



Warrington MSA, M62 Junction 11

Proof of Evidence of Greg Jones – Volume 1 Text
and Figures

Client: Extra MSA Group

Appeal Ref: APP/M0655/W/21/3288180

Date: 21 February 2022

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SECTION 1 **Qualifications and Experience**

- 1.1 My name is Greg Owen Jones. I am an Associate Partner at i-Transport LLP, a specialist transport planning consultancy of Park House, Park Square West, Leeds LS1 2PW.
- 1.2 I am a Member of the Chartered Institute of Highways and Transportation. I hold both an honours degree (BA) in Geography from the University of Liverpool and a master's degree in Transport from the University of London (Imperial College and UCL).
- 1.3 I am responsible for providing transport and highways advice for development planning projects across England. I provide this advice at all stages of the planning process – from identifying constraints and opportunities; developing access strategies; preparing transport assessments and travel plans to accompany planning applications; and providing evidence to planning hearings and inquiries.
- 1.4 I have over 20 years' transport planning experience. My experience ranges from transport impact and accessibility studies for residential, commercial, industrial and leisure developments to the transport, highways, road safety and pedestrian issues related to large-scale regeneration projects.
- 1.5 During my 20 years in the field I have assessed the traffic impacts arising from development schemes and have appraised their effects on local populations and other sensitive receptors. Amongst this experience, the following project experience is considered particularly relevant:
- Leeds Skelton Lake Services – I advised Extra MSA Group on proposals for a new Motorway Service Area at Junction 45 of the M1, which achieved planning consent in December 2016 and which opened in Spring 2020. The work involved the preparation of a detailed Transport Assessment and Travel Plan and extensive negotiation with both National Highways (then Highways England) and the Local Highway Authority, Leeds City Council.

- Stratford 46 Business Park – I advised IM Properties PLC on transport and highways matters from project inception and was an expert witness at a public inquiry held in December 2019. My work involved demonstrating the acceptability of providing direct vehicular access to the Strategic Road Network (SRN) (that being a departure from the adopted Local Plan policy). My work also provided detailed technical assessment of existing junctions on the SRN and negotiation of mitigation works and developer contributions with both Highways England (as was) and the local highway authority, Warwickshire County Council. The Inspector concluded that the Appellant, *'has clearly demonstrated that the departure from Proposal SUA.2 in terms of the proposed access being directly from the A46 instead of from the [Wildmoor] roundabout is justified'* and that subject to the implementation of proposed highways mitigation measures, *'the proposal would not be harmful to highway safety'*.

1.6 The evidence that I have prepared and provide for the appeal in this proof of evidence is consistent with my professional obligations. It has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are true and comprise my professional opinions irrespective of by whom I am instructed.

SECTION 2 Background

2.1 Scope of Evidence

2.1.1 My evidence relates to highways and transport matters relevant to Extra MSA Group's outline planning application proposals for:

'Erection of a Motorway Service Area including Facilities Building, up to 100 bedroom Hotel, service yard, Fuel Filling Station, Electric Charging Station, parking facilities for each category of vehicle, access and internal circulation roads, structured and natural landscaping with outside amenity space/picnic space and dog walking zone, pedestrian and cycle links, boundary fencing, surface water drainage areas, ecological mitigation, pumping station(s), substation(s), retaining structures and associated infrastructure and earthworks.'

2.1.2 I have been involved in this project since May 2019. I am fully familiar with the Appeal Site and the surrounding transport network having visited the Site on multiple occasions at different times of the day, week and year.

2.1.3 My proof of evidence should be read in conjunction with the two Transport Statements of Common Ground (TSoCG) agreed between:

- the Appellant and National Highways (NH) (formerly Highways England) on 22 November 2021¹; and
- the Appellant and the Local Highway Authority (LHA), Warrington Borough Council (WBC) on 21 January 2022².

2.1.4 My evidence should also be read in conjunction with the Statement of Common Ground signed with HS2 on 17 November 2021³, with the evidence of Mr. Rolinson⁴ of Spawforths relating to Town and Country Planning matters and the composite evidence submitted on behalf of the Appellant, including the original Transport Assessment (TA) prepared by i-Transport⁵.

¹ Core Document Ref CD2.4.2

² Core Document Ref CD2.4.3

³ Core Document Ref CD2.4.1

⁴ Core Document Ref CD6.1

⁵ Core Document Ref CD1.1.28

- 2.1.5 There are no transport or highways objections to the Proposed Development from either the LHA or from NH, which is the body responsible for the Strategic Road Network (SRN) that includes the M62 mainline and the on- and off-slip (connector) roads at M62 J11.
- 2.1.6 Despite the fact that neither of the two highway authorities were offering objections, Warrington Borough Council refused the application in its Decision Notice dated 17 June 2021.
- 2.1.7 On 3rd February 2022 the Council's Development Management Committee resolved that the Council did not wish to continue to defend the appeal. This means that the reason for refusal given by the Council on its June 2021 Decision Notice has now been overturned by the Council and that the Council now endorses the approach and conclusions set out in the officer reports to the Council's Development Management Committees of 9th June 2021 and 3rd February 2022.
- 2.1.8 Notwithstanding this position, there have been objections by Rule 6 and other interested parties relating to the highway public safety 'need' for an MSA in the proposed location. As such, my evidence considers the 'need' case in detail.
- 2.1.9 Sections 7.0 and 8.0 of my evidence responds to these points, with reference to the transport material that was submitted ahead of, and following, the planning application.

2.2 **Technical Submissions**

- 2.2.1 A chronology of the technical transport and highways submissions made in respect of the Appellants proposals is set out in **Appendix GOJ1**.
- 2.2.2 Each of these technical submissions has been subject to detailed scrutiny and neither the LHA nor NH has raised objections to the methodology or conclusions of these documents. That position continues to be the case and is considered further in the Section 6.0 of my evidence.

2.3 **Structure**

- 2.3.1 The remainder of my evidence is structured as follows:
- Section 3.0 - summarises the development proposals.
 - Section 4.0 - comprises my analysis of the policy and public safety 'need' for a new MSA in the proposed location.
 - Section 5.0 – summarises the assessment of traffic impacts arising from the development proposals.
 - Section 6.0 – sets out the position of the two Local Highway Authorities with respect to transport matters.

- Section 7.0 – considers matters raised by the Rule 6 party, Moto.
- Section 8.0 – considers matters raised by other third parties.
- Section 9.0 - presents a summary and sets out my conclusions.

SECTION 3 Development Proposals

3.1 Introduction

3.1.1 Extra MSA Group's proposal is to construct and operate a 'new concept' Motorway Service Area (MSA) on land to the immediate northeast of Junction 11 of the M62 ('M62 J11'). The application was submitted in outline, with all matters reserved for determination at a future date except for means of access.

3.1.2 The background to the Appellant's planning application is described in the Statement of Case⁶.

3.1.3 Department for Transport (DfT) Circular 02/2013, 'The Strategic Road Network and the Delivery of Sustainable Development'⁷ ('the Circular') sets out the policy requirements for roadside facilities. The Proposed Development will meet the requirements to be an MSA as prescribed in Annex B of the Circular, as follows:

- Once operational, the facility will be open 24 hours a day and 365 days a year.
- Free parking will be available for up to two hours for all vehicles permitted to use the motorway network.
- Free toilets and hand washing facilities will be available (without the need to make a purchase).
- Showers and washing/changing facilities (including secure lockers) will be provided for HGV drivers.
- Hot drinks and hot food will be available at all opening times for consumption on the premises.
- Access to telephone facilities will be available.

3.1.4 The Proposed Development includes provision of a hotel (up to 100 beds). Provision of hotels on MSA sites is a recognised and permitted part of MSA provision in order to serve the safety and welfare needs of road users. It would also provide a Fuel Filling Station and Electric Vehicle Charging Station.

⁶ Core Document Ref CD2.2.1

⁷ Core Document Ref CD3.1.3(dd)

3.1.5 It is agreed with National Highways – in the TSoCG agreed with that agency – that the Proposed Development meets the requirements to be signed as an MSA. If successful in this Appeal, the Appellant will ultimately enter into a Traffic Signs Agreement for the development with National Highways prior to the facility opening to the public.

3.2 Proposed Access Arrangements

3.2.1 To function as a roadside facility supporting the safety and wellbeing of road users, an access is required from M62 J11 capable of accommodating all vehicle types permitted to use the motorway network.

3.2.2 The Transport Assessment (TA) submitted with the planning application discusses the alternative access arrangements that were considered and the rationale for the proposed arrangement (at §7.3.9 to §7.3.19).

