

LAND EAST OF STRETTON CROFT, HINCKLEY

PLANNING STATEMENT

26 JANUARY 2024



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1.0 INTRODUCTION

- 1.1 This Planning Statement forms part of an application for full permission submitted on behalf of Welcome Break Group Limited ('the Applicant') to Rugby Borough Council / Hinckley and Bosworth Borough Council ("the Council") proposing the erection of a Motorway Service Area ("MSA") at an area of land to the east of Junction 1 of the M69, Stretton Baskerville Roundabout and the south of the A5 ("the Site").

The Application

- 1.2 The Site comprises 10.36 ha of underutilised land. This application seeks to provide an MSA in accordance with the requirements set out in DfT Policy Paper - Strategic Road Network and The Delivery of Sustainable Development (2022).

- 1.3 The description of proposed development is as follows:

'The construction of a Motorway Service Area comprising 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, with vehicular and pedestrian access from the A5, together with electric substations and retaining walls at south/western boundary fronting the M69.'

- 1.4 The M69 is a 15.7 mile dual three lane Motorway linking Coventry and Leicester starting at Junction 21 of the M1 and ending at Junction 2 of the M6. Currently, there are no MSA facility for users of the network travelling northbound or southbound. The Site is located broadly at the midpoint of the M69 Motorway and therefore is in the optimum location to provide an MSA serving both north and south bound carriageway.

- 1.5 Welcome Break comprise the applicant and landowner. They comprise one of the UK's leading motorway service operators, running 59 service areas and 31 hotels up and down the country. With 24-hour fuel courts, EV charging, and world-class customer facing brands. The company's facilities serve over 85 million customers every year. Welcome Break have identified the Site as suitable and in accordance with their requirements based on their extensive experience in the operation of such facilities throughout the UK and Ireland.

- 1.6 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 suitability of the Site for a roadside facility is therefore established. The Development Plan against which the application was assessed remains relevant and the extant permission comprises a material consideration in the determination of the application.

- 1.7 The proposals is now for roadside purposes in the form of an MSA. The requirements for MSA status are set out in Circular 01/2022 and demand the full quantum of developable area to achieve MSA status.

- 1.8 The above proposals have been shaped and considered through pre application discussions with National Highways in March 2023. The discussions were positive and support for an MSA at the Site was provided.

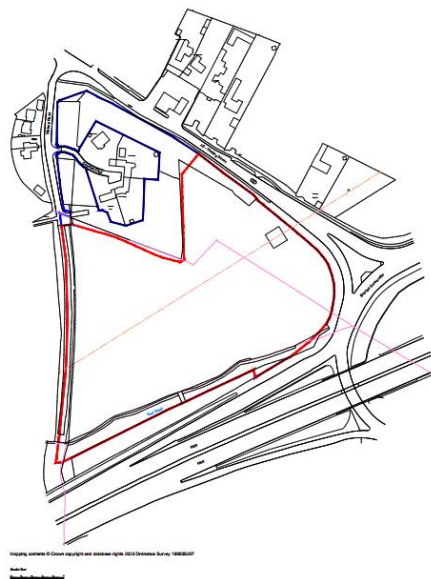
Purpose and Format of the Planning Statement

- 1.9 The purpose of this Planning and Statement is to provide information to allow for an informed assessment of the Proposed Development against relevant national, regional, and local planning policy and other material considerations.

- 1.10 This Statement sets out how the relevant planning policies and other key material considerations to the determination of the Application have been taken into account. It brings together the findings of the technical reports and provides a balanced planning assessment of the merits of the proposals.
- 1.11 It is evidenced that there is a significant need for an MSA facility to serve north and south bound traffic on the M69. The proposals represent a sustainable form of development that will give rise to significant economic, social and environmental gains, whilst delivering a significant level of employment opportunities.
- 1.12 The remainder of this Statement is as follows:
- Section 2.0 The Application Site and Planning History** – This section provides an overview of the application Site and summarises the relevant planning history.
- Section 3.0 The Proposed Development** - This section provides an overview of the development proposals. It also includes an overview of the pre-application discussions and consultation.
- Section 4.0 Planning Policy Overview** - This section identifies the relevant planning policy at a national and local level which the development proposals will be assessed against. Given the nature of the Site in that it straddles the administrative areas of Hinckley & Bosworth Borough and Rugby Borough Councils, at a local level, this includes the Statutory Development Plan for Hinckley & Bosworth Borough Council comprising the Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016), as well as the Statutory Development Plan for Rugby Borough Council comprising the Rugby Borough Council Local Plan (2019). At a national level, this includes the National Planning Policy Framework (December 2023) (NPPF), the accompanying guidance contained in the Planning Practice Guidance (PPG) and the Department for Transport (DFT) and DFT Circular 01/2022 - Strategic Road Network and The Delivery of Sustainable development.
- Section 5.0 Motorway Service Areas** – In this section the key background information regarding MSA's is set out. This includes the minimum requirements for a MSAs, a review of relevant appeal decisions, and a review of the quantitative and qualitative 'need' for MSAs.
- Section 6.0 The Need and Suitability of an MSA on the M69** - Here we identify the need case for locating an MSA at the Site through examining the existing provision in the surrounding area. This Section also sets out why an MSA should be located at the Site in terms of its suitability.
- Section 7.0 Planning Considerations** - This section assesses all other planning matters relevant to the consideration of the application, including transport, design and socio-economic factors; and
- Section 8.0 Summary and Conclusions** - Finally we provide a brief summary of the key planning issues alongside the conclusions of the assessment.
- 1.13 This Statement will clearly demonstrate that the application proposals fully accord with all relevant national and local policies. Accordingly, the presumption in favour of granting planning permission afforded by Paragraph 11 of the NPPF applies, and the Council should therefore adopt a positive approach the determination of the application.

