Quadrant of Junction I I) cannot accommodate an MSA** due to the environmental quality of the land in question, ownership by the Wildlife Trust, current use for recreation and public access; and the proximity to existing residential properties.

## **Potential Off-Line (Junction I I A) Sites**

### **Site 5 - Junction I I A Northern Quadrant**



Planning	Comment
Green Belt Impact	The Site lies within the Green Belt in the adopted Salford Unitary Development Plan. The Green Belt in this location is expansive and generally open in character. Development of an MSA in this location would have an adverse impact upon this openness. In terms of Green Belt purposes, development of the site for an MSA will result in unrestricted sprawl of large built up areas and in encroachment into the countryside. It is not considered that it would result in neighbouring towns merging into one another nor would it affect the setting and special character of historic towns.
Existing Use	The Site is currently in agricultural use as well as accommodating Chat Moss Peat Works and a fishing lake.



Planning Policy Position	The Site is Green Belt within the adopted Salford Unitary Development Plan. It is proposed to be retained as Green Belt in the Revised Draft Salford Local Plan and the Greater Manchester Spatial Framework.
Impact on Adjacent Uses	The adjacent uses are open in nature and hence an MSA would not present a constraint on adjacent uses.
Proximity of Residential Properties	There are no existing residential properties in close proximity to the site.
Impact on Heritage Assets	Grade II Listed buildings at Barton Aerodrome are located approx. 1km from the eastern boundary from the Site and hence an MSA would have no impact upon this heritage asset.
Relevant Planning History	Planning permission was approved (LPA ref. 10/58869/FUL) at Moss Farm for change of use of land to farm visitors' centre and fishing lake.
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	Safe access: weaving distances for eastbound traffic may not be acceptable due to proximity to lane drop on approach to interchange with M60 at J12, but potential for engineering solution. Would require some land either side of the M62 to form the junction and a new bridge over mainline to access site (at significant cost).
Highways Safety and Impact on the Road Network	Impacts: Likely to be acceptable.
<b>Environmental</b>	<b>Comment</b>
Flood Zone	All the Site is within Flood Zone 1.
Other Constraints	The Site is agricultural land and a fishing / visitor centre.  The Site is within the Astley & Bedford Mosses SSSI Impact Risk Zone, approx. 1.6km to the north-west and the Manchester Mosses SAC lies approx. 1.6km to the north-west
<b>Conclusion</b>	
Since the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of	

inappropriateness, and any other harm, is clearly outweighed by other considerations. Development of an MSA in this location could have a significant adverse impact upon the openness of the Green Belt in this location as well as adverse impact upon two of the purposes of Green Belt (unrestricted sprawl of large built up areas; and safeguarding countryside from encroachment). Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.

The above assessment shows that the GMSF has identified the potential for a new motorway junction adjacent to this Site but that such a new junction is tied into the GMSF process and the North West Quadrant Study. The GMSF process is expected to take until at least 2021 to be adopted and the North West Quadrant Study timescale is of a similar timescale. No detailed new junction designs are in the public domain and there is no evidence that such detailed feasibility and design work has been undertaken. From the adoption of the GMSF and the completion of the North West Quadrant Study in 2020 / 21, it is reasonable to assume that planning and procurement processes to deliver such a new junction would mean that an MSA would not be open for use until the medium term (i.e. at least 5 years away).

On this basis any potential that this off-line site may have for an MSA cannot be progressed until the uncertainty created by the GMSF proposal and the North West Quadrant Study is completed in 2020 / 21. If such a new Junction is supported then an MSA would be unlikely to be available until the medium term.

*Table 9: Site 5.*

## **Site 6 - Junction 11A South East Quadrant**



Planning	Comment
Green Belt Impact	The Site lies within the Green Belt in the adopted Salford Unitary Development Plan. The Green Belt in this location is less open in nature than to the north. Development of an MSA in this location would therefore have a less adverse impact upon this openness. In terms of Green Belt purposes, development of the site for an MSA will result in encroachment into the countryside and unrestricted sprawl of large built-up areas. It will also extend the urban area of Irlam to the east which is a key gap between it and Peel Green / Barton. It is not considered that it would affect the setting and special character of historic towns.
Existing Use	The Site is currently in agricultural use as well as accommodating part of a Golf course.

Planning Policy Position	The Site is Green Belt within the adopted Salford Unitary Development Plan. It is proposed to be re-allocated in the Revised Draft Salford Local Plan and the Greater Manchester Spatial Framework for employment purposes as an expansion to Port Salford.
Impact on Adjacent Uses	The adjacent uses are open in nature and hence an MSA would not present a constraint on adjacent uses.
Proximity of Residential Properties	There are no existing residential properties in close proximity to the site.
Impact on Heritage Assets	Grade II Listed buildings at Barton Aerodrome are located approx. 520 – 640m from the northern boundary from the site and hence an MSA would have little impact upon this heritage asset.
Relevant Planning History	None applicable
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	Safe access: weaving distances for eastbound traffic may not be acceptable due to proximity to lane drop on approach to interchange with M60 at J12, but potential for engineering solution. Would require some land both sides of the M62 and new bridge over mainline to access site in the form of a new Junction (at significant cost).
Highways Safety and Impact on the Road Network	Impacts: Likely to be acceptable.
<b>Environmental</b>	<b>Comment</b>
Flood Zone	All the Site is within Flood Zone I.
Other Constraints	The Site is within the Astley & Bedford Mosses SSSI Impact Risk Zone, which is approx. 3.2km to the north-west and the Manchester Mosses SAC lies approx. 3.2km to the north-west.
<b>Conclusion</b>	

Since the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Development of an MSA in this location could have an adverse impact upon the openness of the Green Belt in this location as well as adverse impact upon two of the purposes of Green Belt (unrestricted sprawl of large built up areas; and safeguarding countryside from encroachment). Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.