3.2.3 The requirements and advice for designers of motorway junctions are set out in the Design Manual for Roads and Bridges (DMRB). The proposed site access arrangements have been designed to a feasibility level of detail, suitable for the purposes of Planning, in compliance with the relevant Requirement and Advice (RAD) documents from the DMRB, including CD122 ‘Geometric Design of Grade Separated Junctions’.

3.2.4 Vehicular access to the site is proposed via a direct signal-controlled connection to M62 J11. It is proposed to signalise the motorway junction as part of the scheme.

3.2.5 The proposed access arrangements, which cater for all users, have been designed cognisant of committed improvements at M62 J11 and Birchwood Way which were being implemented by WBC at the time as part of its Warrington East Phase 3 scheme. They also take account of the changes resulting from the Smart Motorway Scheme (M62 J10 to J12), which was completed in January 2021.

3.2.6 As confirmed by the two TSoCGs, a suitable access arrangement has been agreed with both the LHA and NH. No departures from standard are required.

3.2.7 The site access arm of M62 J11 will consist of two lanes in each direction. As the access road continues into the site, traffic will be carefully managed to allow safe and efficient circulation and ease of access to the relevant parking areas and Fuel Filling Station. A central reserve is proposed between the inbound and outbound carriageways.

- 3.2.8 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 M62 J11.
- 3.2.9 Access to the former landfill site is required by Biffa for maintenance vehicles. The proposed site layout includes a controlled access point for occasional use when required.
- 3.2.10 The Appellant submitted and subsequently agreed a Walking, Cycling and Horse-Rider Assessment Review report⁸ with WBC and NH prior to the Council determining the planning application.
- 3.2.11 An independent audit team provided a Stage 1 Road Safety Audit⁹ report in accordance with GG119 'Road Safety Audit' and an agreed Audit Brief¹⁰. The audit considered the proposed highways works relevant to those parts of the junction under the jurisdiction of both the LHA and NH. A Response Report¹¹ was subsequently prepared by the Design Organisation (i-Transport LLP) with all responses and outcomes agreed with both the LHA and NH, as confirmed by the relevant TSoCG.
- 3.2.12 Planning conditions concerning the delivery of the site access arrangements have been agreed between the Appellant and the Council.

3.3 **Parking**

- 3.3.1 The proposed supply of parking on the site has been derived using the formula at Schedule 1 of the Circular. A modest uplift in HGV parking spaces (+23 no. spaces) over and above the number of spaces returned by the calculation set out in the Circular is proposed. This is reflective of Extra's recent operational experience at its existing MSAs and cognisant of the need to respond to the urgent national requirement to provide more and better parking and welfare facilities for lorry drivers. I discuss this matter in detail later in this Proof of Evidence.
- 3.3.2 The quantum of parking proposed at the Appeal Site is as follows:-
- 536 no. spaces for cars and light vehicles.

⁸ Appended to the TA (Core Document Ref CD1.1.28) at Appendix 7.C.

⁹ Appended to the TA (Core Document Ref CD1.1.28) at Appendix 7.D

¹⁰ Appended to the TA (Core Document Ref CD1.1.28) also at Appendix 7.D

¹¹ Appended to the TA (Core Document Ref CD1.1.28) also at Appendix 7.D

- 105 no. spaces for HGVs (compared with 82 no. spaces required by the Circular).
- 1 no. space for abnormal loads.
- 16 no. spaces for coaches.
- 15 no. spaces for caravans / motorhomes / vehicles plus trailer.
- 15 no. spaces for motorcycles.

3.3.3 The proposed quantum of parking is agreed with National Highways, but is ultimately a matter for final determination by the Council at reserved matters stage, should outline permission be granted through this Appeal.

3.4 **Construction Traffic**

3.4.1 A planning condition (Condition 13) requiring the submission and agreement of a Construction, Highways and Environmental Management Plan (CHEMP) to control (*inter alia*) construction traffic movements has been agreed between the Appellant and the Council.

3.5 **HS2 Access**

3.5.1 The Appellant has entered into a Statement of Common Ground with HS2 (signed on 17 November 2021). Appendix D of that document provides a Rights of Access Plan.

3.5.2 HS2 requires the ability to cross the Appeal site for both construction and operational purposes. Agreement has been reached between the Appellant and HS2 that both the proposed MSA and HS2's construction and operational access activities can operate effectively within the Application Site. An 'HS2 Access' planning condition has been agreed which establishes the framework for more detailed design and method statements to be evolved at Reserved Matters stage, should the Appeal be allowed.

SECTION 4 Policy, Need and Public Safety

4.1 The role of the Strategic Road Network and Policy Support for Appeal Proposals

- 4.1.1 National Transport Policy relating to the Strategic Road Network (SRN) is contained within Depart for Transport (DfT) Circular 02/2013 *'The Strategic Road Network and the Delivery of Sustainable Development'*¹².
- 4.1.2 Paragraph 7 of the Circular outlines that the SRN plays a key role in enabling and sustaining economic prosperity and productivity, while also helping to support environmental and social aims and contributing to wider sustainability objectives and improved accessibility to key economic and social services. Paragraph 8 confirms that a well-functioning SRN enables growth by providing for safe and reliable journeys.
- 4.1.3 Annex B of Circular 02/2013 specifically relates to roadside facilities for road users on Motorways in England. It sets out policy on the provision, standards and signage of such facilities on the SRN. The Circular aligns with the NPPF (§106(e) & its' foot note 44) and makes clear that the primary function of roadside facilities should be to support the safety and welfare of the road user. This over-arching policy position underpins the safe and efficient operation of the M6, M62 and M60 in the North west of England (as well as other motorways throughout the country).
- 4.1.4 In relation to the spacing of MSAs across the SRN, 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; the provision of MSAs across the SRN assist in compliance with such requirements. This is reinforced by Rule 91 of the Highway Code, which advises that in order to minimise risks, journeys should be planned to incorporate sufficient breaks and that the most effective ways to counter tiredness are to stop in a safe place, drink caffeinated coffee and take a short nap.

¹² Core Document Ref CD3.1.3(dd)

4.1.5 Paragraph B5 provides that opportunities to stop on the SRN are provided at journey time intervals of approximately every half an hour. Paragraph B6 makes clear that for motorways (and therefore MSAs) the maximum recommended distance between services is 28 miles. The distance between MSAs can be shorter (subject to compliance with the requirements of the Design Manual for Roads and Bridges (DMRB) for safety reasons) and on busy and congested sections of the SRN; the 30-minute journey time parameter equates to an average spacing of 15 to 20 miles.

4.1.6 Paragraph B8 of the Circular states that:

'In determining applications for new and improved sites, local planning authorities should not need to consider the merits of spacing sites beyond the conformity with the maximum and minimum spacing criteria established for safety reasons.'

4.1.7 The Circular does not include provision for traffic flows and/or route choice to form part of a weighting process to evaluate the importance of a gap between existing MSAs. Whilst the Rule 6 Party, Moto, takes a different view, this important point is explicitly confirmed by the TSoCG agreed with National Highways¹³.

4.1.8 Extra has had the opportunity to seek Leading Counsel's Opinion on the interpretation of 'need' based on Circular 02/2013. Leading Counsel has advised¹⁴ that:

'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 alternative route.'

4.1.9 Paragraph 8.203 of the Local Planning Authority's Development Management Committee report of 8 June 2021¹⁵ explains that the Council has independently sought its own legal opinion on this matter and that, ***'this concurs with the applicant's Counsel opinion'***.

¹³ TSoCG with National Highways – CD2.4.2, Page 4

¹⁴ Opinion of Marin Kingston QC and Satnam Choongh of No. 5 Chambers, dated 14 May 2019 (Paragraph 11) at Appendix 6.A of the submitted Transport Assessment (CD1.1.28)

¹⁵ Core Document Ref CD1.2.10

- 4.1.10 The Circular also clarifies that Local Planning Authorities should not seek to prevent competition between operators; rather they should determine applications on their own specific planning merits.
- 4.1.11 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 SRN (Off-line). The Appeal proposals would bring forward an Off-line MSA.
- 4.1.12 The Circular also contains detailed guidance on (*inter-alia*): signage, parking provision (detailed in Schedule 1) and parking charges, access to the SRN, coach interchanges, park and ride and park and share, and facilities for low emission vehicles.
- 4.1.13 The TA submitted with the planning application includes consideration (at sub-section 5.5 starting on Page 12) of Highways England's (as was) developer guidance, *'The Strategic Road Network: Planning for the Future'* (September 2015). That developer guidance is consistent with the Circular: Paragraph 29 re-asserts that the primary function of the SRN is to facilitate the safe and efficient movement of goods and people, whilst Paragraph 30 explains that a safe and efficient SRN supports national and regional economies. National Highways has considered the Proposed Development within this policy context and, as is made explicitly clear in the TSoCG with National Highways, is supportive of a new MSA in the location proposed¹⁶.
- 4.1.14 In my opinion, a properly functioning SRN plays a vital role both in maintaining the safe and efficient movement of goods, supplies and people and in performing an essential road safety function, ensuring the safety and welfare of road users (drivers and their passengers). A comprehensive network of MSAs is integral to a properly functioning SRN.