2.0 APPLICATION SITE AND PLANNING HISTORY

- 2.1 The Site comprises approximately 10.36 Ha and is located such that it straddles the administrative areas of Hinckley & Bosworth Borough and Rugby Borough Councils.
- 2.2 It is located to the south of Burbage and immediately to the northwest of Junction 1 of the M69 where it joins the A5 and is flanked by Watling Street to the north and to the south by the M69. It is therefore immediately adjacent to both the Motorway and the Strategic Road Network. An extract of the submitted Drawing Ref: 1415-24 'Site Location Plan' has been provided below.



NAME	WELLSIDE BRICKS
PROJECT	WELLSIDE BRICKS LAND 2017 P14-15
REF	1415-24
DATE	21.09.2023
SCALE	1:10000
AREA	1415
HAZ	24



- 2.3 The Site is predominantly grassland. It is enclosed to the north, south and west by hedgerows and tree cover.
- 2.4 An electricity pylon is located within the boundary of the Site. The linked cabling runs above the Site from east to west. Development underneath the cabling is not proposed via this submission.
- 2.5 To the south is the Soar Brook water course. The Site is located within Flood Zone 1 and therefore at the lowest level of risk for the purposes of achieving a planning permission.

- 2.6 Surrounding uses are limited. Approximately 75m to the north is a cluster of residential properties located on Stretton Croft. These properties effectively act as the outer edges of the Hinckley and Burbage urban areas. To the west, south and east of the Site is open countryside.
- 2.7 A storage and distribution park comprising two units has been constructed to the east of the M69 J1 roundabout (pursuant to App Ref: 17/01043/HYB) (Hinckley and Bosworth) which has partially urbanised the wider area. Unit 1 measures a total floorspace of approximately 29,563 sq. m and Unit 2 measures a total floorspace of approximately of 49,470 sq. m.
- 2.8 No element of the Site is Listed, nor is it within a Conservation Area. There are no heritage assets in proximity which would be impacted upon via the proposed development.
- 2.9 The Site is a designated Local Wildlife Site by WCC, though is not shown as such in the adopted policies map for Hinckley and Bosworth Borough or Rugby Borough Councils.
- 2.10 The Leicestershire and Rutland Historic Environment Record identifies that the Site is situated within an area of archaeological potential.

Planning History

- 2.11 The Site has an extensive planning history which underlines its suitability for development, and in particular roadside uses. Outline Planning Permission, approved in August 2013 following a public inquiry, allowed for a mixed-use development comprising a restaurant, offices, hotel and a leisure unit together with associated car parking and landscaping. Reserved Matters under reference R16/1255 were approved in October 2016. The permission was not taken forward and has now lapsed.
- 2.12 On 11 August 2022 (Rugby Borough Council) and 18 August 2022 (Hinckley and Bosworth), Hybrid planning permission was approved for the following development under App Ref's R20/0422 (Rugby Borough Council) and LPA Ref. 20/00531/HYB (Hinckley and Bosworth):

"Full application for the erection of a roadside services facility comprising a petrol filling station, drive through restaurant (class A1/A3/A5) with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking, drainage works, earthworks, landscaping, and other associated infrastructure.

Outline application for erection of class B1 and flexible class B1/B2/B8 units with access via the A5 (Watling Street) together with the construction of internal roads, vehicle and cycle parking, drainage works, earthworks, landscaping, and other associated infrastructure (Cross Boundary application with Rugby Council)."

- 2.13 Full permission was granted for a roadside services facility, comprising:
- A petrol filling station with linked kiosk store comprising of 485 Sq. m (Sui Generis), with forecourt, canopy and HGV facilities.
 - A Starbucks Drive-Thru coffee shop facility (Class E – 171 Sq. m).
 - 54 car parking spaces, 1 coach parking space, 6 HGV parking spaces and associated landscaping.
- 2.14 The Outline element of the permission provided for a mixed-use development, providing a mix of Class B1 (now Class E), B2 and B8 floorspace. The approved illustrative masterplan displayed:
- A Class B2 / B8 unit measuring approximately 1,858 Sq. m.
 - A three-storey office (Class E) unit measuring approximately 3,303 Sq. m.
 - Three, two-storey office pavilions (Class E) measuring approximately 2,369 Sq. m.

- 196 car parking spaces.

2.15 The permission was approved pursuant to a S106 agreement in respect of:

- Ecological Mitigation;
- Travel Plan Monitoring and appointment of a Travel Plan Coordinator;
- 6 month bus passes per employee; and
- Travel Pack