The Site is proposed to be allocated for employment uses (320,000 m<sup>2</sup>) to take advantage of the new port facilities, rail link and highway improvements that have been completed as part of Port Salford. The GMSF allocation 33 notes “this will provide one of the most well-connected and market-attractive industrial and warehousing locations in the country, with a strong focus on logistics activities but also incorporating high quality manufacturing floorspace”.

The above assessment shows that the GMSF has identified the potential for a new motorway junction adjacent to this Site but that such a new junction is tied into the GMSF process and the North West Quadrant Study. The GMSF process is expected to take until at least 2021 to be adopted and the North West Quadrant Study timescale is of a similar timescale. No detailed new junction designs are in the public domain and there is no evidence that such detailed feasibility and design work has been undertaken. From the adoption of the GMSF and the completion of the North West Quadrant Study in 2020 / 21, it is reasonable to assume that planning and procurement processes to deliver such a new junction would mean that an MSA would not be open for use until the medium term (i.e. at least 5 years away).

On this basis any potential that this off-line site may have for an MSA cannot be progressed until the uncertainty created by the GMSF proposal and the North West Quadrant Study is completed in 2020 / 21. If such a new Junction is supported then an MSA would be unlikely to be available until the medium term. Notwithstanding the timescale for delivery of the new Junction, the Site is seen as being strategically important as an extension to Port Salford and hence irrespective of the delays associated with the GMSF and North West Quadrant Study processes, this Site is not available for an MSA, as it is being promoted as an expansion to Port Salford.

*Table 10: Site 6.*

## Site 7 - Junction I IA South West Quadrant



Planning	Comment
Green Belt Impact	The Site lies within the Green Belt in the adopted Salford Unitary Development Plan. The Green Belt in this location is less open in nature than to the north. Development of an MSA in this location would therefore have a less adverse impact upon this openness. In terms of Green Belt purposes, development of the site for an MSA will result in encroachment into the countryside and unrestricted sprawl of large built-up areas. It is not considered that it would affect the setting and special character of historic towns.
Existing Use	The Site is currently in agricultural use as well as accommodating a Golf Course.

Planning Policy Position	The Site is Green Belt within the adopted Salford Unitary Development Plan and it is proposed to be retained in the Green Belt in the Revised Draft Salford Local Plan and the Greater Manchester Spatial Framework.
Impact on Adjacent Uses	The adjacent uses to the south are residential and hence an MSA may present a constraint on these adjacent uses.
Proximity of Residential Properties	There are existing residential properties in close proximity to the Site as above.
Impact on Heritage Assets	Grade II Listed buildings at Barton Aerodrome are located approx. 520 – 640m from the northern boundary from the site and hence an MSA would have little impact upon this heritage asset.
Relevant Planning History	None applicable
<b>Highways, Engineering, Safety and Operational Issues</b>	<b>Comment</b>
Highways Engineering	Safe access: weaving distances for eastbound traffic may not be acceptable due to proximity to lane drop on approach to interchange with M60 at J12, but potential for engineering solution. Would require some land both sides of the M62 and new bridge over mainline to access site in the form of a new Junction (at significant cost).
Highways Safety and Impact on the Road Network	Impacts: Likely to be acceptable.
<b>Environmental</b>	<b>Comment</b>
Flood Zone	All the Site is within Flood Zone 1.
Other Constraints	The Site is within the Astley & Bedford Mosses SSSI Impact Risk Zone, which is approx. 3.2km to the north-west and the Manchester Mosses SAC lies approx. 3.2km to the north-west.
<b>Conclusion</b>	
Since the Site lies within the Green Belt, then the development of an MSA would be considered to be inappropriate development and as such, very special circumstances would need to be provided to show that the potential harm to the Green Belt by reason of	

inappropriateness, and any other harm, is clearly outweighed by other considerations. Development of an MSA in this location could have an adverse impact upon the openness of the Green Belt in this location as well as adverse impact upon two of the purposes of Green Belt (unrestricted sprawl of large built up areas; and safeguarding countryside from encroachment). Location within the Green Belt would not preclude development if such very special circumstances were demonstrated.

The Site is proposed to be retained in the Green Belt even though the adjacent site is proposed to be released from the Green Belt as an extension of Port Salford within the GMSF.

The above assessment shows that the GMSF has identified the potential for a new motorway junction adjacent to this Site but that such a new junction is tied into the GMSF process and the North West Quadrant Study. The GMSF process is expected to take until at least 2021 to be adopted and the North West Quadrant Study timescale is of a similar timescale. No detailed new junction designs are in the public domain and there is no evidence that such detailed feasibility and design work has been undertaken. From the adoption of the GMSF and the completion of the North West Quadrant Study in 2020 / 21, it is reasonable to assume that planning and procurement processes to deliver such a new junction would mean that an MSA would not be open for use until the medium term (i.e. at least 5 years away).

On this basis any potential that this off-line site may have for an MSA cannot be progressed until the uncertainty created by the GMSF proposal and the North West Quadrant Study is completed in 2020 / 21. If such a new Junction is supported then an MSA would be unlikely to be available until the medium term.

Table 11: Site 7.

### **Potential Off-line Junction IIA Site Summary – Sites 5, 6 and 7.**

- 8.23. Although there is sufficient land to accommodate an MSA within Sites 5, 6 and 7 and it may be possible to mitigate the environmental and heritage issues raised with these Sites, there is significant uncertainty in delivery associated with them due to the GMSF process and the potential for a new motorway junction adjacent to the sites. The GMSF process is expected to take until at least 2021 to be adopted and the North West Quadrant Study timescale is similar. No detailed new junction designs are in the public domain and there is no evidence that such detailed feasibility and design work has been undertaken. From the adoption of the GMSF and the completion of the North West Quadrant Study in 2020 / 21, it is reasonable to assume that planning and procurement processes to deliver such a new junction could mean that an MSA would not be open for use until the medium term.



8.24. In addition, in respect of Site 6, the GMSF proposes an extension to Port Salford (GM Policy 33) to accommodate 320,000m<sup>2</sup> of employment space and hence this Site is unavailable irrespective of whether a new motorway junction is brought forward.

