



National Highways Planning Response (NHPR 22-12) Formal Recommendation to an Application for Planning Permission

From: Victoria Lazenby (Regional Director)
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To: Hinckley Borough Council; and Rugby Borough Council

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Hinckley & Bosworth Borough Council Reference: 23/01023/HYB
Rugby Borough Council Reference: R23/1047

Location: Land East of Stretton Croft, Wolvey Road, Burbage, Leicestershire, LE10 3JB

Proposal: Construction of motorway service area (MSA) comprising of vehicular and pedestrian access from the A5, petrol filling station for domestic vehicles, HGV filling station, Main PFS / Services building, drive thru unit, EV charging spaces, customer parking spaces including HGV, coach and caravan provision, landscaping including picnic and dog walking areas, electric substations and retaining walls at south/western boundary fronting the M69 (Cross boundary application)

National Highways Ref (HBBC): NH/23/03562
National Highways Ref (RBC): NH/24/04508

Referring to the consultation on a planning application referenced above, in the vicinity of the **M69 Motorway and A5 trunk road** that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~

d) ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningM@nationalhighways.co.uk.

	
Date: 05 December 2024	
Signature:	
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¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

This response represents our formal recommendations and has been prepared by Catherine Townend, Spatial Planner for National Highways.

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the M69 Motorway and A5 trunk road.

Development Proposal

The Site, measuring 10.36 hectares of undeveloped land straddles the administrative boundaries of Hinckley & Bosworth Borough and Rugby Borough Councils. It is located immediately to the northwest of the M69 Junction 1 circulatory and A5 interchange (also known as Stretton Baskerville junction). The Site shares a common boundary with the M69 northbound exit slip road, the junction circulatory (roundabout), and the A5 northbound carriageway.

Full planning permission is sought by Welcome Break as the Applicant/Landowner for the construction of a motorway service area (MSA) to serve users of the M69 motorway. Access into the Site however is proposed to be located on the adjacent A5 trunk road where there is currently an existing field access.

Background

The Site has existing (unimplemented) planning approval for a roadside (trunk road) services and employment site using the same access point as proposed in this application.

Hybrid Planning Permissions LPA Ref's R20/0422 (Rugby Borough Council) and LPA Ref. 20/00531/HYB (Hinckley and Bosworth), approved in August 2022, allowed for the provision of a mixed-use development including a roadside facility comprising a petrol filling station, drive through restaurant (Class A1/A3/A5 (now Class E)) with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking at the Site. The Hybrid planning application also included Outline consent for the erection of class B1 and flexible class B1/B2/B8 units with access via the A5.

Summary of National Highways Previous Responses

We have made several previous responses to this planning application. These have set out our position on the need for an MSA at this location, and the minimum requirements that an approved MSA must meet. As outlined in our previous responses, we are now satisfied that the minimum requirements for an MSA can be met by this site.

In addition, following a review of traffic generation for this proposal, we are content that trip generation during the network peak hours will be lower than the trip generation for the previously consented hybrid planning applications. Further to this, a network capacity assessment using a LinSig model has demonstrated that the highway network can accommodate these vehicle trips.

Finally, since our last response, I can now confirm that the Stage 1 Road Safety Audit (RSA) process has now been completed. In light of this, our updated position is that we have no objections to the proposed development subject to the planning conditions that we have set out below.

Required Conditions:

The following conditions are necessary to make the proposed development acceptable to National Highways:

Condition 1: Site Access and A5/Wolvey Road Works

No part of the development hereby permitted shall commence until the proposed A5 access and improvements to the A5/Wolvey Road junction, shown in Drawing DTP/3702718/SK004/C (or as amended through further Road Safety Audits or Detailed Design) is implemented and open to traffic. The approved scheme must include provision for a hardwired communications link into the existing signals at M69 Junction 1 and comply with the requirements of the Design Manual for Roads and Bridges (DMRB), including those relating to Road Safety Audit (RSA) and Walking, Cycling, Horse-Riding Assessment and Review (WCHAR).

Condition 2: Construction Environmental Management Plan

No part of the development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

The Plan should include details on the following:

- a) Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities;
- b) the hours of construction work and deliveries;
- c) Construction phasing
- d) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours)
- e) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- f) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- g) a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- h) waste management;
- i) protection measures for hedgerows and grasslands.
- j) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

Condition 3: Signage Strategy

No part of the development hereby permitted shall commence until a signage strategy for all new, modified or re-located signs on the Strategic Road Network have been approved in writing by the Local Planning Authority in consultation with National Highways. The development shall thereafter be carried out in accordance with the approved strategy.

Condition 4: Geotechnical Details

No part of the development hereby permitted shall commence until full geotechnical details for the land adjacent to the A5 Trunk Road and M69 Motorway included within the full extent of the application boundary, are submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. These details shall include (but not limited to) a certification process for the management of geotechnical risks in line with requirements of DMRB CD 622 Geotechnics, General information, Managing Geotechnical Risk, starting with the appointment of a new Design Geotechnical Advisor and resubmission of a Statement of Intent.