4.2 **The identified Need for an MSA in the North West of England**

Identification of Gaps

- 4.2.1 The locations of existing MSAs in the North West of England relative to the Appeal Site are shown on **Figure GOJ1**.
- 4.2.2 The Appellant's 'need case' is based primarily on four defined policy gaps in MSA provision on the motorway network in the North West, where the gapping is greater than 28 miles.
- 4.2.3 These gaps are identified in Table 4.1 and are illustrated on **Figure GOJ2**.

¹⁶ TSoCG with National Highways – CD2.4.2, Page 5 'Need for an MSA'.

Table 4.1 Existing gaps of greater than 28 miles between MSAs

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

4.2.4 The gapping distances shown in Table 4.1, above, are clearly in excess of the 28-mile maximum distance requirement.

4.2.5 For completeness, I have also considered typical journey times over these routes, which are significantly in excess of the 30-minute maximum drive time set out in Circular 02/2013. My analysis uses Google tools and I have taken the mid-point in the journey time range returned by the software. The journey time analysis is summarised below, with the full analysis presented at **Appendix GOJ2**.

Table 4.2: Typical Journey Times between Existing MSAs using identified gaps

From	To	Route	Typical Journey Time (hh:mm)		
			AM Peak (departing 08:00)	Inter-Peak (departing 12:00)	PM Peak (departing 17:00)
Charnock Richard Services	Birch Services	M6 / M62 / M60 / M62	00:47	00:40	00:50
Birch Services	Charnock Richard Services	M62 / M60 / M62 / M6	00:55	00:42	00:52
Charnock Richard Services	M67 Terminus	M6 / M62 / M60 / M67	01:05	00:57	01:07
M67 Terminus	Charnock Richard	M67 / M60 / M62 / M6	01:07	00:55	01:07
M58 Terminus	Birch Services	M58 / M6 / M62 / M60 / M62	00:55	00:45	01:00
Birch Services	M58 Terminus	M62 / M60 / M6 / M58	01:02	00:47	00:57
M58 Terminus	M67 Terminus	M58 / M6 / M62 / M60	01:10	01:02	01:15
M67 Terminus	M58 Terminus	M60 / M62 / M6 / M58	01:12	01:00	01:22

Source: Appendix GOJ2 / GoogleMaps

- 4.2.6 It is National Highways' remit to maintain safety on the SRN, proactively identify where gapping deficiencies exist in the national MSA network and then advise Local Planning Authorities when planning applications for new MSAs are brought forward by the private sector.
- 4.2.7 The need for an MSA in this area of the motorway network was recognised by National Highways (Highways Agency as was) in their 2010 report '*Spatial Planning Framework: Review of Strategic Road Network Service Areas*'¹⁷, which was prepared to assess the provision of MSAs across the SRN in England.
- 4.2.8 The report identifies the location of existing MSAs and presents a gapping study of MSAs located in each region of England, including the North West. For transparency, the Highways Agency's 2010 report was predicated on prevailing gapping guidance at the time, which was set out in Circular 1/2008, '*Policy on Service Areas and other Roadside Facilities on Motorways and All-purpose Trunk Roads in England*' (and which also referred to a 28-mile maximum distance) which has subsequently been withdrawn and superseded by Circular 02/2013.
- 4.2.9 The Highways Agency report identified 'priority locations' as being those where the distance between existing MSAs was 40 miles or more. It also notes where gaps exceeded the 28-mile distance contained in the Circular. The report identifies (at its Table 4.2 and Figure 4.1) the same gaps as set out above. A full copy of the Highways Agency report is included at Appendix 6.C of the i-Transport TA¹⁸. In this context, it follows that three of the four gaps presented in the Appellant's submissions were considered to be 'priorities' by National Highways as long ago as 2010. As all four gaps exceed the 28-mile maximum spacing distance (and the journey times along each of these gaps exceeds 30 minutes' drive time) it is reasonable, in my opinion, to conclude that the gapping deficiency which the Appellant is responding to should be treated as a priority.
- 4.2.10 Figure 4.1 of the 2010 Highways Agency study, titled '*Motorway Service Station Gap Analysis: National Overview – Distance between MSA's*' is reproduced at my **Appendix GOJ3**. Nationally, it shows that the North West of England was one of only six broad areas in the country, and one of only three broad areas across Northern England, where a gapping deficiency existed in 2010. I am aware that progress has been made in meeting several of these identified gaps in other parts of the country, but not yet in the North West of England.

¹⁷ Core Document Ref CD3.1.3(m)–

¹⁸ Core Document Ref CD1.1.28 – TA, Appendix 6.C

4.2.11 No new MSAs which address the identified gapping deficiency have been introduced to the SRN since the Highways Agency study. Existing MSAs do not meet the identified need, whereas the Proposed Development can close all four gaps.

4.2.12 Leading Counsel's Opinion is also clear that existing MSAs, including Burtonwood Services (M62) and Lymm Services (at M6 J20A) - the latter of which is not signed from the motorway network as an MSA – do not address the identified need, stating at Paragraph 10¹⁹:

'...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.'

4.2.13 A letter from National Highways (Highways England at the time) to the Council dated 11 June 2019 (that was submitted with the planning application for the Appellant's Proposed Development) acknowledges these same four gaps as being genuine gaps in MSA provision on the SRN. National Highways' very clear position on this matter is re-confirmed in the TSoCG agreed between the Appellant and that agency, including the fundamental principle that existing MSAs do not meet the identified gaps.

4.2.14 Therefore, in accordance with Circular 02/2013, there is 'need' - fully supported by policy - for a new additional MSA to serve the identified gaps. Meeting this 'need' has clear and essential benefits of regional and national significance given the policy context which I have set out above. It is for that reason that National Highways invites the Inspector to afford very significant weight to the need for, and resultant highway safety benefits of the Proposed Development in the TSoCG agreed between the Appellant and that agency.

¹⁹ Core Document Ref CD1.1.28 – TA, Appendix 6.A

- 4.2.15 It should be self-evident that motorists are not uniform; there are many different user groups. The motoring public using the SRN includes (*inter-alia*): drivers of commercial vehicles; people towing caravans; motorcyclists; commuters and business travellers; holiday makers; and people travelling with children. People will choose alternative routes based upon their own preferences and for a variety of reasons depending on the circumstances at the time of their journey. Some people will choose the most direct route in terms of mileage; others the fastest route in terms of estimated duration; and others the most scenic route. Some motorists will seek to maximise the proportion of their route that is motorway (e.g. drivers of commercial vehicles and those towing caravans). The choices people make about the routes they choose will also change depending on the time of day they are travelling and as a consequence of perceived or actual congestion.
- 4.2.16 It is for these reasons, I believe, why the Circular correctly states that route choice and traffic flows are not part of the weighting process. The foundational principle behind Annex B of the Circular is to create a suitable and resilient network of MSAs at reliable intervals to take account of all of these variables. It is not right to try to second guess what motorists may or may not do, and far too simplistic to assume – as some objectors do - that motorists will always follow one setting on their in-vehicle or on-phone satellite navigation tool. As reported in the original i-Transport TA (at §4.4.3), existing Annual Average Daily Traffic (AADT) flows on the M62 are c.113,700 and c.109,900 vehicles per day, east and west of M62 J11 respectively. The Heavy Goods Vehicle (HGV) proportion varies from 14.2% to 14.5%. It is, in my opinion, entirely logical that fatigued drivers in need of a rest and welfare facilities will be amongst this significant number of motorists passing the Appeal site daily.
- 4.2.17 The Alternative Sites Assessment (Section 4) submitted with Extra’s planning application identified an optimal area of search where all four policy gaps could be met: either through the provision of a new on-line MSA on the M62 between J10 and J12; or off-line at M62 J11 (as proposed by the Appellant); or at an off-line facility at a new M62 J11A. The Appellant accepts that Circular 02/2013 considers on-line facilities to be preferable to off-line facilities, but in the absence of deliverable on-line alternatives has promoted the Appeal site (at an off-line location) – a position supported by the guidance at Paragraph B15 of Circular 02/2013.
- 4.2.18 Table 4.3 below and **Figure GOJ3**, demonstrate how the proposed new MSA is strategically and optimally located at M62 J11 such that the four unmet gaps identified above will be fully addressed.