2.16 The approved proposed Site Plan is included at Figure 1 below:

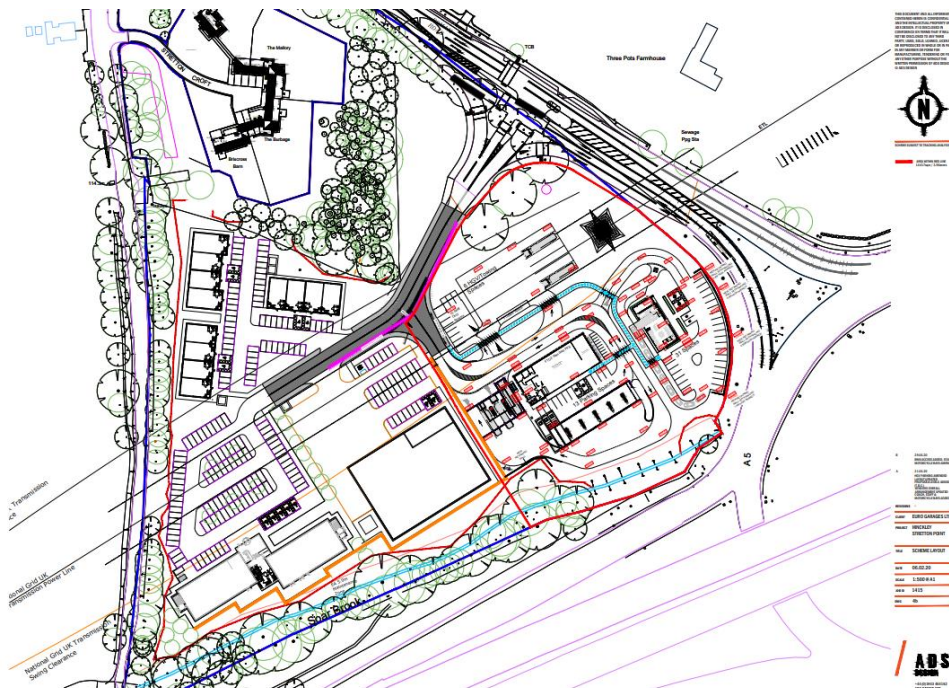


Figure 1 – Plan showing MSA Facilities

2.17 In accordance with the above, the Site benefits from an extant Planning Permission allowing for its development (in part) for a roadside services.

2.18 The proposals have been developed to upgrade the consented roadside facility at the Site such that it meets the requirements of Circular 01/2022 in respect of MSA facilities. Consideration has also been given to providing a betterment in relation to key elements of the development compared with the consented scheme.

Motorway Service Area Provision in The Surrounding Area

2.19 National Highways requirements mean that only sites that are located directly adjacent to the Motorway itself between junctions, or sites sharing a common boundary with the highway at an existing junction with the Motorway are considered appropriate for Motorway Service Areas.

2.20 Annex A of Circular 01/2022 sets out the minimum requirements for all types of roadside facilities on the Strategic Road Network. The mandatory requirements comprise:

1. Available 24 hours a day throughout the year;
2. Available at least between 8am and 8pm on every day except Christmas Day, Boxing Day and New Year's Day;
3. Free parking for a minimum of 2 hours for all vehicles permitted to use the facility;
4. Segregated parking for refrigerated vehicles with access to appropriate mains electrical supply and noise abatement;
5. Provision of security monitoring equipment including appropriate lighting and CCTV systems;
6. Free-to-use toilets with hand washing facilities, and at least 1 changing places toilet and 1 for people with disabilities, and no need to make a purchase during opening hours;
7. Shower and washing facilities for HGV drivers (separate provision for men and women), including secure lockers in the shower/washing area;
8. Provision of fuel for petrol and diesel vehicles and EV charge points;
9. Hot drinks and cooked hot food available for purchase during all opening hours for consumption on the premises;
10. Hot drinks and hot food available at least between 8am to 8pm for consumption on the premises;
11. Access to a free-of-charge telephone for emergency use, Wi-Fi and power points available for device charging; and
12. Use as an operating centre for the purposes of the Goods Vehicles (Licensing of Operators) Act 1995 or the Public Passenger Vehicles Act 1981.

2.21 Table 2 within Annexe A sets out parking requirements in association with MSA's.

2.22 The below mapping extract, taken from Motorway Services Online identifies that the M69, which links Coventry and Leicester does not benefit from any MSA provision.

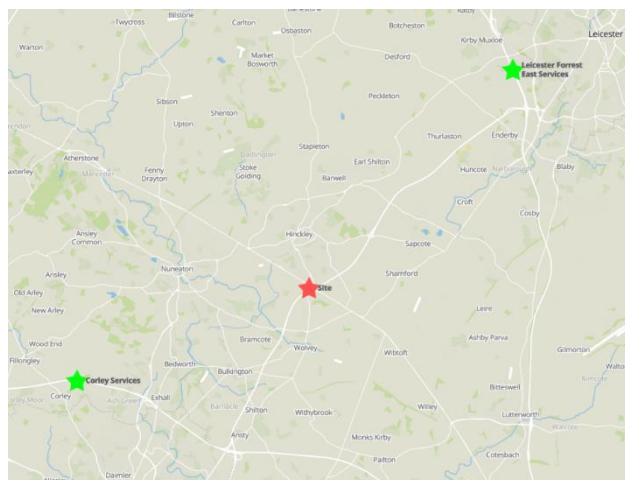


Figure 2 – Plan showing MSA Facilities

2.23 The nearest MSA facilities to the Site serve separate Motorways to the M69. They comprise:

- Leicester Forrest East which serves the M1 and is 12 miles from the Site.
- Corley which serves the M6 and is 14 miles from the Site.

2.24 Neither of the above MSA's directly serve the M69. The distance between the two existing facilities is circa 26 miles – far in excess of the recommended 14-mile distance for HGV facilities set out in Circular 01/2022 (Para 81, (I)). The distance between facilities for those travelling northwards without using the M6 east of the Junction 2 connection with the M69 also exceeds 14 miles.

