



# Knowle, Dorridge and Bentley Heath (KDBH)

## Neighbourhood Forum

### Planning Application PL/2016/02754/MAJFOT

#### **Development of new motorway service area, associated highway improvement works and other associated infrastructure. Land Adjacent J4 M42 Box Tree Farm, Stratford Road, Hockley Heath, Solihull**

FAO: Lawrence Osborne, Case Officer

This document clearly sets out the case for the Council to refuse this planning application.

The Knowle Dorridge and Bentley Heath Neighbourhood Forum previously responded to this planning application in Nov 2016. Much of this current response reflects the points made then as the planning application is still fundamentally the same as the one made at that time. However, some new information has been provided in the interim which we have considered, and in addition the Neighbourhood Plan has been made which is reflected in this new response.

The applicants in their recent 'Supplementary Planning Statement - September 2020' paragraph 1.1.3 state *"The statutory Development Plan remains unchanged comprising the Solihull Local Plan 2013. The emerging replacement Local Plan remains at a very early stage."* This is clearly incorrect as the Local Plan Review Draft Submission Plan has been approved for publication and the Knowle Dorridge and Bentley Heath Neighbourhood Plan, which covers the MSA site, was made in April 2019 and its provisions must be taken into account.

#### **1. Is an MSA at Junction 4 Needed?**

We do not believe that the need for an MSA along this stretch of the M42 has been established or validated. There are three other motorway service areas within close proximity - Tamworth and Hopwood (8.5 miles away) on the M42; and Warwick (23.5 miles away) on the M40.

The Applicant makes much of the recommendation in Annex B of the DfT circular 02/2013 that the distance between motorway services should be no more than 28 miles. However, the same Annex B goes on to say that planning authorities should determine applications for MSAs on the application's specific planning merits. It also states in Annex B13 *"On-line (between junctions) service areas are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions."* This highlights that not only would an MSA at Junction 4 be less effective at the principal aim of reducing driver fatigue, but also points to the major downside of adding significant congestion to Junction 4.

Although the 'need' for an MSA between junctions 3a and 7 has been previously tested, there have been significant changes since that time in the ability of drivers to access non-MSA services during their journeys. Most long-distance journeys are now undertaken with the aid of Sat-Navs or hands-free phone apps and it is now normal for these to provide the location of fuel, food and other services close to motorway junctions throughout the route. Many drivers now use these off-motorway services in preference due to the considerable savings achieved. Fuel facilities are available within three minutes in either direction of junction 4. Rest areas are also to hand at Tesco and Notcutts just seconds from J4 with the Tesco site normally open 24hrs a day. There are many other fuel and food outlets within easy access of the junction. These now considerably reduce the need for a dedicated MSA.



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Since the application was originally submitted, Highways England has consulted upon major alterations to junctions 5 and 6 of the M42 motorway which are now being constructed. These involve the creation of a new junction 5A. These works unfortunately also involve the loss of Green Belt, but are deemed necessary to serve the large scale development proposals around the UK Hub and HS2. If it is considered that a new MSA is required along this stretch of the M42, then an MSA proposal that links into the hub of regeneration / economic activity would seem to be the more appropriate solution.

### 2. Location in the Green Belt

#### 2.1 The National Planning Policy Framework (NPPF)

Construction of any new building in the Green Belt is normally considered as inappropriate development. The NPPF published February 2019 states in paragraph 143 that: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* Paragraph 144 states that: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* (Similar clauses with different numbering exist in the previous March 2012 edition of the NPPF.)

It is clear in our view that in this application there are no 'very special circumstances', as it is not established that the harm to the Green Belt is outweighed by other considerations.

The NPPF does allow that certain forms of local transport infrastructure may not be inappropriate in the Green Belt - but only provided they preserve its openness and do not conflict with the purposes of including land within it. This allowance is clearly not applicable to this proposal, however, as it is clearly not 'local transport' infrastructure, fails to preserve the openness of the Green Belt, and conflicts with the Green Belt purposes of safeguarding the countryside from encroachment.

Paragraph 136 of the NPPF states that *"Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified."* There are no such exceptional circumstances to alter the Green Belt boundary in this case. Paragraph 139 f) requires that Green Belt boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent. This is currently the case with the M42 Green Belt boundary, and changing the boundary to accommodate an MSA would breach this clause.

In 2009 the Secretary of State, in response to a previous application for an MSA at the site, concluded that the unmet need for an MSA did not constitute the 'very special circumstances' that would be sufficient to clearly outweigh the substantial harm identified in relation to the scheme. There are no substantial changes that would change this view.

Hence in our view the applicant has been unable to demonstrate any 'very special circumstances' that outweigh the harm of the inappropriate development of the Green Belt. On this ground alone this application should be refused.



### 2.2 The Solihull Local Plan

Protecting key gaps between the urban areas and settlements is one of the key challenges (Challenge E) identified in the October 2020 Submission Draft of the Solihull Local Plan. An MSA development at Junction 4 would have a major impact on the narrow and vulnerable Green Belt gap that exists between Solihull and Knowle / Dorridge.

Such encroachment would not end with the MSA, but would be seen as the thin end of the wedge for further applications for development which would then be harder to defend. Creeping urbanisation and industrialisation of the area could follow. Currently the M42 forms a natural 'hard boundary' to the Green Belt preventing encroachment. This hard boundary must be maintained, as if it is breached by the MSA there is no further hard boundary to prevent the complete loss of the Green Belt between Solihull and Dorridge.