Table 4.3: Policy Compliant MSA Provision

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

4.2.19 As shown in Table 4.3, the 35 mile non-compliant gap between Charnock Richard Services and Birch Services will be reduced to a 19 mile compliant gap, and the 40 mile non-compliant gap from M58 terminus to Birch services will be reduced to a 24 mile compliant gap. The distance from the proposed Warrington MSA to Birch services and M67 Terminus will be 16 miles and 28 miles respectively. As such, all the travel distances will be within the 28 mile maximum.

4.2.20 In conclusion, the Appeal proposals represent an opportunity to close a long-standing and independently identified deficiency in the provision of MSAs in the North West of England. The Appeal proposals are capable of closing all four identified gaps and doing so should be considered imperative.

4.3 Lack of Alternative Sites to meet the Identified Need

4.3.1 Mr. Rolinson’s evidence (and the Update to the Alternative Sites Assessment (ASA) appended to Mr. Rolinson’s Proof of Evidence) details how Extra MSA Group has concluded that the optimal and deliverable location for satisfying this significant unmet need is at M62 J11 and that there are no feasible alternatives capable of delivery now.

4.3.2 I was involved in the preparation of the original ASA, which was jointly produced by Spawforths and i-Transport. My contribution to the ASA was to plot the identified gaps, consider highway safety and operational issues (such as weaving lengths) to inform the identification of the optimal area of search and to then consider, from a highways perspective: whether alternative sites would meet the identified gaps; whether safe access arrangements could be provided at reasonable cost; the convenience of access and egress arrangements; and traffic impacts. I note that neither the Council nor National Highways has raised any issues with the methodology employed therein.

4.3.3 I have read Mr. Rolinson's evidence in respect of the potential alternative sites suggested by Peel, who object to the Appeal scheme. The two sites which Peel comment on would require the construction of a new motorway junction (referred to as new M62 J11A). I agree with Mr. Rolinson's assessment that there is no technical evidence before the inquiry to demonstrate that such a new junction has been designed, tested and costed to the satisfaction of National Highways.

4.4 **The Urgency of Meeting the Identified Need**

4.4.1 As my evidence has shown, the primary function of roadside facilities is to support the safety and welfare of the travelling public, which is a matter of the highest importance.

4.4.2 The Royal Society for the Prevention of Accidents (RoSPA) collects and publishes data relating to the causation of collisions on UK roads. Its July 2020 factsheet²⁰ states that,

'research shows that driver fatigue may be a contributory factor in up to 20% of road accidents, and up to one quarter of fatal and serious accidents.'

4.4.3 RoSPA's July 2020 factsheet goes on to note that:

'These types of crashes are about 50% more likely to result in death or serious injury as they tend to be high speed impact because a driver who has fallen asleep cannot break or swerve to avoid or reduce the impact.'

4.4.4 The RoSPA factsheet also states that:

'crashes caused by tired drivers are most likely to happen on long journeys, on monotonous roads, such as motorways.'

4.4.5 With regard to HGV drivers, RoSPA notes that:

'Many professional drivers, especially HGV drivers report increased levels of sleepiness and are involved in a disproportionately high number of fatigue-related accidents, with around 40% of sleep related accidents involving commercial drivers.'

4.4.6 It is clear to me from the above statements by RoSPA that fatigue related accidents are extremely serious and most likely to occur on the motorway network. Where there is a risk of fatigue related collisions occurring – as is manifestly the case on sections of the motorway network where there are policy gaps in MSA provision as a consequence of a lack of appropriate welfare facilities - that deficiency should be met urgently. Put simply, fatigue leads to accidents and MSAs help to prevent them.

²⁰ Core Document Ref CD3.1.3(k)

- 4.4.7 I have also considered evidence published by both the DfT and National Highways in respect of the prevalence and consequence of fatigue-related collisions.
- 4.4.8 National Highways' *'2019 road safety performance overview'* report (published August 2021 and reproduced at **Appendix GOJ4**) identifies (at its Table 5) that fatigue was the primary reported contributory factor in 6.8% of reported collisions on the motorway network in 2019, and increase of 0.7% over the 2005-2009 comparative baseline. These data are drawn from DfT Stats 19 records.
- 4.4.9 The clear public safety benefit of the Appellant's proposals is manifestly evident in the statement from National Highways, in the TSoCG agreed with that agency, that they invite the Inspector to afford very significant weight to the need for and resultant highway safety benefits of a new MSA in the location proposed. Further, the Council's Statement of Case confirms that it attributes significant weight to the public safety benefit of the proposed MSA.
- 4.4.10 The importance and strategic function of MSAs is further evidenced by the fact that the Secretary of State for Transport wrote to MSA operators at the start of the first Covid-19 pandemic 'lockdown' in Q2 2020 to endorse MSAs as having an 'essential' role to play in supporting key services and Key Workers during the height of the pandemic. Indeed Extra's Leeds Skelton Lake Services MSA at M1 J45 opened during the first national lockdown in order to provide and maintain vital services for key workers, emergency services and logistics providers.
- 4.4.11 In this context, I do not subscribe to the view taken by objectors that just because the need originally identified by National Highways in 2010 has not been met in the intervening period there is no urgency to meet that need now. To the contrary, there is a pressing and urgent need to rectify the situation at the earliest opportunity. Mr. Rolinson's evidence demonstrates that the Appeal proposals are fully deliverable and promoted by an experienced MSA operator. There is thus a clear opportunity to meet the identified need and rectify a long-standing deficiency in the network of MSAs on the SRN.

4.5 **The Need for Lorry Parking**

- 4.5.1 The Appellant has proposed to provide 23 no. more HGV parking spaces than the 82 no. space requirement returned by the calculation in the Circular.

- 4.5.2 The original TA submitted with the planning application set out the immediate rationale for doing so (at §7.5.12 to §7.5.13) with reference to the findings of the 2017 National Survey of Lorry Parking, which identified that lorry parking at existing MSAs in the North West are all operating above what it defined as being 'critical levels' (i.e. utilisations in excess of 85% of supply). I conclude from this that there was already a regional need for increased lorry parking provision back in 2017.
- 4.5.3 Recognising the persistent high levels of demand for lorry parking regionally and nationally, the TSoCG agreed with National Highways confirms that agency is supportive of the proposed provision of up to 105 no. HGV parking spaces on the Appeal Site, so as to increase the availability of appropriate HGV parking on the SRN in the North West of England.
- 4.5.4 The Council's position is that parking is a reserved matter and that any deviation from the supply returned by the Circular can be justified and agreed at a future date should the development proceed following this Appeal. The Appellant accepts that, but notes that the Council's Local Transport Plan 4 (LTP4) acknowledges that in light of the critical levels of lorry parking identified, additional lorry parking spaces may be required in the Warrington area in the future. Policy FM15 in LTP4 states that, **'We [the Council] will review lorry parking facilities, and, if required, identify potential locations for additional facilities.'**
- 4.5.5 I am also aware of the importance of freight and logistics to the Warrington economy in light of its strategic location between Liverpool (and its Port) and Manchester at the cross roads between M6 and M62. In my opinion it is therefore imperative that adequate lorry parking is provided for Warrington as a whole. During the determination period for the application that is now the subject of this Appeal, I was involved in meetings with local stakeholders including Birchwood Forum, during which concerns about the difficulties arising from inappropriate overnight lorry parking were raised. Those discussions highlighted that a lack of suitable lorry parking facilities is a local issue that the Appeal proposals could reasonably assist in addressing.
- 4.5.6 On 5 November 2021, Baroness Vere of Norbiton, Minister for Roads, Buses and Places at the DfT, wrote to Motorway Service Area operators, including the Appellant, to stress the importance of increasing road freight hauliers to the UK economy and the country's way of life.
- 4.5.7 The Baroness' letter notes that the Government will be investing £32.5million in roadside facilities for HGV drivers and that part of that settlement may be used to increase the supply of lorry parking facilities in England. Referring to research conducted by Transport Focus, the Baroness' letter goes on to query MSA Operator's plans to improve facilities beyond the minimum requirements of the Circular.

4.5.8 Three days later, on 8 November 2021, the Rt Hon Grant Shapps MP (Secretary of State for Transport), made a written statement to Parliament²¹ regarding planning reforms to lorry parking and addressing the strategic national need for more lorry parking and better services in lorry parks in England. In his statement, the Secretary of State highlighted the need for planning reforms for lorry parking as the Government is, ***'committed to addressing the strategic national need for more lorry parking and better services in lorry parks in England and we must act now.'*** The urgency of the situation appears clear to me from that statement. The statement also confirmed that the Government is updating both Circular 02/2013 and the National Lorry Parking Survey.