8.25. As a result of this uncertainty Sites 5, 6 and 7 cannot be delivered in the short term to meet the identified need.

8.26. In light of the above assessment, it can be concluded that:-

- **Site 5 (N Quadrant of Junction IIA)** has the potential to accommodate an off-line MSA but there will be adverse Green Belt impacts and it is **unlikely to be delivered in the short term** without the delivery of a new motorway junction which is being promoted through the GMSF and being considered within the North West Quadrant Study and which is unlikely to be available for use until the medium term. In light of this there are planning, highways and engineering safety constraints that would preclude development.
- **Site 6 (SE Quadrant of Junction IIA)** has the potential to accommodate an off-line MSA but there will be adverse Green Belt impacts and it is **unlikely to be delivered in the short term** without the delivery of a new motorway junction which is being promoted through the GMSF and being considered within the North West Quadrant Study and which is unlikely to be available for use until the medium term. In addition the Site is in the draft Salford Local Plan and GMSF as an employment allocation as a strategic extension to Port Salford. In light of this there are planning, highways and engineering safety constraints that would preclude development.
- **Site 7 (SW Quadrant of Junction IIA)** has the potential to accommodate an off-line MSA but there will be adverse Green Belt impacts and it is **unlikely to be delivered in the short term** without the delivery of a new motorway junction which is being promoted through the GMSF and being considered within the North West Quadrant Study and which is unlikely to be available for use until the medium term. In light of this there are planning, highways and engineering safety constraints that would preclude development.

## Stage 4 – Identification of a preferred location for a new MSA to meet the identified need

8.27. In undertaking this Alternative Sites Assessment, Stage 1 has identified a broad range of search locations that would satisfy the identified, policy defined need for a new MSA within the North West Region. Stage 2 has identified and set aside any sites that have key constraints that could preclude development unless no other more suitable sites are available. These sites will only be reconsidered if no other suitable sites can be found. Stage 3 has assessed each of the remaining sites on a high level basis against a set range of criteria. Stage 4 will now draw together the above information in order to identify a preferred location for a new MSA to meet the identified policy defined need on the M62 / M60 / M6 / M67 and M58 corridors in the North West Region. This is the site that best meets the need with the least development constraints.

8.28. **In reaching a conclusion on which is the best site to meet the identified need it is also important to ensure that such a site is deliverable as the public safety need exists now and has been identified since at least 2010. Where sites reflect similar characteristics but one site has fewer delivery constraints than another, then preference will be given to that which can come forward in the shortest timescale to meet the need.** Such delivery constraints will equate to:-

- Is the site in multiple ownerships or a single ownership?
- Does the site require significant infrastructure delivery that will take a significant length of time to deliver and / or may make it unviable?
- Is the site backed by a Developer who can deliver an MSA?

8.29. Table 4 below summarises the findings of Stage 3 and cross references these against the locational requirements set out at Stage 1 and more substantial constraints identified in Stage 2 as well as the planning, highways / operational and environmental considerations of Stage 3. **The locations highlighted in green best meet these criteria.** The conclusions of the Stage 2 and 3 assessments are summarised against each location.

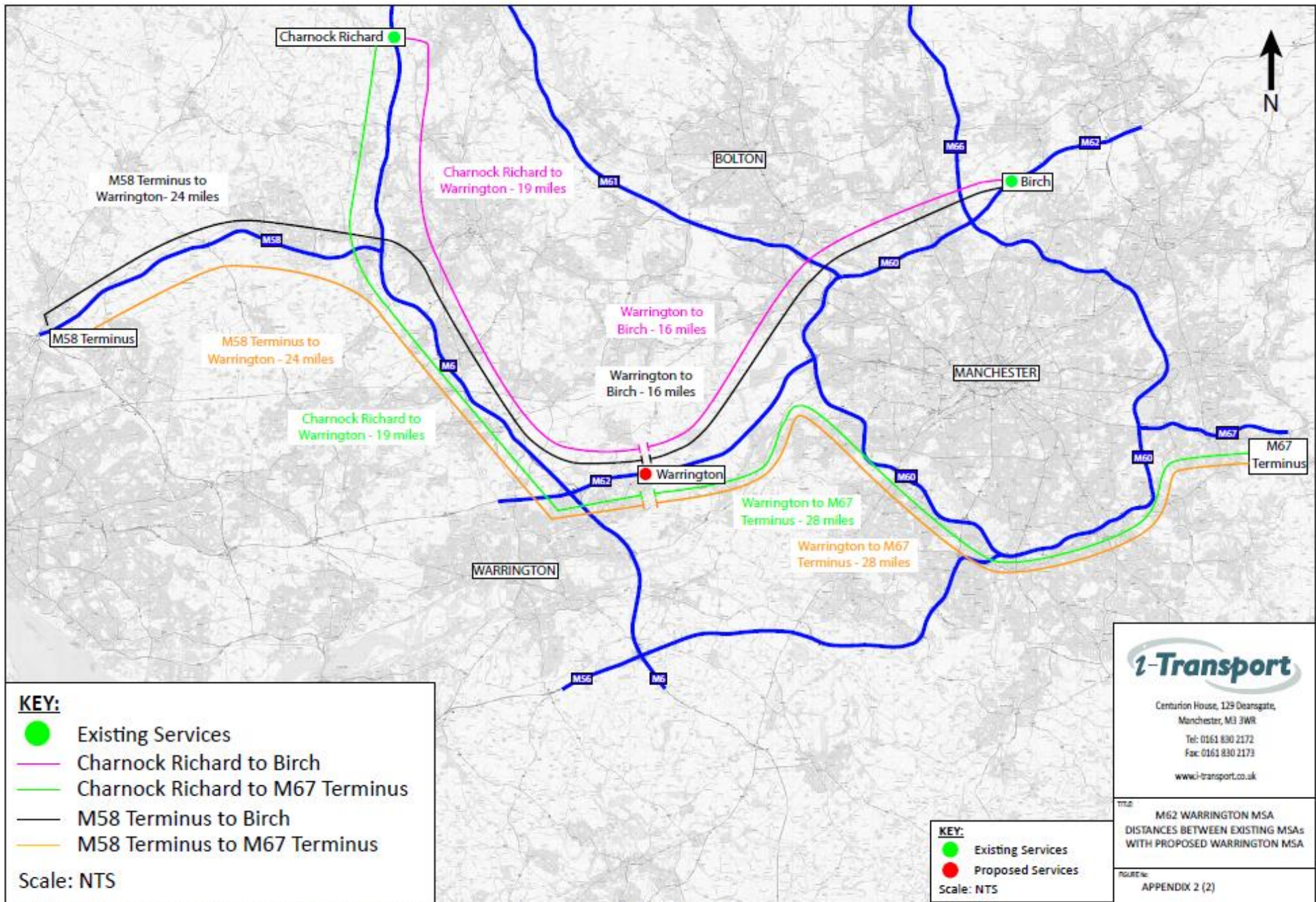
Site Number	Location	Meeting the Need	Planning constraints (including Impact upon Green Belt)	Transportation Constraints	Environmental Constraints	Delivery Constraints	Overall Conclusion
1	On-line (M62)	Meets all 4 gaps.	Has significant impact upon Green Belt Openness and Purposes.	Requires a new pedestrian bridge over the motorway and slip roads.	Environmental constraints are mitigatable.	Multiple ownerships and not backed by a MSA Developer.	Potentially suitable (medium term)
2	J11 NE	Meets all 4 gaps.	Site makes a “weak” contribution to the Green Belt.	Requires localised improvements to Junction 11.	Environmental constraints are mitigatable.	MSA Developer has option on all land required to deliver an MSA and is preparing a planning application for an MSA.	Most suitable (short term)
3	J11 NW	Meets all 4 gaps.	Site makes a “moderate” contribution to the Green Belt.	Requires localised improvements to Junction 11.	Insurmountable environmental constraints.	Owned by Biffa with long term management and maintenance obligations. Not backed by a MSA Developer.	Not suitable
4	J11 SE	Meets all 4 gaps.	Site makes a “strong” contribution to the Green Belt.	Requires localised improvements to Junction 11.	Insurmountable environmental constraints.	Owned by Woodland Trust for environmental purposes. Not backed by a MSA Developer.	Not suitable