3.0 PROPOSED DEVELOPMENT AND WELCOME BREAK GROUP LIMITED

- 3.1 The proposed development comprises a MSA facility to be operated by Welcome Break Group Limited. The Applicant, extensively experienced in providing such facilities throughout the UK and Ireland, has identified a significant need for such a facility to serve traffic on the M69.
- 3.2 The facility will sit immediately to the west of Junction 1 of the M69 and is wholly within the boundaries of the recently permitted hybrid planning permission discussed in Section 2 of this Statement.
- 3.3 Vehicular access will be taken from the A5 via a direct connection to Stretton Baskerville Roundabout (J1 M69). The access is in the same location to that recently approved under LPA Ref's R20/0422 (Rugby Borough Council) and LPA Ref. 20/00531/HYB (Hinckley and Bosworth).
- 3.4 The proposed development has been designed to the requirements of MSA status as set out Circular 01/2022 with emphasis on a comprehensive offering of HGV facilities. It can be broken down into the following components:
- Vehicular and pedestrian access from the A5.
 - Petrol filling station for domestic vehicles.
 - HGV filling station of 73 sq. m.
 - Main Motorway Services Building of 1,790.8 Sq. m, including:
 - 228 sq. m Starbucks unit;
 - 144 sq. m KFC unit;
 - 110 sq. m Burger King unit;
 - 120 sq. m Pret unit;
 - 23 sq. m Gaming Zone;
 - 140 sq. m Convenience Store;
 - 19 sq. m of Office space;
 - Toilet facilities; and
 - Seating area and storage facilities
 - Drive thru coffee unit of 170.6 Sq. m.
 - 36 EV Charging Spaces.
 - 269 Parking Spaces including: DDA Spaces, EV provision, Staff Parking, HGV spaces, Coach spaces, motorcycle, and Caravan spaces.
 - Landscaping including picnic and dog walking areas.
 - Electric substations.
 - Retaining walls at south / western boundary fronting the M69.
- 3.5 The development will comprise roadside infrastructure for which there is an identifiable need in the context of the shortfall of such services on the M69. It will result in significant economic benefits by way of the creation of circa 120 FTE jobs between the differing elements of the scheme.
- 3.6 The development will also provide for 29 no. dedicated HGV parking spaces and an HGV filling station. HGV facilities of this type are in short supply in the surrounding area, which is explored further in Section 6.

- 3.7 36 EV Charging spaces are proposed. Crucially, 150- 350 kW charging stations that are both state of the art and future proofed, enabling rapid charging in comparison to older technology will be provided. The difference in charge times between domestic and public charging times with 50Kw facilities vs the 350Kw facilities is stark; with a beneficial charge achieved within circa 20 mins on high powered stations vs 1hr+ on 50kW stations.
- 3.8 Matters relating to Design, Appearance and Scale are detailed within the Design and Access Statement which forms part of the submission package.
- 3.9 Landscaping is proposed throughout the development resulting in a pleasant environment for those visiting the Site and passing it on the M69.
- 3.10 It should be noted that Welcome Break Group Limited purchased the Site following the grant of Planning Permissions LPA Ref's R20/0422 (Rugby Borough Council) and LPA Ref. 20/00531/HYB (Hinckley and Bosworth) in August 2022. As such, subject to the receipt of a satisfactory planning permission, they are committed to the expedient delivery of the proposed MSA facility on the Site. It follows that this application is not speculative and will be built out accordingly.

Pre-Application Discussions

- 3.11 Pre discussions between Dynamic Transport Planning and National Highways (NH) commenced in March 2023.
- 3.12 NH identified the following key points at pre-application stage in respect of the forthcoming application:
- Site access and M69 J1 should be assessed;
 - Whilst NH agreed the proposed MSA trip rates, additional trip generation assessments of the HGV sales unit and drive-thru should be included within the application package; and
 - NH are in agreement with proposed parking numbers, though suggested that 10 motorcycle bays should be added. Parking provision should be reassessed upon the recalculation of the total trip generation analysis.
- 3.13 Following the response from NH a meeting was held on Thursday 11th of May 2023 when the following was agreed:
- Traffic surveys to be undertaken at the M69 J1 Interchange on Thursday 18th and Saturday 20th May;
 - The trip generation of the proposals to be determined by use of the MSA TRICs category alone; and
 - A combined LINSIG model assessment and merge /diverge assessment of the M69 J1 and the proposed MSA access off A5 Watling Street, as part of the TA, to model any interaction and querying between both junctions and demonstrate any traffic impacts of the development and its associated works on the M69 J1.

Welcome Break Group Limited

- 3.14 Welcome Break is one of the UK's leading Motorway service operators, running 44 service areas and 31 hotels within the UK.
- 3.15 The company provide 24-hour fuel courts, EV charging, food and retail brands including Waitrose, Starbucks, KFC, and Burger King. They welcome over 85 million customers every year and employ 4,500 people nationally.
- 3.16 Welcome Break adopt a strong approach to its Corporate Social Responsibility with particular emphasis placed on fair pay, suitability regarding energy, waste disposal, environment, ethical sourcing of products and animal welfare.

- 3.17 For the last 10 years, the company has raised over £5 million for Children in Need. This includes on-site fund raising to visiting local community projects, whilst helping create better environments for those children that need it most.
- 3.18 The closest Welcome Break facilities to the Site are located at Leicester Forrest East MSA, approximately 12 miles away serving the M1, and Corley Services MSA, approximately 14 miles from the Site serving the M6.