### 2.3 The Neighbourhood Plan

The Knowle Dorridge and Bentley Heath Neighbourhood Plan Policy Goal 7 on Village Character and the Natural Environment states that: *"Our policies aim to maintain the separation of Knowle Dorridge and Bentley Heath from Solihull, Shirley and surrounding villages by protecting the Green Belt from inappropriate development ..."* The proposed MSA clearly conflicts with this goal.

The proposal is also contrary to Policy VC1 of the Neighbourhood Plan, both in its impact on the Green Belt and its failure to be in harmony with the character of the villages' surroundings.

In addition, it fails to meet the requirements of Policy T5 on Road Infrastructure in its failure to consider and appropriately mitigate the increased congestion caused to existing local traffic in Gate Lane (see 4 below).

## 3. Environmental Impact

Whilst accepting that the impact is mitigated by the innovative design including greening and screening, there will still be a very significant environmental impact. This relates not only in the large areas that will be covered by buildings and in tarmac for car parks for over 700 cars plus coaches and a considerable numbers of HGVs with the loss of habitat, but also in effects on the surroundings.

The transformation of Gate Lane from a local lane to a 4-lane highway with all the signage, lighting, and loss of vegetation of an MSA exit road would have a significant urbanisation effect.

The requirements for lighting roads and parking and for perimeter security common to all MSAs make it impossible to blend this development into the existing rural environment. Light pollution and noise will still have significant effects well outside the boundary of the MSA however much they are mitigated by clever design.



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### 4. Increased Traffic Congestion

Junction 4 is already a complex junction with access to the Blythe Valley Business Park (BVBP) as well as the A34 and A3400. It is extremely busy throughout the day, particularly so at peak hours, and this is already increasing with the further development of the BVBP and Fore Business Parks and the new housing accessed via the BVBP. The A34 approaching the J4 roundabout is itself already solid with traffic at peak times.

The proposed MSA will inevitably make this congestion significantly worse, with peak flows of over 700 vehicles per hour passing through the MSA and hence twice this number of additional movements through J4. The increased volumes and the potential for a queue back from the MSA entrance will make the entire junction more susceptible to complete grid lock in the event of the smallest incident.

In addition, the proposed layout changes to the J4 roundabout will create a potentially dangerous configuration at the end of the North Bridge, with the four lanes across the bridge splitting into 9 lanes over a distance of a few metres (2 lanes for the MSA, 2 for A3400, 3 for M42 south and BVBP access, and 2 going around the roundabout to the South Bridge), with significant potential for confusion and accident.

There is also concern that the increased congestion and delay at Junction 4 will cause drivers who regularly use the junction to find alternative routes, increasing traffic volumes through the Knowle, Dorridge and Bentley Heath area as drivers look for local shortcuts.

Gate Lane is already one of the local pressure points on the road infrastructure as most traffic from Knowle Dorridge and Bentley Heath heading for the motorway junction uses this lane, resulting in very heavy use at peak times. It is specifically identified as an existing traffic pressure point in Policy T5 of the Neighbourhood Plan. Its characterisation in the application as carrying 'relatively low traffic volumes' shows a lack of understanding of its major role at peak times.

Traffic flow on Gate lane would be extremely compromised with the proposed MSA exit arrangement. The application estimates approximately 700 vehicle exits per hour in peak time. It is inevitable that such volumes will back up from the traffic lights on the A3400 across the new roundabout. Local traffic trying to exit Gate Lane of around 270 vehicles per hour at the same time will find it difficult or impossible when attempting to turn into such traffic, causing even worse congestion back along Gate Lane.

The traffic congestion problems which would be caused by this proposed MSA are in total contrast to the alternative style of MSA with its own sliproads directly from the motorway, which causes no increase at all in traffic on local roads.

### 5. Employment

Specific Neighbourhood Plan Policies on employment (E1 to E4) focus on the retention and development of employment opportunities in the village centres, the potential provision of a business centre, and support for working from home. This development would do nothing to help achieve these goals. On the general policy goal of enhancing local employment, there is some limited potential for local employment in mainly entry-level jobs; however, in an area where there is lower than average unemployment, the benefits to Knowle, Dorridge and Bentley Heath are deemed likely to be marginal.



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#### 6. Lack of Local Benefits

The MSA would be of no use to local residents in an area that is already very well supplied with similar services. There are no signs that there will be any significant local sourcing or other benefits to the Knowle Dorridge and Bentley Heath Area.

#### 7. Conclusions

The KDBH Neighbourhood Forum does not accept there is a need for an MSA in this vicinity.

The proposed siting in existing Green Belt is contrary to both national and local planning policies; the extent of harm to the Green Belt is clearly not outweighed by the benefits; and the very special circumstances test has not been met.

There would be little or no benefit to the residents of the Area.

In contrast, there are considerable local dis-benefits:

- there would be an unacceptable and needless loss of Green belt
- there would be harm to the local environment
- the impact on traffic congestion at Junction 4 and Gate Lane would be substantial and may be unsustainable
- there would be increased traffic volumes within Knowle, Dorridge and Bentley Heath from drivers deliberately avoiding the junction at peak times.

There is no significant change from previous applications that would warrant this application being passed when previous applications at this location were refused.

We therefore request that the Council refuse the application.

Jane Aykroyd  
Chair, Knowle Dorridge and Bentley Heath Neighbourhood Forum