Site Number	Location	Meeting the Need	Planning constraints (including Impact upon Green Belt)	Transportation Constraints	Environmental Constraints	Delivery Constraints	Overall Conclusion
5	Potential J11A N	Meets all 4 gaps.	Has significant impact upon Green Belt Openness and Purposes.	Requires the delivery of a new motorway Junction which is unlikely until the medium term.	Environmental constraints are mitigatable.	Requires the delivery of a new Junction at significant cost and timescale.	Potentially suitable (medium term)
6	Potential J11A SE	Meets all 4 gaps.	Has significant impact upon Green Belt Openness and Purposes.	Requires the delivery of a new motorway Junction which is unlikely until the medium term.	Environmental constraints are mitigatable.	Requires the delivery of a new Junction at significant cost and timescale.	Potentially suitable (medium term)
7	Potential J11A SW	Meets all 4 gaps.	Has significant impact upon Green Belt Openness and Purposes.	Requires the delivery of a new motorway Junction which is unlikely until the medium term.	Environmental constraints are mitigatable.	Requires the delivery of a new Junction at significant cost and timescale.	Potentially suitable (medium term)

Table 12: Summary of assessment of potential on line and off-line (Junction) locations

- 8.30. **All the Sites (Sites 1 – 7) are within the Green Belt in the currently adopted Local Plans (Warrington and Salford). In this regard all the Sites are subject to the same “very special circumstances” test and there are no non-Green Belt alternatives that could meet the identified need. It is therefore clear that to meet the need for an MSA in the Optimum Search Area, a Green Belt site will need to be developed.**
- 8.31. Site 1 is the only on-line opportunity for an MSA within the Optimal Search Area. Whilst it has the potential to accommodate an MSA, there is no evidence that it is capable of being brought forward to meet the currently identified need. It is within multiple ownerships and is not backed by a MSA Developer, and hence it is unlikely to be deliverable in the short term.
- 8.32. All other sites are off-line opportunities. Sites 3 and 4 are ruled out due to environmental constraints and hence cannot accommodate an MSA.
- 8.33. Sites 5, 6 and 7 have the potential to accommodate an MSA but a new M62 Junction 11A will be required to facilitate their delivery. There is considerable uncertainty associated with the delivery of such a new motorway junction, the potential for which has been identified in the GMSF and within the North West Quadrant Study, but which is unlikely to be open for public use until the medium term. There is no evidence that these sites can come forward any earlier to meet the currently identified need. In addition Site 6 is further constrained by also being in the draft Salford Local Plan and GMSF as an employment allocation as a strategic extension to Port Salford.
- 8.34. **In this context, the Assessment identifies that land within the NE Quadrant of Junction 11 (Site 2) is the most sequentially preferable location upon which to site a new MSA having regard to the specific locational requirements to meet the identified need along with the consideration of planning, engineering, safety, operational and environmental factors. The Assessment also shows that of the Sites identified, it has the least Green Belt impact, being classified as having a “weak” contribution with the emerging Warrington Local Plan evidence base.**
- 8.35. Given that a suitable site (Site 2) has been identified, it is not necessary at this stage to revisit any of the sites that were provisionally set aside as part of the Stage 2 assessment. It is also unnecessary to undertake a further search for locations outside of the Optimal Search Area.