4.0 PLANNING POLICY, GUIDANCE AND LEGISLATION

- 4.1 We consider national policy contained in the National Planning Policy Framework (December 2023) (NPPF), the accompanying guidance contained in the Planning Practice Guidance (PPG), Department for Transport (DFT) and DFT Circular 01/2022.
- 4.2 In regard to the adopted local planning policy at a local level, given the nature of the Site in that it straddles the administrative areas of Hinckley & Bosworth Borough and Rugby Borough Councils, this includes the Statutory Development Plan for Hinckley & Bosworth Borough Council comprising the Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016), as well as the Statutory Development Plan for Rugby Borough Council comprising the Rugby Borough Council Local Plan (2019).
- 4.3 In regard to the emerging planning policy at a local level, Hinckley and Bosworth Borough Council has begun preparation of a new Local Plan. The Reg 19 Consultation is scheduled for June 2024 as per the Local Development Scheme published in October 2022. This emerging Local Plan is therefore in its infancy and so cannot be afforded any material weight in the determination of planning applications. The Rugby Local Plan is due to run until 2031. It can therefore be considered up to date and will remain in situ as the Development Plan for the duration of the forthcoming application.

National Planning Policy Framework

- 4.4 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development - performing economic, social and environmental roles. The three roles are interdependent and need to be mutually supported.
- 4.5 Paragraphs 8-11 confirm that at the heart of the NPPF is a presumption in favour of sustainable development. The planning system should therefore promote sustainable development solutions.
- 4.6 Paragraphs 85-87 state that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.
- 4.7 The National Planning Policy Framework (NPPF) states at Paragraph 110(e) states the planning policies should:
- “provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements.”*
- 4.8 Further, footnote 46 identifies:
- “Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policymaking authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).”*

4.9 Transport issues should be considered from the earliest stages of development proposals. In assessing specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated and acceptable to a degree.

4.10 Paragraph 115 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.11 All developments that will generate significant transport movements should be required to provide a Travel Plan and the application should be supported by a transport statement or transport assessment to enable the likely impacts of the proposal to be assessed.

4.12 Paragraph 157 of the NPPF confirms that the planning system should support the transition to a low carbon future in a changing climate, including encouraging the re-use of existing resources, such as the conversion of existing buildings.

DfT Circular 01/2022 - Strategic Road Network and The Delivery of Sustainable Development

4.13 National policy regarding Motorway and Strategic Road Network Services is contained within DfT Circular 01/2022 (2022).

4.14 Paragraph 6 states:

“The SRN also has an essential role in supporting the government’s commitments in Decarbonising Transport: A Better, Greener Britain (“the transport decarbonisation plan”). In particular, the company will prepare and plan for the delivery of future transport technology on the network, such as the installation of high-powered chargepoints for electric vehicles (EV). Further, it will support initiatives that reduce the need to travel by private car and enable the necessary behavioural change to make walking, wheeling, cycling and public transport the natural first choice for all who can take it.”

4.15 Paragraph 71 identifies that it is for the private sector to promote and operate MSA’s in most cases.

4.16 In respect of the distance between facilities, Paragraph 76 identifies:

“The maximum distance between signed motorway service areas should be 28 miles. Speed limits on the SRN vary and therefore, applying the same principles, the maximum distance between signed services on APTRs should be the equivalent of 30 minutes driving time.”

4.17 Paragraphs 74-78 identify:

“Roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours.

The network of signed roadside facilities on the SRN is intended to provide opportunities to stop at intervals of approximately half an hour. However, the timing is not prescriptive as travel between services may take longer on congested parts of the SRN.

On this basis, the maximum distance between signed motorway service areas should be 28 miles. Speed limits on the SRN vary and therefore, applying the same principles, the maximum distance between signed services on APTRs should be the equivalent of 30 minutes driving time.

The distance between services can be shorter, but to protect the safety and operation of the SRN, the access/egress arrangements of facilities must comply with the design requirements in the DMRB, which includes provisions in respect of junction separation. The installation of the latest technology to enable a reduction of carbon emissions should also be a consideration for reduced spacing between services.

In determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above.”

4.18 Paragraph 81 relates to need for HGV facilities:

“In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN. In these circumstances, local planning authorities should have regard to the following spacing requirements:

(i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles”

4.19 Paragraphs 109-10 relate to EV charging infrastructure:

“The Rapid Charging Fund was announced in the March 2020 Budget as part of the government’s commitment to roll out EV charging infrastructure. By 2035, government expects around 6,000 high-powered, open-access chargepoints (150-350 kW capable) to be installed across the SRN[footnote 28]. The purpose of this programme is to ensure that there is a high-powered and open-access charging network ready to meet consumer demand for EVs ahead of need, and to enable the phase out of new conventional petrol and diesel cars/vans by 2030 and HGVs by 2040.

In line with this, operators of motorway and APTR service areas must support the uptake of zero emission and hybrid vehicles through the installation of EV chargepoints at their sites. All chargepoints should be user-friendly and accessible. In this regard, operators are expected to adhere to user-centred design principles: providing easy-to-read prices in p/kWh that do not fluctuate once charging sessions have started; ensure that chargepoints are working all year round; and provide free 24/7 helplines for users. Due consideration should be given for some chargepoints being located where they can be safely accessed by a recovery vehicle and car towing a caravan.”

Hinckley and Bosworth Planning Policy

4.20 The Hinckley & Bosworth Borough Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) comprise the Development Plan documents against which the forthcoming application will be assessed.

4.21 As shown on the below Proposals Map extract, the Site lies outside of the settlement boundary of Burbage and is identified as countryside on the Borough Wide Policies Map and the Burbage Neighbourhood Plan.