4.5.9 To put this all into context, Extra MSA Group has recently sought and achieved planning permission for significantly increased levels of HGV parking at its existing Services at Cobham (M25 J9/10), Peterborough (A1(M)J17) and Cambridge (A14 J24) reflecting persistent and continuing high levels of demand for lorry parking at its sites. The table below summarises the original and revised HGV parking supply at these Services:

Table 4.4: Comparison of HGV Parking Supply at Extra Services

Location	Original HGV Parking Supply	Revised HGV Parking Supply now consented	Difference (Actual / %)
Cobham M25 J9/10	72	151	+79 / +110%
Peterborough A1(M)J17	79	200	+121 / +153%
Cambridge A14 J24	64	128	+64 / +100%

4.5.10 It is self-evident from the above table that MSA operators are experiencing and responding to unprecedented demand for lorry parking facilities. In this context it is my opinion that it is both reasonable and justified for the Appellant to propose HGV parking supply in exceedance of the minimum level returned by the Circular.

4.6 Summary

4.6.1 The SRN plays a key role in maintaining the safe and efficient movement of goods, supplies and people around the United Kingdom and performs an essential road safety function in ensuring the safety and welfare of road users (drivers and their passengers).

²¹ Core Document Ref CD3.1.3(b)

- 4.6.2 The Appeal proposals conform with the requirements of Circular 02/2013 in respect of meeting an identified public safety need. The proposed MSA will meet four identified policy gaps which are all in excess of the 28-mile maximum spacing, with typical journey times along these routes being considerably beyond 30 minutes' drive time.
- 4.6.3 The primary function of roadside facilities is to support the welfare of the travelling public. Data published by the DfT and National Highways, and commentary on those matters by RoSPA, demonstrate that that fatigue related accidents are extremely serious and most likely to occur on the motorway network. Where there is a risk of fatigue related collisions occurring – as is plainly the case on sections of the motorway network where there are policy gaps in MSA provision as a consequence of a lack of appropriate welfare facilities - that deficiency should be met at the earliest possible opportunity. The Appellant's proposals would meet that deficiency and can also contribute to assisting meet demand for lorry parking facilities in the North West of England.

SECTION 5 Assessment of Traffic Impacts

5.1 Introduction

5.1.1 The latest version of the NPPF was released in July 2021 and sets out the Government's planning policies for England and how these should be applied. The document highlights that the purpose of planning is to help achieve sustainable development. Section 9 of the document relates to promoting sustainable transport.

5.1.2 Paragraph 113 notes that:

'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'

5.1.3 Paragraph 111 states clearly that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

5.2 Scoping

5.2.1 In line with industry best practice guidance, the scope of the technical traffic impact assessment conducted in respect of Extra MSA Group's proposals at M62 J11 was discussed in detail with both National Highways (and its consultant Atkins) and the Local Highway Authority, first as part of pre-application discussions and then formalised through the submission of the Environmental Impact Assessment Scoping Opinion.

5.2.2 A summary of these consultations is presented at Table 2.1 of the Environmental Statement, Part 2 – Traffic and Transportation Technical Paper 2²².

5.3 Transport Assessment

5.3.1 Following the detailed pre-application scoping discussions, a Transport Assessment²³ was prepared by i-Transport LLP (report ref: ITM12377-002 R, dated 7 August 2019).

²² Core Document Ref CD2.5.5

²³ Core Document Ref CD1.1.28

5.3.2 In undertaking the transport assessment process, i-Transport worked closely with the two highway authorities to agree the technical parameters and traffic impact, including (*inter alia*):-

- The transport policy context against which the development proposals should be judged;
- The existing accessibility of the Site by non-car modes of transport;
- Details of committed and proposed infrastructure improvements;
- The scenarios considered in the traffic assessments and rationale for these;
- Base year traffic flows and the survey and other data used to derive these;
- The consideration of traffic growth;
- Committed developments and the traffic flows generated by these;
- The traffic flows 'generated' by the MSA (i.e. turn-in rates including HGV proportions, staff travel movements and delivery and servicing movements);
- Traffic impacts at M62 J11;
- Traffic impacts on the slip roads at M62 J11 and merge/diverge assessments;
- Mainline weaving assessment;
- Traffic impacts at Birchwood Way / Daten Avenue;
- A mitigation scheme at M62 J11 (i.e. the conversion of the junction to signal-control discussed in the previous section);
- Impacts on road safety (at M62 J11, on the mainline of M62 and on the local road network); and
- Impacts on travel distances.

5.4 Staff Travel Plan

5.4.1 A Staff Travel Plan was prepared by i-Transport LLP and was submitted with the planning application (report ref: ITM12377-004C R, dated 16 August 2019²⁴).

5.4.2 It has subsequently been agreed that WBC's Smart Choices Manager will manage and implement the Staff Travel Plan, which will be funded by Extra MSA Group via a planning obligation.

²⁴ Core Document Ref CD1.1.29

5.5 Environmental Statement

- 5.5.1 The submitted Environmental Statement included, at Part 2, a Traffic and Transportation paper (Technical Paper 2) which assessed the impacts of the Proposed Development on the various environmental criteria identified in the IEMA 'Guidelines for the Environmental Assessment of Road Traffic' in both the construction and operational phases.
- 5.5.2 The Traffic and Transportation Technical Paper also considered, qualitatively, the cumulative (i.e. in-combination) traffic effects of the Proposed Development and HS2's Phase 2B construction compounds north and south of M62 J11.
- 5.5.3 The January 2022 ES Addendum updates the original ES Part 2 Traffic and Transportation Technical Paper and presents a quantitative assessment of the cumulative position applying stated assumptions and prudent professional judgement.
- 5.5.4 Shortly after the submission of the Appellant's ES Addendum, HS2 published its own Environmental Statement Consultation for Phase 2 of that project, between Crewe and Manchester, which is the section relevant to the Appeal site. I have reviewed the construction traffic estimates presented in the HS2 publication and have compared them to the figures applied in the Appellant's ES Addendum, as summarised below.

Table 5.1: ES Addendum comparison to published HS2 data – Peak Hour Construction Traffic Movements

Construction Compound		ES Addendum			HS2 ES (Volume 5 Appendix TR-003-00005, Table 17-3) Max Peak		
		Car/LGV	HGV	Total	Car/LGV	HGV	Total
A	M62 J11 North	40	31	72	53	42	95
B	M62 J11 South	40	31	72	73	41	115
C	A574 Birchwood Way	40	31	72	46	12	58
Total		120	93	213	173	95	268

Table 5.2: ES Addendum comparison to published HS2 data – Daily Construction Traffic Movements

Construction Compound		ES Addendum Daily			HS2 ES (Volume 5 Appendix TR-003-00005, Table 17-3) Daily		
		Car/LGV	HGV	Total	Car/LGV	HGV	Total
A	M62 J11 North	242	377	619	320	502	822
B	M62 J11 South	242	377	619	440	496	936
C	A574 Birchwood Way	242	377	619	276	142	418
Total		726	1,131	1,857	1,036	1,140	2,176

5.5.5 Whilst HS2’s estimates of their construction traffic movements are slightly higher than those presented in the Appellant’s ES Addendum, the differences (less than 1 vehicle per minute in the peak hours) are not so significant as to change any of the conclusions reached in the Appellant’s ES Addendum, either in respect of the capacity of the proposed enhanced (signal-controlled) M62 J11 to accommodate the cumulative traffic flows of both developments (MSA plus HS2) or any of the conclusions on the significance of traffic and transport environmental impact criteria.

SECTION 6 Positions of the Highway Authorities

6.1 Introduction

6.1.1 This section of my evidence summarises the positions of the two highway authorities on transport matters.

6.2 National Highways

6.2.1 Paragraph B10 of the Circular states that:

'As a statutory consultee within the planning system, the Highways Agency [now National Highways] continues to have an interest in such proposals and will provide advice to local planning authorities on matters relating to the impact that such development proposals will have on the safety and operation of the strategic road network.'

6.2.2 National Highways is therefore a key consultee for any proposed development that may have an impact on the Strategic Road Network (SRN).

6.2.3 On 11 June 2019 (i.e. prior to Extra MSA Group's outline application being submitted), Highways England (as National Highways was known at the time) wrote a letter to the Local Planning Authority confirming that:-

- In 2010, Highways England produced a report titled 'Spatial Planning Framework: Review of Strategic Road Network Service Areas'²⁵. The report identified MSA gaps on the Strategic Road Network including the Northwest Region.
- Gap analysis presented by i-Transport during a meeting with NH reflected the same gaps identified in the 2010 report.
- The provision of a new MSA at M62 J11 ("Warrington Services") would result in the reduced separation distances on the respective sections of the Motorway Network below or equal to 28 miles; and
- Not pre-empting any formal Highways England's response in relation to Extra's proposed Planning Application, NH would have no objection in principle to the proposed development of a new MSA at M62 J11 ("Warrington Services") on the grounds of spacing.