8.36. **The plan below incorporates a new MSA strategically and optimally located at M62 Junction 11 and demonstrates beyond doubt that the FOUR unmet gaps on the M6 / M62 / M60 / M67 / M58 within the North West Region will be fully addressed by a new MSA at M62 J11.**



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Plan xx: Preferred location that meets all FOUR gaps

8.37. As is shown in Table 13 below, the 40 mile non-compliant gap between M58 Terminus and Birch Services will be reduced to 24 miles; the 35 mile non-compliant gap from Charnock Richards Services to Birch Services will be reduced to 19 miles; the 52 mile non-compliant gap between M58 Terminus and M67 Terminus will be reduced to 16 miles; the 47 mile non-compliant gap from Charnock Richards Services to M67 Terminus will be reduced to 28 miles. All of these distances are below or comply with the 28 mile maximum.

From	To	Current Route	Current Distance	New Route	Proposed Distance
M58 Terminus (Switch Island)	Birch Services	M58/M6/M62/M60/M62	40 miles	M58/M6/M62	24 miles
Charnock Richard Services	Birch Services	M6/M62/M60/M62	35 miles	M6/M62	19 miles
M58 Terminus (Switch Island)	M67 Terminus (Hattersley Roundabout)	M58/M6/M62/M60/M67	52 miles	M62/M60/M62	16 miles
Charnock Richard Services	M67 Terminus (Hattersley Roundabout)	M6/M62/M60/M67	47 miles	M62/M60/M67	28 miles

Table 13: Policy compliant MSA Provision in the North West Region

8.38. Following the identification of a 'preferred site', MSA Extra have now progressed site investigations and detailed design works in order to inform the layout, scale, form and boundaries of any future scheme, along with any necessary mitigation measures. Viability and land ownerships issues are key factors that may prevent the preferred site from coming forward. The Developer has secured an option from the landowner to bring the preferred site forward. Following design work, the Developer considers that a commercially and



operationally viable MSA can be delivered on the preferred site. Should it ultimately prove not to be the case, then it would be necessary to revisit alternative options as the public safety 'need' would still remain unmet.

## 9. Summary and Conclusions

- 9.1. The Strategic Road Network plays a key role in the movement of goods and people around the country and its safe and efficient operation is critical to the performance of the economy. It is also essential in helping to facilitate planned economic growth.
- 9.2. The approach to determining 'need' for an MSA on the Strategic Road Network is set out in Circular 02/2013. The 'need' for an MSA is established wherever spacing between MSAs on any stretch of the Strategic Road Network is a greater distance than 28 miles (equating to a maximum travelling time of 30 minutes). As paragraph B8 of the Circular makes explicit, once such a gap is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists (i.e. the existence of a gap is in, and of, itself conclusive evidence of need for planning purposes). A 'need' either exists, or it does not.
- 9.3. The application of the policy tests set out in Circular 02/2013 clearly and unequivocally demonstrates that a 'need' exists for a new MSA located for routes from the M58, M62, M6, M60 and M67. It is in the national and local interest to ensure that this need is addressed as soon as possible.
- 9.4. This Document outlines the Alternative Sites Assessment process that has been undertaken to identify a preferred site which best meets the need for a new MSA on this stretch of the Strategic Road Network with the least number of planning, engineering and environmental constraints having regard to both on-line and off-line (Junction) locations and the policy guidance contained in Circular 02/2013 and the NPPF 2019.
- 9.5. In undertaking this assessment, the broad locations that would satisfy the identified need for a new MSA within the North West Region were first identified. This appraisal concluded that there is an Optimal Search Area which is the best performing location to meet all **FOUR** identified gaps in the network of MSA provision. This Optimal Search Area is situated on the M62 stretch of the Strategic Road Network running from M62 Junction 11 and eastwards for 4 miles.
- 9.6. At Stage 2, sites that were already in beneficial use; committed for alternative development; predominantly in Flood Zone 3; contain listed structures or have other significant environmental designations were then set aside. These sites would only be reconsidered if no

other suitable sites could be found. At this stage, no sites were put aside but part of Site 1 was excluded.

- 9.7. Each remaining site was then considered on a high level basis against a set range of criteria. At this stage it was not possible to identify any necessary mitigation measures, design features required to address identified constraints, infrastructure requirements or the costs associated with these without detailed site investigations and discussions with landowners and other stakeholders. This would take place at the detailed design stage of development. Known site constraints were however considered where possible and a basic comparison was made between sites. At this stage it became clear that Sites 3 and 4 were constrained by environmental considerations; that sites 1, 5, 6, and 7 were constrained by delivery considerations; and that site 2 was relatively free from constraint.
- 9.8. Stage 4 considered the findings of Stages 1, 2 and 3 in order to identify a preferred location for a new MSA to meet the identified need. This is the site that best meets the need with the least development constraints.
- 9.9. **The Assessment identifies that land within the North East Quadrant of Junction 11 of the M62 Motorway (Site 2) is the most sequentially preferable location to meet the identified need having regard to the locational requirements of the new MSA and a wider range of environmental, planning and engineering constraints. This site lies within the Optimal Search Area of public safety need identified having regard to the policy requirements set out in Circular 02/2013 and will fully address the FOUR unmet gaps on the M6 / M62 / M60, M58 and M67 corridors in the North West Region, reducing distances between MSAs to at or below the 28 mile maximum.**
- 9.10. **Whilst the preferred site is in Green Belt so are all the other sites that have been assessed through this Alternative Sites Assessment. Any MSA brought forward to meet the need within the Optimal Search Area would therefore have to be accommodated within the Green Belt.**
- 9.11. Any planning application for an MSA on a site within the Green Belt would have to demonstrate “very special circumstances” (VSC). Extra MSA Group has obtained Leading Counsel’s Opinion on the role of “need” for an MSA with regard to the “very special

circumstances” test for inappropriate development within the Green Belt. Counsel advised that *“In order to establish VSC it is necessary to demonstrate that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, para. 144). The question of whether VSC exist for any given proposal is decided on a case by case basis, and whether a matter or combination of matters constitute VSC sufficient to outweigh the harm by reason of inappropriateness and any other harm is quintessentially a matter of planning judgment for the decision-maker. “Need” generally, and the specific need for an MSA to meet the strategic need for road side facilities in accordance with Government policy, has long been accepted as a matter that can either by itself or in combination with other matters outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. Many existing MSAs are situated in the Green Belt, and were justified by reference to “need”. Whether a particular proposal for an MSA meets the test of VSC has to be decided by reference to a range of factors, which will include need, whether the proposal causes “other harm”, the extent of such “other harm” and the availability or otherwise of alternative sites where the need can be met without causing such harm or causing less harm”* A copy of the full advice is included in Appendix I.