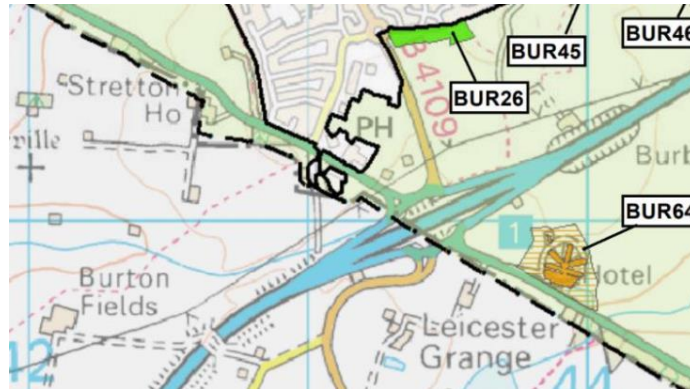


Figure 2 – Proposals Map Extract

4.22 Based on the recent planning permission at the Site, relevant Policies comprise:

Burbage Neighbourhood Plan:

- Policy 3: Business and Retail.

Core Strategy (2009)

- Policy 4: Development in Burbage.

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development.
- Policy DM3: Infrastructure and Delivery.
- Policy DM4: Safeguarding the Countryside and Settlement Separation.
- Policy DM6: Enhancement of Biodiversity and Geological Interest.
- Policy DM7: Preventing Pollution and Flooding.
- Policy DM10: Development and Design.
- Policy DM11: Protecting and Enhancing the Historic Environment.
- Policy DM13: Preserving the Borough's Archaeology.
- Policy DM17: Highways and Transportation.
- Policy DM18: Vehicle Parking Standards.
- Policy DM21: Locating Sustainable Town Centre uses.

Rugby Borough Council Local Plan

4.23 The Rugby Borough Council Local Plan was adopted in June 2019. The Proposals Map extract below shows the Site as unallocated for a specific purpose and adjacent (but not within) to the Green Belt.



Figure 3 – Rugby Local Plan Proposals Map Extract

4.24 Relevant Policies in the context of the forthcoming application comprise:

- Policy GP1: Securing Sustainable Development.
- Policy GP2: Settlement Hierarchy.
- Policy DS1: Overall Development Needs.
- Policy ED3: Employment Development Outside Rugby Urban Area.
- Policy ED4: The Wider Urban and Rural Economy.
- Policy TC2: Rugby Town Centre – New Retail and Town Centre Uses.
- Policy HS1: Healthy, Safe and Inclusive Communities.
- Policy SDC1: Sustainable Design.
- Policy SDC2: Landscaping.
- Policy SDC3: Protecting and Enhancing the Historic Environment.
- Policy SDC4: Sustainable Buildings.
- Policy SDC6: Sustainable Drainage.
- Policy D1: Transport.
- Policy D2: Parking facilities.
- Policy D3: Infrastructure and Implementation.

Emerging Policy

- 4.25 Hinckley and Bosworth Borough Council has begun preparation of a new Local Plan. The Reg 19 Consultation is scheduled for June 2024 as per the Local Development Scheme published in October 2022. This emerging Local Plan is therefore in its infancy and so cannot be afforded any material weight in the determination of planning applications.
- 4.26 The Rugby Local Plan is due to run until 2031. It can therefore be considered up to date and will remain in situ as the Development Plan for the duration of the forthcoming application.

Summary of Planning Policy

- 4.27 In the context of the scale and type of development proposed, it is our opinion that the proposals should be considered against the following:
- **Are the development proposals of an appropriate scale?** The scale of the development is dedicated by the requirements in the existing and forthcoming Circular 01/2022. The proposed facilities meet the requirements of the Circular and are therefore appropriate in the consent of the proposed use;
 - **Is the proposed development appropriate to the character and appearance of the site and the surrounding built environment?** Both relevant Councils have determined the Site as suitable for a roadside development via extant planning permissions. The permission also allowed for warehousing units. The proposed development is of reduced scale and a significantly reduced visual impact when compared with the extant permission including a sizable reduction in built form when compared to the consented scheme. Therefore, we conclude that the proposals are fully compliant in this regard;
 - **Is the proposed development easily accessible, or capable of being made easily accessible, by a choice of means of transport, including by public transport, walking and cycling?** The proposed development comprises a MSA. Accordingly, its primary purpose is to serve users of the adjacent Motorway and Strategic Network. Notwithstanding, the application is easily accessible via a range of transportation options;
 - **Will the proposals comprise sustainable economic development?** The development is on land which benefits from an extant planning permission allowing for a mixed use roadside and Class B use development. An Economic Benefits Statement forms part of the submission package and identifies that the development is expected to make a strong positive contribution to the Rugby / Hinckley and Bosworth economy through securing productivity of the Site, creating new jobs and generating higher economic output (GVA) from a site with strong potential for development. The development also includes provision for a significant quantum of EV charging which will assist the Government's efforts to achieve its 2050 zero carbon commitments.
 - **Are there any sequentially preferable sites?** A sequential assessment has been undertaken and is set out within Section 7 of this Statement. The assessment has been undertaken on the basis of the specific occupier-led floorspace and business model requirements, which concludes that the application site is the most sequentially preferable for the proposed development in the context of MSA facility requirements and the guidance set out within policy; and
 - **Will the proposed retail element of the development lead to a significant adverse impact on any centres?** The level of retail and leisure use floorspace proposed on the Site is 935.6 sq. m (MSA building (765 sq. m) & drive-thru coffee shop (170.6 sq.m)) which falls well below the 2,500 sq. m threshold whereby an impact assessment is required in light of the proposed use and characteristics of the proposed development. It is therefore not of a scale where a comprehensive assessment of matters relating to retail

impact is warranted. Further, the specifics of the operation (i.e. a roadside MSA) highlight that the facility will almost exclusively be used by those passing the Site when using the adjacent Motorway and Strategic Highway. TRICS data has been used in the Transport Assessment which identifies that 70% of trips will be diverted from the M69, 10% of trips comprising local pass by trips from the adjacent A5 Watling Street and 20% diverted from the M69 Junction 1 interchange. The proposal will therefore result in a de minimis level of primary trips and therefore will not result in a detrimental impact on any centres beyond a de minimis level.

