

SUMMARY

PROOF OF EVIDENCE OF DAVID ROLINSON PLANNING MATTERS

EXTRA MSA

WARRINGTON MOTORWAY SERVICE AREA, J11 M62

LOCAL PLANNING AUTHORITY APPLICATION REFERENCE:

2019/35726

PLANNING INSPECTORATE REFERENCE:

APP/M0655/W/21/3288180

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78

**TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**TOWN AND COUNTRY PLANNING (INQUIRIES
PROCEDURE) (ENGLAND) RULES 2000**

Revision Record

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A	February 2022	Final	DR	JR

Report Author	David Rolinson
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Qualifications and Experience

- 1.1. I am David Rolinson and I am a Chartered Town Planner. I hold a BA Honours Degree in Town and Country Planning from Newcastle University and I am a Member of the Royal Town Planning Institute. I have been instructed by Extra MSA (the Appellant) with regard to the Appeal Site since 2018. I understand my duty to the Inquiry and have complied with, and will continue to comply with, that duty.

Factual Background

- 1.2. The Appellant is the Extra MSA Group (Extra MSA) who are a leading developer, investor and experienced operator of MSA properties across the Strategic Road Network. The Appeal Site description and context and appeal proposals are set out in detail in the General Statement of Common Ground (General SoCG).
- 1.3. The Outline Planning Application (OPA) was presented to Committee on 9 June 2021 with a recommendation to grant planning permission subject to planning conditions; the completion of a Section 106 agreement; and the Outline Planning Application not being called in by the Secretary of State. Planning Committee Members resolved to refuse planning permission in June 2021 but on 3rd February 2022, the Council resolved not to continue to defend the appeal, meaning that the reason for refusal initially put forward by the Council has been withdrawn and the Council now endorses the approach and conclusions set out in the Officer Reports to Committee of 9th June 2021.

The Policy Context

- 1.4. The statutory Development Plan for the consideration of the Appeal proposals comprises the adopted Local Plan Core Strategy (July 2014). Also of relevance to the Appeal proposal is the NPPF (21) especially Section 13 (Green Belt) and Section 9 (Transport), the latter of which confirms that the primary function of roadside facilities is to support the safety and welfare of the road user (NPPF paragraph 106(e) and Footnote 44).

- 1.5. National transport policy is also highly material, especially Circular 02/2013 which has a section which relates specifically to roadside facilities on motorways.

‘Very special circumstances’

- 1.6. The Appeal Site lies within the Green Belt and I accept that the Appeal proposals comprise ‘*inappropriate*’ development in the Green Belt and as such ‘**substantial**’ weight should be given to this definitional harm. I also accept that there will be ‘**substantial**’ harm to the ‘*openness*’ of the Green Belt but that this is localised in extent. I also accept that the Appeal proposals will result in ‘**limited**’ harm to ‘*purpose*’ (c) of the Green Belt. As I acknowledge that the Appeal proposals represent ‘*inappropriate development*’ within the Green Belt then I accept that they should not be approved “*except in very special circumstances*”.
- 1.7. I have assessed whether there are any other harms arising from the Appeal proposals. I have concluded that the only harms that arise are in respect of landscape character and visual amenity which will be **moderate** at completion, reducing to minor over time and in respect of the loss of Best and Most Versatile Agricultural land to which I ascribe **limited** weight. All other matters are either neutral or positive in the planning balance.
- 1.8. I have set out the “*other considerations*” that weigh in favour of the Appeal proposals. I have shown that the positive policy context for provision of MSAs should be ascribed **significant** weight. I have also shown that the opportunity afforded by the Appeal proposals to meet the actual MSA need in the North West should be ascribed **very significant** weight due to its highway safety benefits. The lack of alternative sites to meet the need for an MSA along with evidence that the Appeal Site is the most suitable site to meet the need should be afforded **significant** weight. The Appeal proposals are fully deliverable and are promoted by an experienced MSA developer with a strong track record in delivering and operating MSAs to which **significant** weight should be afforded. The ability of the Appeal proposals to meet additional

lorry parking (above the Circular guidance requirement) should be afforded **moderate** weight.