9.12. The preferred Site adjoins the M62 Motorway and has safe and convenient access from M62 Junction 11. Provision of an MSA in this location can be designed to be compatible with the Birchwood Park employment area and the adjacent Risley landfill restoration scheme. It is therefore compatible with current neighbouring land uses, and it can also be designed such that it does not preclude the future potential HS2 alignment to the north. Discussions are ongoing with HS2 to accommodate access to their potential compound for construction activities. In these circumstances, the North East Quadrant of land at M62 Junction 11 is the optimal location in which to provide a bespoke MSA to meet the needs of motorists in a sustainable and accessible location that is central to the identified gap in provision in the North West Region.

9.13. Following the identification of a ‘preferred Site’ the Developer has now progressed site investigations and detailed design works in order to inform the layout, scale, form and boundaries of a future scheme, along with any necessary mitigation measures.

## Appendices

## **Appendix I – Counsel’s written opinion on Highway Need**

IN THE MATTER OF:

**WARRINGTON MOTORWAY SERVICE AREA  
JUNCTION 11 OF THE M62**

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**OPINION**

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**Introduction**

1. Extra Motorway Service Area Group (“Extra”) is in the process of preparing an outline planning application proposing the erection of a “New Concept” Motorway Service Area (“MSA”) within the north eastern quadrant of Junction 11 of the M62 Motorway situated approximately 5.6km (3.5 miles) to the north of Warrington Town Centre. The proposal is for an off-line MSA on a site extending to approximately 16ha of land, and will comprise of facilities building, hotel, fuel filling station, parking facilities, landscaping and amenity area. The proposals will be fully compliant with the minimum requirements for an MSA as set out in Table B1 of Annex B to Department of Transport Circular 02/2013. Drivers will have indirect access to the M62, which runs along the southern boundary of the proposed site and connects through to the M6 and M60, and onwards to the M58 and M67. The MSA will be known as Warrington Services.
2. The site currently comprises agricultural land in arable use, and is designated as Green Belt in the adopted development plan for the area.
3. We are asked to advise on:

- a. how the question of whether or not there is a “need” for an MSA should be resolved;
- b. the relevance of off-line versus on-line MSA provision;
- c. whether, if there is a need, this need is capable of constituting the very special circumstances (“VSC”) needed to justify what Extra accepts would constitute inappropriate development in the Green Belt.

### **Need**

4. The method for establishing a need for an MSA is set out in DfT Circular 02/2013. This Circular and the National Planning Policy Framework (February 2019) (“the Framework”) are the only documents to which reference is necessary to establish what the test is for demonstrating need.
5. The starting point is paragraph 104(e) footnote 42 of the Framework. This provides that “The primary function of roadside services should be to support the safety and welfare of the road user.” It is clear from this that the purpose of an MSA is to ensure the safety of drivers on the strategic road network (“SRN”). This point is reinforced in Annex B of the Circular, which states at paragraph B4

*“Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.”*



6. The Circular then goes on to explain (at B5) how decisions regarding the location of MSAs on the SRN have been informed by the need to ensure this safety objective is realized by giving drivers the opportunity to stop and take a break every two hours:

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

7. The requirement, or “need”, to ensure driver safety through the provision of an MSA at intervals of approximately half an hour leads directly to the recommendation of the Highways Agency that there should be an opportunity for drivers to stop and rest at a MSA every 28 miles (at B6):

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

8. It follows from the above that if the Government’s objective of ensuring the safety and welfare of road users is to be realised, there is a “need” to provide an MSA on those stretches of the SRN where there is a gap of 28 miles. In other words, a “need” for an MSA is established wherever any particular stretch of the SRN has a gap of more than 28 miles (i.e where drivers are currently driving for more than 28 miles before they have the opportunity to stop at a MSA).
9. There are currently four MSAs located on the SRN in and around the Warrington area: on the M6 there are Charnock Richard Services and Lymm Services, and on the M62 there are Birch Services and Burtonwood Services.

However, having regard to terminus points of the M58 and M67 and the ability of drivers to leave one motorway and join another through the various junctions around this area, it is quite clear that some drivers will be driving for more than 28 miles (and significantly longer than 30 minutes) on the SRN before they encounter a MSA. There are four such “gaps”:

- a. A driver taking the route from the M58 Terminus to Birch Services on the M62 will drive 40 miles (M58/M6/M62/M60/M62);
- b. A driver taking the route from Charnock Richard Services on the M6 to Birch Services on the M62 will drive 35 miles (M6/M62/M60/M62);
- c. A driver taking the route from the M58 Terminus to the M67 Terminus will drive 52 miles without encountering a MSA (M58/M6/M62/M60/M67);
- d. A driver leaving Charnock Richard Services on the M6 and driving to the M67 Terminus will drive 47 miles with no opportunity to stop at a MSA (M6/M62/M60/M67).