²⁵ Core Document Ref CD3.1.3(m)

- 6.2.4 Extra MSA Group's application was considered in detail by NH and its consultants at the time, Atkins.
- 6.2.5 On 20 September 2019, National Highways' consultant, Atkins, provided a technical review of the submitted TA and Staff Travel Plan. The Atkins review sought clarification and/or further information on: committed development traffic; turning movements derived from the November 2018 traffic surveys that inform the assessment; clarification of minor numerical discrepancies in some of the merge/diverge assessments; and the operational assessment of M62 J11 in the 2029 Future Assessment horizon year.
- 6.2.6 i-Transport provided a comprehensive response to NH under cover of a letter dated 23 November 2019²⁶.
- 6.2.7 NH's subsequent consultation response of 20 December 2019 recommended that conditions should be attached to any planning permission that may be granted.

Planning Conditions

- 6.2.8 NH recommended that planning conditions be imposed relating to:
- Submission of full design and construction details of the required improvements to Junction 11 of the M62 Motorway, in general accordance with the agreed feasibility scheme;
 - Implementation of the resulting detailed scheme;
 - Submission and approval of a detailed construction plan working method statement; and
 - Submission and approval of a scheme for a close boarded fence along the southern boundary of the Site, the purpose of which is to ensure vulnerable users cannot enter the motorway environment; and
 - That no drainage from the Site shall connect into the motorway drainage system.
- 6.2.9 These suggestions have been subsumed within the wider list of planning conditions before this Appeal.

²⁶ Core Document RefCD1.2.8(a)

Statement of Common Ground with National Highways

6.2.10 To assist the Inspector, a Transport Statement of Common Ground (TSoCG) has subsequently been prepared by the Appellant and National Highways and this was signed on 22 November 2021. The TSoCG demonstrates that there are no areas of disagreement between the Appellant and National Highways.

6.2.11 The TSoCG agreed between the Appellant and National Highways makes it clear that:

- The need for an MSA in this area of the motorway network was originally identified by National Highways in its' (then Highways Agency) 2010 report titled, 'Spatial Planning Framework: Review of Strategic Road Network Service Areas.'
- The four policy gaps relevant to the Appeal were originally identified by National Highways (the Highways Agency at the time) – not by the Appellant.
- The gaps relied upon by the Appellant are also returned by application of the current Circular (02/2013) – National Highways agrees these are genuine gaps on the SRN.
- National Highways agrees that no existing MSAs meet the need identified by these service provision gaps.
- National Highways agrees that the identified gaps would be met by the appeal proposals.
- National Highways is supportive of a new MSA in the location proposed and invites the Inspector to afford very significant weight to the need for, and resultant highway safety benefits of the Proposed Development.

6.3 Warrington Borough Council – Local Highway Authority

6.3.1 On 26 September 2019, the LHA provided its initial consultation response, which sought clarification and/or further information on: the LINSIG model used to assess the efficacy of the proposed mitigation works at M62 J11; the application of background traffic growth; development generated traffic flows; visibility splays at M62 J11; provision for pedestrians across M62 J11; management of the Staff Travel Plan; improvements to off-site public rights of way and other routes; and the range of facilities at the proposed on-site hotel.

- 6.3.2 i-Transport provided a comprehensive response to the LHA under cover of a letter dated 23 November 2019²⁷. i-Transport continued to work closely with the LHA over a period of several months to agree the modelling of traffic impacts at M62 J11 and to agree a comprehensive mitigation package.
- 6.3.3 Following detailed review of the planning application documents and the supplementary information set out above, the Local Highway Authority's consultation response of 31 March 2021 offered no objection to the Proposed Development, subject to the imposition of various planning conditions and securing various legal obligations.
- 6.3.4 Importantly, the LHA's consultation response on the planning application confirms that:-
- Access to the proposed MSA is via highway under control of Warrington Council as Local Highway Authority.
 - The impact of proposal has been subject to comprehensive capacity assessment modelling.
 - Need for installation of traffic signal control through M62 J11 has been identified and an appropriate scheme has been agreed.
 - A comprehensive package of connectivity improvement works to allow sustainable transport choice to the site has been identified and agreed.
 - The development proposal does not prejudice potential HS2 scheme.

Planning Conditions

- 6.3.5 In its consultation response the LHA suggested the imposition of various planning conditions relating to:-
- i the detailed design and specification of: the highway layout within the Site; dimensions of carriageways, cycleways, footways and verges; visibility splays; site layout including levels; vehicular and pedestrian access points; parking provision including cycle parking; drainage and sewerage systems; surfacing, kerbing and edging; and any structures that affect or form part of the highway network.
 - ii A detailed design scheme for the proposed access arrangement, in general accordance with the agreed feasibility design drawing.

²⁷ Core Document Ref CD1.2.8(a)

- iii Agreement of a Construction Highways Environmental Management Plan (CHEMP).
- iv A scheme for the provision of Electric Vehicle Charging Infrastructure.
- v Details of how construction access to the future HS2 scheme can be achieved through the Site.

6.3.6 Again, these suggestions have been subsumed within the wider list of planning conditions before this Appeal.

Planning Obligations

6.3.7 The LHA has sought legal obligations to secure:-

- Sustainable Travel contribution of £481,562 to enable the Council to implement improvement works to:
 - Silver Lane including new inclusive access between Silver Lane and Junction 11 of the M62 involving surfacing improvements, wayfinding and improved lighting;
 - Links to Culcheth (Public Right of Way) including surfacing improvements and wayfinding;
 - Gorse Covert Mounds Path including surfacing improvements, wayfinding, access barrier alterations and enhanced lighting; and
 - Pestfurlong Hill including new path/bridge to connect the existing path to Junction 11 of the M62.
 - Travel Plan Coordination contribution of £35,000 (payable in five equal instalments).
 - Travel Plan Measures contribution of £50,000 to fund the implementation of sustainable travel measures at the Site.
 - Travel Plan Publicity Contribution of £3,000 to be used to fund the bespoke printing and delivery of a leaflet and bespoke website to encourage the implementation of Travel Plan measures in relation to the Development.

6.3.8 These matters are encapsulated in the S106 Agreement before this Appeal.

Statement of Common Ground with WBC Highways

- 6.3.9 A Transport Statement of Common Ground (TSOCG) has also been prepared by the Appellant and the Local Highway Authority and this was signed on 21 January 2022. The TSOCG demonstrates that there are no areas of disagreement between the Appellant and the Local Highway Authority.

SECTION 7 Rule 6 Party Representations

7.1 I have reviewed the Statement of Case prepared on behalf of the Rule 6 Party, Moto Hospitality Limited (hitherto referred to as 'Moto'), by Smith Jenkins Planning and Heritage (dated 8th February 2022).

7.2 The matters raised by Moto in its Statement of Case and prior objections in respect of transport and highways matters can be summarised as follows:

- That the need for the Proposed Development has been overstated by the Appellant and that the weight that should be given to need is less than suggested by the Appellant in its 'Very Special Circumstances' case for removing the Appeal Site from the Green Belt;
- That the gaps identified by the Appellant in this case are **'more theoretical than actual because they do not reflect real travel patterns.'**
- Moto asserts that alternative routes and/or existing MSAs meet the public safety need of users of the SRN.
- That the Appellant **'does not consider the number of traffic movements in their planning case that actually complete these journeys'** and that, **'it may be the case that the MSA is being provided on the basis of a single route along which no traffic passes.'**
- That the need for lorry parking should be considered having regard to the facilities at Lymm Services, a purpose-built truck stop.
- That **'Highways England does not support the proposal and that their position is neutral'**.

7.3 The position taken by Moto, a commercial rival to the Appellant, has been comprehensively and categorically rejected by National Highways - a statutory consultee - in the TSoCG agreed with that agency which makes clear that:

- the gaps relied on by the Appellant are real;
- there is no provision in Circular 02/2013 for traffic flows and/or route choice to form part of any weighting process;
- National Highways is supportive of the proposed provision of up to 105 no. HGV parking spaces on the Appeal Site; and
- National Highways is supportive of a new MSA, as proposed by the Appellant.