Condition 5: Drainage

No part of the development hereby permitted shall commence until a final surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority in consultation with National Highways.

Condition 6: Lighting

No part of the development hereby permitted shall commence until full details of all permanent and temporary external lighting of the site have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The MSA shall not be available to members of the public until the permanent scheme of lighting contained in the approved details has been completed and is operational.

Condition 7: Boundary Treatments

No part of the development hereby permitted shall commence until full details of all boundary treatments adjacent to the A5 and M69 have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

This shall include (but not be limited to):

- Road Restraints Risk Assessment Process (RRRAP) to determine whether any safety fencing is required on the A5 verges and linking the safety fence on the M69 J1. Should a safety fence be required, evidence shall be provided to demonstrate that this can be installed on site, in accordance with the standards set out in DMRB CD 377 Requirements for road restraint systems. If trees are proposed to be removed purely as risk mitigation measures National Highways should be consulted beforehand to agree a risk-based approach.
- Details of fencing or planting ensuring livestock cannot access highway land.
- Details of anti-dazzle fencing or planting to be provided in areas where traffic movements might cause dazzle.

The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Condition 8: Staff Travel Plan

No part of the development hereby permitted shall be occupied until a final Staff Travel plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Condition 9: Minimum Requirements for an MSA

The development hereby approved shall provide at least the minimum requirements for a Motorway Service Area as set out in Table 1 Annex A and at least the minimum parking requirements as defined in Table 2 Annex A of Department for Transport Circular 01/2022: Strategic Road Network and the Delivery of Sustainable Development. This provision shall be maintained at all times once the site is operational.

Condition 10: Through Routes

There must be no route through the development site or its access link between the local road network and the SRN. In addition, any subsidiary accesses must be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State, the company, the emergency services, and breakdown recovery and assistance.

Reason for the above Conditions:

To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

Informative to the Applicant:

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. National Highways therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the National Highways Section 278 Service Delivery Manager using the contact email address david.steventon@nationalhighways.co.uk.

The applicant should be made aware that any works undertaken to National Highways network are carried out under the Network Occupancy Management policy, in accordance with National Highways procedures, which currently requires notification/booking three months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@nationalhighways.co.uk

The operation of the Motorway Service Area will be the subject of a legal agreement between National Highways and operator of these facilities. The contact email for these matters is roadsidefacilities@nationalhighways.co.uk

Advice to the Applicant:

General

National Highways has gained considerable experience whilst delivering third party led works (Developer and/or Local Highway Authority) from both the design and construction perspectives. Based upon the knowledge gained, the following advice is offered to project promoters whose works affect the Strategic Road Network (SRN).

Construction (Design and Management) Regulations 2015 – (CDM)

The Project Promoter “Client” has legal duties to discharge when appointing the project team, namely *designers, principal designers, contractors and principal contractors*. CDM Regulation 8 requires that such appointees have the relevant “*skills, knowledge, experience and organisational capability*” relative to the complexity of the project. Suitable and sufficient Client due diligence increases the potential that a technically compliant design and by association a safe and serviceable asset will be delivered on time and within budget.

DMRB Volume 0, Section 2, Part 1, GG 102 titled “*Quality management systems for highway works*”

When appointing a designer, National Highways only consider those with a Quality Management System which has undergone third party assessment by bodies accredited in accordance with:

1. ISO/IEC 17021-1:2015 [Ref 1.N] by the UK National Accreditation Body (the United Kingdom Accreditation Service (UKAS));
2. the equivalent European Accreditation Organisation; or
3. be party to a multi-lateral (MLA) with UKAS or any equivalent International Accreditation Forum MLA signatory.

The scope of accreditation of third-party assessment bodies shall include any activities undertaken.

GG 102 also requires the design organisation to produce a project specific quality plan, commensurate with the scale/complexity of the project being promoted. This document enables future audit and inspection by National Highways.

It is recommended that Project Promoters consider adopting GG 102 and the requirements contained therein.

Project Promoter Due Diligence – Project Team Appointment

Recommended lines of enquiry for Project Promoters looking to appoint a competent Designer are as listed below (please recognise this list is not exhaustive):

- Organisational capabilities;
- Possession of a GG 102 compliant Quality Management System, with recent evidence of successful independent Audit;
- Familiarity of the Design Manual for Roads and Bridges (DMRB), Manual of Contract Documents for Highway Works (MCHW) and the like;
- Evidence of delivering similar scale/type of works to that as required by the Project Promoter within the SRN environment;
- Competences of those individuals to be engaged in the design process (including internal supervision thereof) i.e. MICE/MiStructE and the like.
- Designers should have an understanding of procedural timescales associated with delivering projects to the SRN.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.