10. It can be seen from the above that the existence of Burtonwood Services and Lymm Services do not address the identified gaps, for the simple reason that some drivers will take a journey whereby despite the existence of these two MSAs they will drive for more than 28 miles (and significantly longer than 30 minutes) before they encounter a MSA. How many such drivers there will be is irrelevant for the purposes of applying the Government’s policy on need - as paragraph B8 of the Circular makes explicit, once such a gap is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists (i.e. the existence of the gap is in and of itself conclusive evidence of need for planning purposes):

*“The distances set out above are considered appropriate for to (sic) all parts of the strategic road network and to be in the interests of and for the benefit of all road*

*users regardless of traffic flows or choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.”*

11. The 2013 Circular was a deliberate departure from previous policy in that the Government decided to make clear that once a gap of more than 28 miles has been identified, the need for an MSA will be established (i.e the absence of an MSA in such a situation frustrates the Government’s objective of supporting the safety and welfare of the road user). The local planning authority in such a situation should not concern itself with the merits of spacing beyond asking itself whether (a) the proposed MSA will help ensure that the maximum distance of 28 miles is not breached, and (b) that the new facility will not breach the requirements set out in the Design Manual for Roads and Bridges. For the purposes of applying the policy on “need” as set out in the Circular, it is not permissible to take a graduated approach to need by reference to the number of drivers using a particular stretch of the strategic road network or any other considerations such as route choice or the nature of the journeys. The existence of the requisite gap is conclusive evidence of need, and in the particular circumstances of this case it removes any necessity to debate how many drivers will choose a particular route (for example M6 South – M62 East, in preference to any other route).

### **On-line versus Off-line**

12. Annex B of the Circular at B13 to B15 provides that where competing MSA sites are under consideration, the Highways Agency has a preference for on-line locations over off-line locations. It must however be noted that, firstly, this is a “preference” only (i.e it is not a mandatory requirement that an on-line location must always be selected over an off-line location); and secondly the preference is subject to the very important caveat “on the assumption

that all other factors are equal”.

13. All other factors are rarely equal in life, and the sphere of planning is no exception. So, for example, the Circular itself at B15 acknowledges that an on-line facility may simply not be possible because of safety, operational or environmental constraints. We would go further and add that such a facility may be available, but the safety, operational or environmental disbenefits of such a location may outweigh the advantages that flow from being on-line as opposed to off-line, such that the latter location is considered preferable once regard is had to all matters that are relevant to what is ultimately a planning decision.
14. If there is a choice to be made between on-line and off-line facilities, the planning authority must have regard to all material considerations relevant to that choice, and that will include not only the Highways Agency “preference” (understood subject to the express caveats provided in the Circular itself), but also all of the benefits that a particular off-line location may provide when compared with a particular on-line location. So, for example, on the specific facts of a given case, the off-line location may provide broader sustainability benefits when compared with the only on-line location that is in contention.

### **Green Belt**

15. In order to establish VSC it is necessary to demonstrate that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, para. 144). The question of whether VSC exist for any given proposal is decided on a case by case basis, and whether a matter or combination of matters constitute VSC sufficient to outweigh the harm by reason of inappropriateness and any other harm is quintessentially a matter of planning judgment for the decision-maker.

16. “Need” generally, and the specific need for an MSA to meet the strategic need for road side facilities in accordance with Government policy, has long been accepted as a matter that can either by itself or in combination with other matters outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. Many existing MSAs are situated in the Green Belt, and were justified by reference to “need”.
17. Whether a particular proposal for an MSA meets the test of VSC has to be decided by reference to a range of factors, which will include need, whether the proposal causes “other harm”, the extent of such “other harm” and the availability or otherwise of alternative sites where the need can be met without causing such harm or causing less harm.

### **Conclusion**

18. We have addressed the matters raised in our Instructions. If additional matters arise we would be pleased to assist further.

**MARTIN KINGSTON QC**  
**SATNAM CHOONGH**  
Number 5 Chambers

14 May 2019

IN THE MATTER OF:

**WARRINGTON MOTORWAY SERVICE AREA  
JUNCTION 11 OF THE M62**

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**ADVICE NOTE**

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Counsel: Martin Kingston QC  
Satnam Choongh

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## **Appendix 2 – Email from Highways England confirming gapping**

Our ref:  
Your ref:

**Julie Prince**

**By Email**

Alison Gough

[www.highwaysengland.co.uk](http://www.highwaysengland.co.uk)

Direct Line: 0300 470 5293

11 June 2019

**Dear Sirs,**

**RE: Proposed Motorway Service Area - M62 Junction 11**

I understand that you are in Pre-Application dialogue with Extra MSA Group and their retained Transport Consultant, i-Transport, about Extra's proposed Planning Application for the development of a new Motorway Service Areas ("MSA") on land immediately adjacent to M62 J11 (northeast quadrant and accessible from and to the Motorway Junction).

I understand you have specifically requested guidance on the approach that Highways England will adopt when responding to Planning Applications.

I can confirm that Extra has engaged with Highways England and have provided preliminary details for the new MSA proposal. Most recently this has included a meeting with Extra MSA Group and i-Transport.

Any consultation response Highways England makes in respect of any forthcoming application for new MSA facilities at the above site will be informed by the guidance set out in the National Planning Policy Framework ("NPPF") and DfT Circular 02/2013 ("the Circular").

Paragraph 31 of the NPPF states that:

**'The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.'**

Annex B of the Circular expands on this point. Paragraph B4 of the Circular states that:



**‘Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.’**

Paragraph B5 of the Circular then explains how decisions regarding the location of MSAs on the strategic road network have been informed by the need to ensure this safety objective is realised by giving drivers the opportunity to stop and take a break every two hours:

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

Highways England therefore recommends (as identified at Paragraph B6 of the Circular) that the maximum distance between MSAs should be no greater than 30 minutes travelling time, which subject to traffic congestion is typically 28 miles. The distance and travelling time between MSA facilities can be shorter than 30 minutes/28 miles, subject to access and egress arrangements complying with the requirements of the Design Manual for Roads and Bridges (DMRB), including its provisions in respect of junction spacing.

Paragraph B8 of the Circular concludes that the maximum travelling time of 30 minutes (maximum distance of typically 28 miles) identified above is:

**‘...in the interests and for the benefit of all road users regardless of traffic flows or route choice.’**

The same paragraph concludes that:

**‘In determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing requirements established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.’**

In 2010, Highways England produced a report titled ‘Spatial Planning Framework: Review of Strategic Road Network Service Areas’. The report

identified MSA gaps on the Strategic Road Network including the Northwest Region.

