

Rebuttal Proof of Evidence:

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MRTPI**

PINs Reference: APP/M0655/W/21/3288180

Planning Application: 2019/35726

Land to the North of Junction 11, of the M62,
Warrington

Planning Application on behalf of Extra Motorway
Service Area Group

Smith Jenkins Planning & Heritage

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1.0 Introduction

- 1.1 I have prepared this short Rebuttal Proof of Evidence to respond to certain matters raised by Mr Rolinson in his proof of evidence on behalf of the appellant. In several areas Mr Rolinson relies on the evidence of Mr Jones. To avoid repetition, where a point is duplicated between the two witnesses, I comment by reference to Mr Rolinson's evidence.

2.0 Policy Matters

- 2.1 I agree with Mr Rolinson that:

- MSAs form an essential road safety function Rolinson (Paragraph 5.93);
- the NPPF and Circular 02/2013 are material considerations in the determination of planning applications (Rolinson para 5.94).
- the Government's policy in general recognises the importance of roadside services and Annex B of Circular 02/2013 provides relevant guidance on the topic for decision takers (Paragraph 5.99).

- 2.2 I disagree with Mr Rolinson about the interpretation of the policy in the Circular in respect of the guidance which it offers in paragraph B6 about the spacing between services. Mr Rolinson implies that the policy prescribes that the distance between services should be no more than 28 miles (e.g. in his paragraph 5.103) whereas the Circular itself is clear the distance is a 'recommendation' not a regulatory requirement.

- 2.3 That is important, in my view, given that new roadside services of all kinds must be considered in the planning process in the normal way, as the Circular acknowledges in paragraph B9 which states:

"New and existing roadside facilities are subject to the provisions of the relevant planning legislation and regulation, which together set the framework within which local planning authorities would consider the planning proposals for such developments."

- 2.4 There is no suggestion in the Circular, or anywhere else, that the mere existence of the policy is, or is likely to be, sufficient to outweigh any and all planning considerations, including important national planning policies such as the Green Belt. The Circular is simply one more material consideration to be evaluated by the decision maker, e.g. when undertaking the balancing exercise to determine the presence (or absence) of ‘very special circumstances’ where inappropriate development is proposed.
- 2.5 Yet the spacing recommendation in the Circular is the beginning and end of Mr Rolinson’s consideration of what I will describe in shorthand as the ‘need’ issue. As noted, Mr Rolinson relies substantially upon Mr Jones on this matter, but whereas in general terms the contribution of service facilities to the safe and efficient operation of the SRN, neither presents any evidence any particular benefit that a new MSA at Junction 11 would provide beyond fulfilling the spacing recommendation in the Circular in relation to four gaps where the recommendation is currently not achieved (as has been the case for many years). The focus upon the four ‘policy gaps’ is because in respect of all the other motorway-to-motorway journey permutations possible via Junction 11 of M62, the spacing recommendation is met. At Paragraph 5.120, Mr Rolinson states that there would be “real world implications” of not providing an MSA at Junction 11, but he does so by reference to national accident data collected for the motorway network as a whole (including those sections with MSAs at more frequent intervals than the policy advises). By contrast local data suggests that the network around the appeal site is comparatively safe notwithstanding the four ‘policy gaps’ upon which Mr Rolinson and Mr Jones place such reliance. I do not diminish the importance of any accident, particularly any severe accident, but where the observed accident rate is below the national average it does not suggest a situation in particular need of relief. That may be because, as I explain in my main Proof of Evidence, the ‘policy gaps’ relied on by Mr Rolinson and Mr Jones are not gaps that are “real world” gaps for the motorway users passing Junction 11. For the gaps that are, there is already an adequate distribution of MSAs.
- 2.6 Similarly, neither Mr Rolinson nor Mr Jones provide any specific evidence to suggest that the existing MSAs on the regional motorway network are failing to fulfill their road safety function in relation to the provision of HGV parking facilities, drawing upon secondary data from the National Survey of Lorry Parking (2017).

2.7 As a general proposition, I agree with the Appellant that there is a need for additional HGV parking throughout the UK. However, the position is not uniform and the need in some locations is more acute than in others.