5.0 MOTORWAY SERVICE AREAS

- 5.1 The United Kingdom is currently home to over 100 MSA's, which comprise essential roadside infrastructure serving users of the Motorway providing opportunities for refuelling, charging of electric vehicles, rest and refreshment for domestic and commercial vehicles.
- 5.2 Prior to 1992, the Department for Transport ('DfT') held responsibility for the development of MSA's. Since 1992 the responsibility for identifying undeserved elements of the Strategic Highway Network, identifying suitable sites, obtaining planning permission and delivering the development of the facilities has fallen on the private sector. Welcome Break comprise a market leading provider of such facilities throughout the UK and Ireland.
- 5.3 It is commonplace for land not to be allocated for MSAs in prevailing policy at a local level. Indeed, the adopted Hinckley & Bosworth Borough Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Rugby Borough Council Local Plan (2019) do not contain any specific policies regarding the provision of new major roadside facilities such as MSAs along the strategic road network.
- 5.4 Section 4.0 of this Statement identifies national policy for the provision of roadside service facilities within the DfT Circular 01/2022 (the 'Circular').
- 5.5 Annex A: of the Circular sets out policy on the provision, standards and eligibility for signing of roadside facilities on Motorways and the Strategic Road Network.
- 5.6 Paragraph 74 sets out:
- "Roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours."*
- 5.7 Beyond public usage of MSA's, drivers of commercial and public vehicles are subject to statutory breaks and working restrictions that require them to rest during their journeys. As such, an adequate provision of MSA facilities on the Strategic Road Network is key to promoting its safe and efficient use, through allowing motorists to take breaks and subsequently limit the risk of accidents, particularly from tiredness.
- 5.8 National Highways recommends that there is a maximum distance of 28 miles between MSA facilities in order to protect the safe operation of the road network. This distance of 28 miles is considered appropriate for all of the Strategic Road Network and is for the benefit of all road users, regardless of traffic flows or route choice.
- 5.9 Furthermore, Paragraph 76 of the Circular acknowledges that Motorway speed limits vary throughout the country. On this basis, it recommends that the distance between MSA facilities should be equivalent to a maximum of a 30-minute drive time.
- 5.10 In respect of the minimum distance between MSA's with HGV facilities, given the existing shortage of parking facilities for HGVs on the Strategic Road Network. Paragraph 81 (I) states:
- "The maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles;"*
- 5.11 Paragraph 83 of the Circular explores the catchment areas for MSA facilities and their purpose on the Strategic Road Network, stating:

“Roadside facilities should be well-designed to serve passing traffic and not be destinations in their own right.”.

- 5.12 As such, it is clear that the purpose of MSAs and other roadside facilities are to serve the road network that they are linked to and are not expected to be primary trip generators. The exception to this ruling is set out in Paragraph 83 which further to the above states:

“An exception will be made for any predicted increase in HGV mileage, as the provision of facilities that would meet the needs of commercial drivers should be encouraged”.

- 5.13 In relation to decision making, Paragraph 78 the Circular states:

“In determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above.”

Minimum Requirements for a Motorway Service Area Facility

- 5.14 We set out below further context to the provision of MSA's, including the minimum requirements that are set out within the Circular, as well as a review of relevant case law that demonstrates that an identified 'need' holds substantial weight in the overall planning assessment.
- 5.15 There are key locational constraints associated with the development of new MSA facilities. When considering locations of new MSA provision, only sites that are located directly adjacent to the Motorway itself between junctions, or sites sharing a common boundary with the highway at an existing junction with the Motorway are deemed appropriate locations by National Highways.
- 5.16 Annex A of the Circular Update sets out the minimum requirements for all types of roadside facilities on the Strategic Road Network. It confirms that all facilities accessed from the Motorway must be 'signed' for safety reasons. As such, all future MSA sites must meet the requirements for 'signing', which means the facility is eligible to receive a signpost on the Motorway advising of the services ahead.
- 5.17 The mandatory requirements allowing for 'signing', as set out at Annexe A of the Circular, comprise:
- Available 24 hours a day throughout the year;
 - Available at least between 8am and 8pm on every day except Christmas Day, Boxing Day and New Year's Day;
 - Free parking for a minimum of 2 hours for all vehicles permitted to use the facility;
 - Segregated parking for refrigerated vehicles with access to appropriate mains electrical supply and noise abatement;
 - Provision of security monitoring equipment including appropriate lighting and CCTV systems;
 - Free-to-use toilets with hand washing facilities, and at least 1 changing places toilet and 1 for people with disabilities, and no need to make a purchase during opening hours;
 - Shower and washing facilities for HGV drivers (separate provision for men and women), including secure lockers in the shower/washing area;
 - Provision of fuel for petrol and diesel vehicles and EV charge points;

- Hot drinks and cooked hot food available for purchase during all opening hours for consumption on the premises;
- Hot drinks and hot food available at least between 8am to 8pm for consumption on the premises;
- Access to a free-of-charge telephone for emergency use, Wi-Fi and power points available for device charging; and
- Use as an operating centre for the purposes of the Goods Vehicles (Licensing of Operators) Act 1995 or the Public Passenger Vehicles Act 1981.