- 7.4 My comparative analysis of typical journey times along the routes relied upon by the Appellant and alternatives identified by Moto – which uses data from November, which is a neutral traffic month and consistent with the assessment accepted by both highway authorities – demonstrates that in almost all cases, routes past the proposed MSA site are the quickest option in the weekday morning, weekday midday and weekday evening peak hours.
- 7.5 For the reasons clearly articulated in Section 4.0 of my evidence, I do not accept that existing MSAs in the North West of England meet the urgent public safety need that the Appeal Scheme is capable of addressing. Neither does National Highways which fully endorses the Appellant’s position.
- 7.6 Consideration of HGV parking supply at Lymm Services is not relevant; it is not located on any of the gaps relied upon by the Appellant. There is a considerable body of technical evidence – as discussed earlier in this Proof of Evidence – to suggest that lorry parking in the North West of England and on the periphery of Warrington is already at a ‘critical level’. National Highways is supportive of the provision of additional HGV parking, over and above the supply figure returned by the formula in the Circular.
- 7.7 In support of its contentions, Moto has made reference to the Secretary of State’s decision on the Doncaster case (at A1(M) Junction 37, PINS ref: APP/F4410/W/18/3197290). The implications of the Doncaster case were addressed by the Appellant’s planning consultants, Spawforths, in a letter to the Council dated 19 July 2019. The Council also addressed the Doncaster case in its original Officer Report to the June 2021 Planning Committee (§8.220).
- 7.8 The reliance by Moto on the Doncaster case is misconceived for the following reasons:
- The gaps in the Doncaster case were 1 – 3 miles in excess of the 28-mile maximum distance set out in Circular 02/2013. The Secretary of State therefore concluded that, **‘a distance of an additional 1 to 3 miles would be unlikely to add significantly to the drive time between MSAs’** (§17). In this case, there are four gaps – all endorsed by National Highways – ranging between 7 and 22 miles in excess of the maximum gapping distance.

- In the Doncaster case, the Secretary of State noted that, ***'each of the identified excessive distances included stretches of trunk road that includes signed services and agrees with the Inspector that while the signed services do not provide all the services required for an MSA, they do make a positive contribution to the safety and well-being of the travelling public'*** (§17). In relation to the current Appeal proposals, the entirety of each of the four policy gaps are motorway and none of the routes are trunk roads. As each of the routes is purely motorway then any such services relevant to consideration would have to be an MSA and not a trunk road services. National Highways agrees with the Appellant that there are no existing MSAs on any of the four identified policy gaps. Therefore there are no services at all that can be said to make a contribution to the safety and welfare of the travelling public.
- The reason the Secretary of State decided to apply 'limited weight' to the need for an MSA in the Doncaster case was because of the small exceedance of the maximum gapping distance and the availability of existing roadside service provision. That is in stark contrast to the current Appeal proposals where there are four significant distance exceedances above the 28-mile maximum and no alternative roadside provision on the relevant stretches of motorway. It is for those reasons that National Highways invites the decision-maker to apply ***'very significant weight'*** to the need for and resultant highway safety benefits of the Appeal Proposal in its TSO CG with the Appellant.

SECTION 8 Other Third Parties

8.1 Introduction

8.1.1 I have similarly reviewed the transport objections raised by third parties. These can be summarised as follows:

- That the proposed MSA is not needed;
- That possible alternative sites have not been properly considered;
- That the Proposed Development will add traffic movements to M62 J11, which objectors describe as already being congested, consequently leading to increased disruption and delay;
- That introduction of signal-control at M62 J11 will not be effective;
- That developing the site for the intended use will reduce the effectiveness of highway improvements already implemented by the LHA and/or National Highways;
- That developing the site would result in adverse traffic impacts on local roads;
- That traffic levels have not returned to pre-Pandemic levels and that the current situation is not representative of typical conditions;
- That construction traffic should be routed via the SRN and not via local roads; and
- That the ES submitted by the Appellant is deficient because it does not consider, quantitatively, the cumulative impact of the proposed development in-combination with the construction of HS2 compounds in the vicinity of M62 J11.

8.1.2 Mr. Rolinson's evidence deals with alternative sites. This Section of my evidence therefore deals with the residual matters raised by interested third parties.

8.2 Analysis / Discussion

Need

8.2.1 My evidence has already set out the Appellant's position on need and indeed that of National Highways.

8.2.2 Representations prepared by Turley and submitted on behalf of Peel Land and Property Limited acknowledge (at §5) that there is a **'degree of need for an MSA to address these gaps, relative to Government guidance...'**, but that in their view, **'...it is not urgent or pressing and there is no evidence that the current situation is compromising the operational safety of the strategic road network'** (also §5). My opinion on the urgency of meeting the policy need is set out in Section 4 of this Proof of Evidence.

8.2.3 The same representations include (at their Appendix 3) a Technical Note prepared by TTHC, which seeks to cast doubt over the validity of the gaps identified by National Highways and relied upon by the Appellant. I make the following observations:

- Paragraph 2.2 of the TTHC Technical Note refers to the decision by the (then) Secretary of State in respect of the M6 MSA inquiry held in 2001 and the Inspector's judgement in that case that, **'it is important to differentiate between long and short distance traffic and the difficulty in doing so.'** It is of course notable that a different policy regime was in place in 2001 than that which prevails today and that National Highways has re-affirmed its view that the gaps relied upon by the Appellant are entirely valid.
- TTHC assert that the gaps identified by National Highways – and particularly those which start/end at a motorway Terminus are **'unlikely to be traversed'** – because other **'more logical'** routes exist. I have compared typical journey times (for weekdays in November – a neutral traffic month) along the alternative routes identified by TTHC (in its Table1) with those identified by National Highways at my **Appendix GOJ5**. It can be seen from this comparative analysis that, across the four policy gaps identified by National Highways, typical journey times on the alternative routes suggested by TTHC are either longer than via M62 J11 or comparable. As such it is reasonable to consider that a proportion of motorists traversing the policy gaps will pass M62 J11.
- My analysis at **Appendix GOJ5** acknowledges that traffic movements between the M6/M61 interchange north of Charnock Richard and Birch Services, and between the M6/M61 interchange and the M67 Terminus exhibits a faster journey time if the M61 is used. However, that is a journey beyond and outwith the policy gaps identified by National Highways and is not relevant to the consideration of the proposed MSA.
- TTHC seeks to develop its case with reference to an analysis of origin-destination data for traffic movements on the M62 between Junctions 10 – 12, **'based on Transport for Greater Manchester (TfGM) modelling work for M62J11A, Port Salford and WGIS in circa 2017.'** I make the following observations:

- The modelled data relied upon is not presented in the TTHC note and hence cannot be reviewed, let alone corroborated.
- The original purpose of the model data to which TTHC refer is not made explicit. It is not clear how those data have been collected and/or whether the data are suitably validated to DfT WebTAG requirements.
- There is no indication in the TTHC note as to what time period(s) the data relate to.
- There is no explanation or detail presented to show how the origin/destination matrices were constructed. It is simply not clear whether the data collection exercise was even capable of identifying longer-distance journeys. Indeed, §2.8 of the TTHC note concedes that, ***'With regard to the Appellant's identified need gaps, the TfGM data, as indicated by the study area of Figure 2, cannot define traffic passing Charnock Richard MSA or the M57 'terminus'. Similarly it does not extend to Birch MSA or the M60 (E).'*** Given these obvious flaws it is difficult to see how any meaningful conclusions can be drawn from the submission.

8.2.4 Other third parties suggest that the existence of Burtonwood Services is relevant to the consideration of need in this case. This matter is covered in the original TA (§6.4.3). Burtonwood Services is located at M62 Junction 8, circa 6.5 miles west of the Appeal site (and west of M6). Whilst Burtonwood Services serves the need of SRN users on the M62 west of the M6, its location does not serve motorists on the identified policy gap routes. Thus, in terms of redressing the policy gaps, the location of Burtonwood Services is not relevant.

Traffic Impacts at M62 J11

8.2.5 The primary function of roadside facilities, including MSAs, is to support the safety and welfare of the road user. Circular 02/2013 also includes provisions to ensure that MSAs do not become destinations in their own right. Consequently, traffic movements associated with the Proposed Development at M62 J11 are principally re-assigned to/from the motorway mainline (and not new trips). A relatively small number of newly generated trips would be associated with staff working on the site; such trips have been accounted for in the traffic impact assessment which has been agreed in full with both highway authorities as confirmed by the two TSoCGs.

- 8.2.6 The rationale for introducing traffic signal-control to M62 J11 is set out in detail in the submitted TA (at §7.3.1 to §7.3.19), along with a detailed consideration of alternatives. The proposed enhanced junction arrangement will fully accommodate traffic movements associated with the Proposed Development within acceptable operational and delay parameters. The submitted assessment and junction modelling has been scrutinised in detail by both highway authorities who concur with the Appellant's position that conversion to signal-control is appropriate, effective, feasible and deliverable, as evidenced by their respective responses to the original planning application and the TSoCGs before this Appeal.
- 8.2.7 The traffic assessment I have conducted accounts for highway infrastructure improvements on both the SRN and local road network, as agreed with the two highway authorities. There is no technical evidence to support third parties' assertion that the Proposed Development will adversely affect the capacity gains made through these works; to the contrary, both highway authorities accept that the package of highway works proposed by the Appellant will provide benefit.
- 8.2.8 The traffic impact assessment conducted in respect of the Appellant's proposals is predicated on baseline traffic flows from November 2018, which have been agreed with both National Highways and the LHA. The traffic impact assessment is therefore representative of the position prior to the start of the Covid-19 pandemic and the TSoCGs agreed with National Highways and the LHA respectively are clear that baseline position remains suitable to inform this Appeal. There is thus no deficiency in this regard.