2.8 At Paragraph 5.178 of his Proof, Mr Rolinson states that the National Survey of Lorry Parking identifies that lorry parking at existing MSAs in the North-West are all above critical levels. However:

- At Table 5.1 of the Survey, the North West of England as a whole is identified as having 2,573 lorry parking spaces, alongside the total number of vehicles parked as 1,397, giving a regional utilization rate of 57%. The Study identifies that a utilisation rate of less than 69% is 'acceptable', that 70% utilization is a 'serious' situation where drivers have to search for a space, and that at 85% utilization, the situation becomes 'critical' and it is very difficult for drivers to find parking spaces. Figure 5.2 of the Study suggests that the North West is at an 'acceptable' level in terms of lorry parking capacity. Commentary concerning the North West is set out at Paragraph 5.2.3.1 which states: "Only the North West and London appear to have sufficient lorry parking capacity as they are the ones with a negative figure in the excess column."
- The detailed regional review for the North West in Table 5.32 identifies 8 sites which are at 'critical' utilisation. The list includes some but not all of the MSAs in the region, and does not take into account all of the available lorry parking facilities in any event. A notable omission is the specialist motorway truckstop at Lymm Services which provides for 305 HGV spaces. The facilities at Lymm are co-signed with Knutsford MSA reflecting that historically the HGV parking at the MSA was under pressure at busy times. How this regionally significant site is overlooked in the Survey is not clear. Certainly, it appears to have been ignored in Mr Rolinson's analysis of the HGV parking issue.
- Finally, to the extent that the Survey identifies a need for any additional lorry parking facilities in the region, it is in relation to the Port of Liverpool, not elsewhere and certainly not within the M62 corridor near Junction 11. At 5.3.6.3 of the Survey it states: "...further from the port and particularly in the North most of the lorry parks are showing an acceptable level of utilisation, therefore if a lorry park is to be considered in the North West this should be in the immediate vicinity of the Port of Liverpool."

2.9 I agree with Mr Rolinson that the policy in the Circular has to be applied in the planning context with regard to the real world rather than the merely notional implications. When that is done, I disagree that there is evidence of “real world implications” pointing to the need for an MSA at Junction 11. The ‘policy gaps’ are not ‘real world gaps’; the safety record of the adjacent sections of the motorway network is better than the national picture, not worse; there is a regional surplus of lorry parking, not a shortage; what evidence there is of pressure on existing MSA lorry parking facilities overlooks the presence of the regional motorway truckstop at Lymm; what evidence there is of pressure for additional lorry parking is in respect of the Port of Liverpool, not Junction 11. The provision of an MSA at Junction 11 would address four ‘policy gaps’ but that advantage would not be enough to create very special circumstances in my view.

3. Previous Appeal Decisions

3.1 Mr Rolinson refers to the appeal decision which led to development of what is now Beaconsfield MSA (Appeal ref: APP/N0410/A/00/1039103, CD ref: CD4.2) (a site known as Burtley Wood) on the M40 suggesting that there are parallels with the present case (paragraphs 5.123 to 5.124). The decision was taken before the publication of Circular 02/2013 and considered the site in the context of 6 competing proposals on the western section of the M25, M4 and M40, in a set of circumstances where a search for a site for an MSA in this location had been on-going since the construction of the M25 and the relationship between the orbital and radial motorways had suggested the need for a modified approach to the ordinary policy towards MSAs to be adopted. The background to that decision was made in a significantly different context to that facing the current Appeal.

3.2 Much more recently, in 2021, a site on the M25 was considered at Appeal – known as Warren Farm (Appeal ref: APP/X0415/W/21/3272171, CD ref: CD4.1) (referred to by Mr Rolinson as Chalfont St Peter). Despite a broad consensus that there is a need for an additional MSA on the north-west sector of M25 the Appeal was dismissed because very special circumstances were not demonstrated. The circumstances of that site are significantly different to those in this Appeal. There are a number of long-distance routes on the M25 and radial motorways which are not served by an MSA, for distances far in excess of either 28 miles, and in excess of the gaps that may prevail in this case. However, these are ‘real world’ gaps, which traffic genuinely traverses due to a lack of available alternative routes.