Gap analysis presented by i-Transport during our meeting reflected the same gaps identified in the 2010 report and is summarised below:

<u>From</u>	<u>To</u>	<u>Route</u>	<u>Distance</u>
M58 Terminus	Birch Services	M58/ M6/ M62/ M60/ M62	40 miles
Charnock Richard Services	Birch Services	M6/ M62/ M60/ M62	35 miles
M58 Terminus	M67 Terminus	M58/ M6/ M62/ M60/ M62	52 miles
Charnock Richard Services	M67 Terminus	M6/ M62/ M60/ M67	47 miles

The provision of a new MSA at M62 J11 (“Warrington Services”) would result in the following reduced separation distances on the respective sections of the Motorway Network described above:

<u>From</u>	<u>To</u>	<u>Route</u>	<u>Distance</u>
M58 Terminus	Warrington MSA	M58/ M6/M62	24 miles
Charnock Richard Services	Warrington MSA	M6/M62	19 miles
Warrington MSA M62 J11	Birch Services	M62/M60/M67	16 miles
Warrington MSA	M67 Terminus	M62/M60/M67	28 miles

In this context and not pre-empting any formal Highways England’s response in relation to Extra’s proposed Planning Application, I can confirm that Highways England would have no objection in principle to the proposed development of a new MSA at M62 J11 (“Warrington Services”) on the grounds of spacing.

Notwithstanding the above, Highways England will need to review and be satisfied in transport modelling terms that the proposed access/egress arrangements meet with the requirements of Design Manual for Roads and Bridges and that any further mitigations that may be needed can be met.

I trust this provides you with the clarification you are seeking at this early stage in your decision-making process.

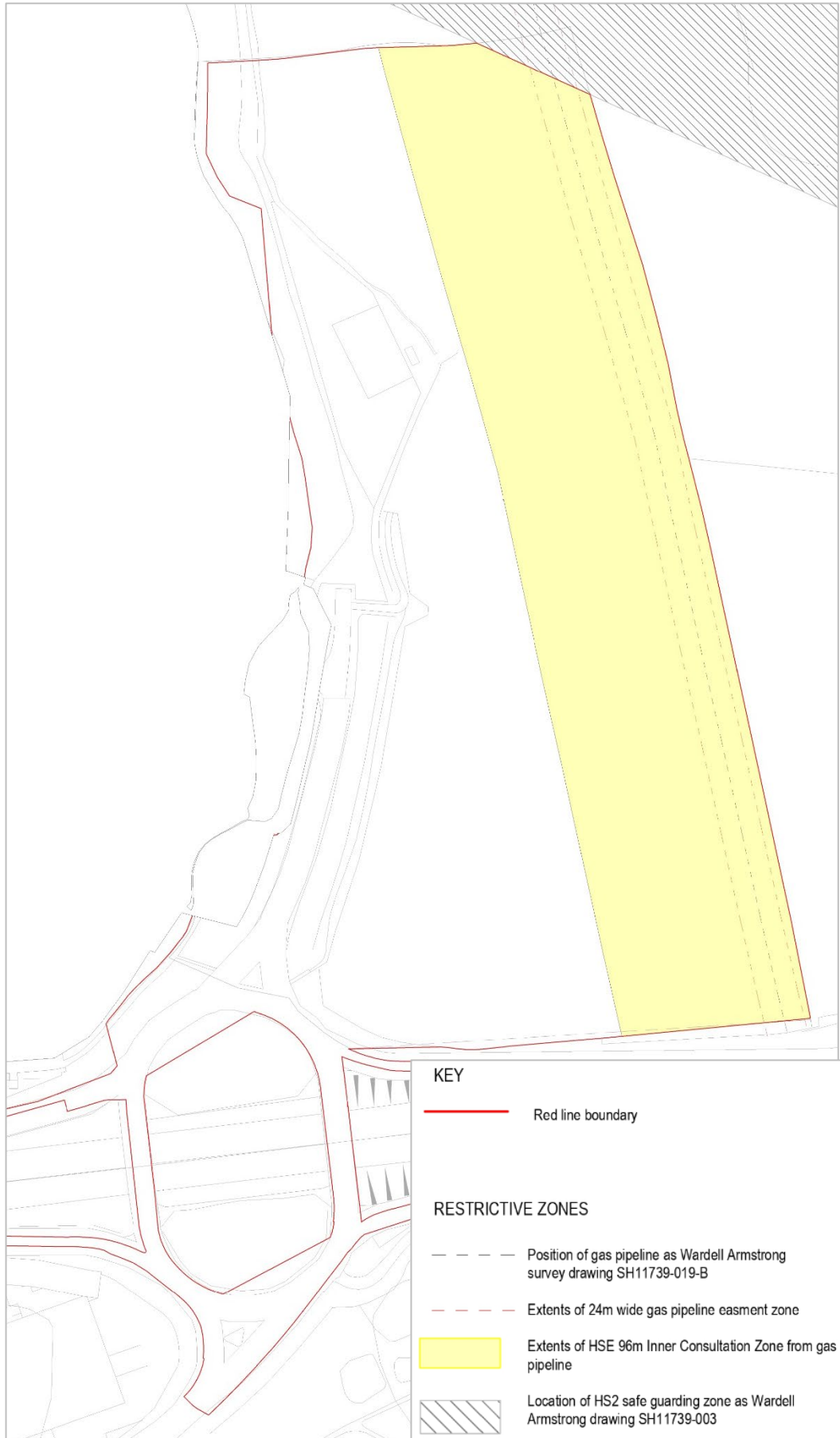
Yours Sincerely

*Julie Prince*

**Julie Prince, Senior Policy Advisor**



## Appendix 2: Constraints Plan



## Appendix 3: Indicative Masterplan and Landscape Masterplan