Traffic Impacts on the Local Road Network

- 8.2.9 The submitted TA presents a detailed assessment of traffic impacts arising from the Proposed Development on the local road network across a study area agreed with the LHA in its Section 11.
- 8.2.10 The TA concludes (at §11.3.4) that the MSA proposals have a negligible impact upon the operation of the local road network and that physical mitigation is not necessary. That conclusion is supported by the LHA, as confirmed by the TSoCG agreed with them.

Construction Traffic Management and Routing

- 8.2.11 Preliminary estimates of daily and peak hour construction traffic movement are presented in the submitted Environmental Statement Part 2 Traffic and Transportation Technical Paper 2. Those estimates have been scrutinised by both National Highways and the Council. Development related traffic movements during the construction period will be significantly lower than during the operational phase.
- 8.2.12 Construction traffic movements will be controlled by a planning condition (Condition 13) requiring the submission and agreement of a Construction, Highways and Environmental Management Plan (CHEMP). This will include an agreement on suitable routes to/from the site and hours of operation.
- 8.2.13 I therefore conclude that the traffic impacts of the Proposed Development during the construction phase can be suitably mitigated.

Environmental Statement – Cumulative Assessment

- 8.2.14 As explained in Section 5 of my evidence, the Appellant's January 2022 ES Addendum updates the original ES Part 2 Traffic and Transportation Technical Paper to presents a quantitative assessment of the cumulative position with HS2. There is thus no procedural or technical deficiency with the ES for the Appeal scheme.

8.3 Summary

- 8.3.1 I am aware of transport comments raised by third parties with regard to the appeal scheme. These matters have been addressed in the technical material which accompanied the planning application and/or in my evidence.
- 8.3.2 Based on the above, my view is that when objectively and dispassionately assessed, these matters do not weigh against the merits of the appeal scheme and particularly so when judged against the pressing and urgent need for an MSA in this location and the very high bar for refusing development on transport grounds set by the NPPF.

SECTION 9 Summary and Conclusions

9.1 Summary

9.1.1 My evidence relates to transport matters with Extra MSA Group's proposals for:

'Erection of a Motorway Service Area including Facilities Building, up to 100 bedroom Hotel, service yard, Fuel Filling Station, Electric Charging Station, parking facilities for each category of vehicle, access and internal circulation roads, structured and natural landscaping with outside amenity space/picnic space and dog walking zone, pedestrian and cycle links, boundary fencing, surface water drainage areas, ecological mitigation, pumping station(s), substation(s), retaining structures and associated infrastructure and earthworks.'

Background

9.1.2 The Council originally refused to grant planning consent in June 2021, but subsequently resolved at the Development Management Committee held on 3rd February 2022 that it did not wish to continue to defend the appeal by Extra MSA Group. This means that the reason for refusal given by the Council on its June 2021 Decision Notice has now been overturned by the Council, and that the Council now endorses the approach and conclusions set out in the officer reports to the Council's Development Management Committees of 9th June 2021 and 3rd February 2022.

9.1.3 There was a significant amount of transport work undertaken ahead of and following the submission of the planning application. That work has been subject to detailed scrutiny by two highway authorities – National Highways and WBC. Following that detailed scrutiny, neither authority has any objection to the appeal scheme and both have signed comprehensive Statements of Common Ground with the Appellant.

Need

9.1.4 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 whenever any stretch of the SRN has a gap of more than 28 miles or 30 minutes driving time between MSAs. 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).

- 9.1.5 A 'need' either exists or it does not. It is established solely in terms of the presence or otherwise of a gap on the relevant parts of the SRN. Other matters such as traffic flows, route choice and the presence or otherwise of Service Areas which do not meet the requirements of an MSA (set out in Circular 02/2013) are not relevant to the determination of 'need' and are not factors which should be taken into account. Leading Counsel has confirmed this approach.
- 9.1.6 Motorists are not uniform; there are many different user groups and people will choose alternative routes based upon their own preferences and for a variety of reasons depending on the circumstances at the time of their journey. Some people will choose the most direct route in terms of mileage; others the fastest route in terms of estimated duration; and others the most scenic route. Some motorists will seek to maximise the proportion of their route that is motorway (e.g. drivers of commercial vehicles and those towing caravans). The choices people make about the routes they choose will also change depending on the time of day they are travelling and as a consequence of perceived or actual congestion.
- 9.1.7 It is for these reasons, I believe, why the Circular correctly states that route choice and traffic flows are not part of the weighting process. The foundational principle behind Annex B of the Circular is to create a suitable and resilient network of MSAs at reliable intervals to take account of all of these variables. It is not right to try to second guess what motorists may or may not do, and far too simplistic to assume – as some objectors do - that motorists will always follow one setting on their in-vehicle or on-phone satellite navigation tool. The existing Annual Average Daily Traffic (AADT) flows on the M62 are c.113,700 and c.109,900 vehicles per day, east and west of M62 J11 respectively. The Heavy Goods Vehicle (HGV) proportion varies from 14.2% to 14.5%. It is, in my opinion, entirely logical that fatigued drivers in need of a rest and welfare facilities will be amongst this significant number of motorists passing the Appeal site daily.
- 9.1.8 The application of policy tests set out in the NPPF and Circular 02/2013 clearly and unequivocally demonstrates that a 'need' exists for a new MSA located on the M62 to the north east of Warrington between Charnock Richard Services on the M6 and Birch Services on the M62. Such a need was originally identified by National Highways in its' (then Highways Agency) 2010 report titled, '*Spatial Planning Framework: Review of Strategic Road Network Service Areas.*'
- 9.1.9 The gaps in MSA provision relied upon by the Appellant are returned by application of the current Circular (02/2013) and National Highways agrees these are genuine gaps on the SRN.
- 9.1.10 National Highways also agrees that no existing MSAs meet the need identified by these service provision gaps and that the identified gaps would be met by the appeal proposals.

- 9.1.11 National Highways is supportive of a new MSA in the location proposed and invites the Inspector to afford very significant weight to the need for, and resultant highway safety benefits of the Proposed Development.
- 9.1.12 Meeting the identified need is a matter for urgent resolution. I do not subscribe to the view taken by some objectors that just because the need originally identified by National Highways in 2010 has not been met in the intervening period there is no urgency to meet that need now. To the contrary, there is a pressing and urgent need to rectify the situation at the earliest opportunity. The Appeal proposals represent a clear opportunity to meet the identified need and rectify a long-standing deficiency in the network of MSAs on the SRN.
- 9.1.13 The Appeal proposals can also positively contribute towards meeting demand for lorry parking facilities in the North West of England, which is a matter of increasing national importance and urgency.

Means of Access

- 9.1.14 The test set out in the NPPF is whether ***'safe and suitable access to the site can be achieved for all users'***.
- 9.1.15 Vehicular access to the site is proposed via a direct signal-controlled connection to the M62 Motorway Junction 11. The improvement scheme will also provide signal-controlled crossing facilities for pedestrians. No departures from standard are needed. A Stage 1 Road Safety Audit of the proposed works has been conducted to the satisfaction of both highway authorities.
- 9.1.16 Means of access to the site is agreed with both National Highways and the Local Highway Authority. Planning conditions requiring the preparation and submission of a detailed scheme for means of access are agreed.

Traffic Impacts

- 9.1.17 It is agreed with both highway authorities that the proposed introduction of traffic signal control at M62 J11 delivers sufficient capacity to cater for the re-assignment of traffic and new trips associated with the MSA.
- 9.1.18 A cumulative assessment of the in-combination effects of HS2 construction traffic has been undertaken and I conclude that the proposed works to M62 J11 are similarly capable of accommodating those demands.
- 9.1.19 The TA submitted with the planning application presented merge/diverge and weaving assessments and all of this information is agreed with both highway authorities.

9.1.20 The proposals will not have a severe impact on the safety and operation of the local and strategic road networks and this is agreed with both highway authorities.

9.2 **Conclusions**

9.2.1 Against this background, my judgement is that the appeal scheme is acceptable for the following reasons outlined below:

- The Proposed Development meets defined (and agreed) policy gaps and will meet a very significant public safety need.
- The Proposed Development meets the requirements to be signed as an MSA.
- Safe and suitable access for all users can be provided.
- The Proposed Development will not result in severe traffic impacts.
- The opportunities for sustainable transport modes have been taken up.
- The NPPF sets a purposely high bar for preventing development from coming forward for transport reasons.

9.2.2 As such, I conclude that there are no sound transport or highways reasons to preclude the development from proceeding.