- 1.9. I have set out the economic benefits of the Appeal proposal in terms of job creation, investment and social / training and skills. I have classified these three separate economic benefits as individually having “**moderate**” weight which in my view would cumulatively equate to the Council’s classification of “**significant**” weight in favour for the economic benefits overall.
- 1.10. The Appeal proposals will deliver highway mitigation to the motorway junction but they will also deliver a comprehensive package of pedestrian and cycling improvement measures which provide significant safety and convenience benefits for the pedestrians and cyclist to which I ascribe “**significant**” weight but they also deliver recreation and health benefits to which I ascribe “**moderate**” weight.
- 1.11. The Appeal proposals will also deliver “**moderate**” ecological benefit through the diversion of Silver Lane Brook; the creation and management of the peatland type habitat and the significant tree planting which will result in Net Biodiversity Gain.
- 1.12. The Appeal proposals will also help to deliver a network of alternative fuel provision which is a key element of the Government’s agenda and also that of National Highways in their Net Zero Highways Strategy (July 2021). This will support the National Highways commitment in the Roads Investment Strategy 1 (RIS 1) to ensure that 95% of the Strategic Road Network (SRN) will have a charging point every 20 miles. The Appeal proposals will help EV roll out and address ‘*range anxiety*’. They could also accelerate hydrogen roll out and they will therefore become part of a fully functioning network of alternative fuel filling stations on the SRN to address the Government’s de-carbonising transport agenda. I ascribe “**significant**” weight to the benefits of this.
- 1.13. A further benefit of the Appeal proposals is the delivery of financial support to the restoration of the Encounter Statue which is located within the southern arm of Junction 11 of the M62. I ascribe “**limited**” positive weight to this public art benefit.

- 1.14. I have weighed all these elements together and I conclude that the '*other considerations*' clearly and demonstrably outweigh the Green Belt and non-Green Belt harm. I consider that the harm to Green Belt by reason of '*inappropriateness*' together with the substantial (but localised) harm to '*openness*' and one '*purpose*' of the Green Belt, along with the very limited '*other harm*' identified arising from the Appeal proposals would be '*clearly outweighed*' by the above identified benefits of the Appeal proposals.
- 1.15. I consider that meeting the public safety need is a compelling consideration that attracts the highest form of weight (very substantial / very significant) in my calibration. When this is added to the other aspects that attract substantial / significant weight and also those with lesser weighting (moderate and limited / minor), these matters when taken together constitute '*very special circumstances*'. I do not consider this to be a marginal or finely balanced matter, in my view the '*other considerations*' very clearly and significantly outweigh the harms.
- 1.16. I therefore consider that there are '*very special circumstances*' in favour of the Appeal proposals that clearly outweigh any harm to the Green Belt, and any other harm, in accordance with paragraph 148 of the NPPF (21). As this is the case I conclude that the Appeal proposals also accord with policy CS5 of the Core Strategy. I note that the Officer Report to Committee concluded (para 8.278) that "*officers are satisfied that the benefits put forward clearly and demonstrably outweigh the harm identified and as such it is considered that the case for very special circumstances has been demonstrated*".

Planning conditions and Section 106

- 1.17. The Appellant and Council have agreed draft planning conditions as part of the consideration of the Appeal application and an agreed schedule is included in the General Statement of Common Ground.

Compliance with the Development Plan

- 1.18. I consider that the Appeal proposals comply with all the Core Strategy policies other than partial non-compliance with policy CC2 in relation to agricultural matters but I

consider that it does not render the Appeal proposals as being contrary to the Core Strategy “*as a whole*”.

Other material considerations (including any raised by Third Party Objectors) to weigh in the planning balance

- 1.19. The various Statements of Common Ground demonstrate a significant amount of agreement between the Appellant and the Council and also with National Highways and HS2. I have reviewed the objections submitted to the Appeal and I consider that none of the matters raised by Third Party Objectors are material considerations which would weigh against the Appeal proposals.

Conclusions

- 1.20. I consider that the Appeal proposals comprise “*sustainable development*” as they satisfy the economic, social and environmental objectives of the NPPF (21). Since the Appeal proposals comprise “*sustainable development*” and I conclude that there are no ‘*other material considerations*’ which weigh against the Appeal proposals, then I consider that there is a Section 38(6) presumption in their favour and they also benefit from support from the NPPF (21) paragraph 11(c) which confirms that planning decisions should apply a presumption in favour of sustainable development by “*approving development proposals that accord with an up-to-date development plan without delay*”. I therefore consider that the Appeal proposals should be granted planning permission in accord with Section 38(6) and paragraph 11(c) of the NPPF (21).
- 1.21. I also consider that if the Planning Inspector does not agree that the Appeal proposals comply with the Development Plan ‘*as a whole*’, then in my view, as set out in paragraph 12 of the NPPF (21), the significant benefits of the Appeal proposals are ‘*material considerations*’ in this particular case which outweigh the harm and any conflict with the Development Plan. As such these ‘*material considerations*’ would warrant a decision other than in accordance with the Development Plan and hence planning permission should still be granted for the Appeal proposals.

1.22. I therefore respectfully request that the Appeal proposals be supported and that planning permission be granted for them to allow the undoubted benefits of the Appeal proposals to be realized.