5.18 One of the key features that new MSA facilities must provide is an adequate level of electric vehicle ('EV') charging points. This requirement has become increasingly important following the Government's plan that was introduced in November 2020 to ban the sale of petrol and diesel cars in the UK by 2030, to assist in meeting the overall goal of achieving its 2050 zero carbon commitments via the Road to Zero Strategy.

5.19 An obstacle standing in the way of a wide scale roll out of electric vehicles in the UK is 'range anxiety' (i.e. a lack of high powered charging facilities). This is particularly evident when road users wish to carry out longer journeys on the Strategic Road Network and fear that an electric vehicle will not have the range to perform said journey. It is clear from this that the provision of a sufficient number of EV charging points on the road network, that are adequately spread across the network, is vital in achieving the Government's plan to ban the sale of petrol and diesel cars by 2030 and encourage road users to switch to electric vehicles. The importance of EV charging facilities is evidenced within the Circular discussed in Section 4 of this Statement.

5.20 At present, there is a significant shortage of EV Charging facilities on the Motorway and Strategic Road Network throughout the UK. It is also clear that at the MSA facilities that do exist, there is a significant shortage of 'available' EV charging provision. As such, the Government's medium term goal is to provide six high powered charge points for electric vehicles at every MSA in England by the end of 2023, as set out in the Government vision for the rapid charge point network in England (May 2020).

5.21 The provision of sufficient EV charging at new and existing MSAs is therefore considered a key requirement that will become increasingly important as time moves on, such to assist the Government's efforts to achieve its 2050 zero carbon commitments.

5.22 In addition to EV charging, it should be noted that any new or existing roadside facilities fail to meet any of the mandatory requirements as set out above, then the roadside facility will not be 'signed' for and will subsequently not be considered as an 'MSA' via a lack of comprehensive facilities.

Appeal Decisions

5.23 When considering planning applications for MSA's, it is important to consider the weight that should be afforded to the need for the proposed facility in the planning balance. In identifying matters where the need for MSA facilities has been considered within the planning balance, we have set out relevant Appeal decisions below.

5.24 The previous decisions to which we have regard comprise:

1. Appeal Ref: APP/M0655/W/21/3288180 (Land at Junction 11 of the M62 in Warrington);
2. Appeal Ref: APP/K3605/A/95/260796 (Land off the M25 near Cobham); and
3. Appeal Ref: APP/N0410/A/00/1039103 (Land off Junction 2 of M40 in Beaconsfield).

Appeal Ref: APP/M0655/W/21/3288180 (Land at Junction 11 of the M62 in Warrington)

- 5.25 Appeal Ref: APP/M0655/W/21/3288180, relates to an application proposing the erection of a MSA including a facilities building, up to 100 bedroom hotel, service yard, fuel filling station, electric charging station, parking facilities, landscaping and amenity areas at Junction 11 of the M62 Motorway in Warrington.
- 5.26 The main issues considered by the SoS surrounded the effect of the proposed development on the Green Belt, primarily regarding landscape and visual impact. Consideration was made on whether the harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal given its Green Belt location.
- 5.27 The SoS concluded that the proposed MSA would meet the identified need for an MSA in the Strategic Road Network and provide benefits in terms of investment, jobs and social benefits. The SoS concluded:

"there is nothing to suggest that appeal scheme would not be delivered and as such would meet the clear demonstrable need for an MSA on this part of the Motorway network and as such attracts considerable weight. Accordingly, taking the case as a whole, the other considerations clearly outweigh the harm identified and very special circumstances exist which justify the development".

Appeal Ref: APP/K3605/A/95/260796 (Land off the M25 near Cobham)

- 5.28 Appeal APP/K3605/A/95/260796 relates to the development of a MSA on the M25, near Cobham. Both the SoS and the Inspector agreed that a substantial under provision of MSA's existed in the section of the M25, which indicated a significant need for a provision of a new facility in the location.
- 5.29 Paragraph 41 of the Decision states:

"The Secretary of State has carefully balanced the harm to the Green Belt, and any other harm, against the compelling unmet need for an MSA. He concludes, in agreement with the Inspector, that this unmet need amounts to very special circumstances of sufficient weight to clearly outweigh the harm to the Green Belt and any other harm. He also agrees with the Inspector that the compelling need for an MSA amounts to a material consideration which is sufficient to outweigh conflicts with other national planning policies, the development plan and any other matters raised at Inquiry".

Appeal Ref: APP/N0410/A/00/1039103 (Land off Junction 2 of M40 in Beaconsfield)

- 5.30 Appeal APP/N0410/A/00/1039103 relates to proposals for the provision of a MSA in Beaconsfield at land off Junction 2 of the M40. The SoS concluded that the need for an MSA at the Site:

"amounts to very special circumstances which are sufficient to clearly outweigh the harm to the Green Belt and other harm, and conflicts with national planning policies and the development plan."

- 5.31 The Appeal decisions set out above in relation to the proposals in Warrington, Cobham and Beaconsfield establish that the need for new MSAs demonstrates "very special circumstances" that are substantial enough to outweigh any potential harm to the Green Belt or any other additional harm resulting from the developments. This is linked the significance and importance of appropriate roadside infrastructure serving the Strategic Road Network.
- 5.32 It is also important to stress that the decisions in Cobham and Beaconsfield were issued prior to the adoption of the Circular 01/2022, which has introduced more stringent requirements for MSAs in that once a gap of over 28 miles / 30 minute drive time has been identified, the need for a MSA is therefore established.

- 5.33 Furthermore, the Circular as published in December 2022 lowers the maximum distance requirement for MSAs with HGV facilities to just 14 miles compared to Circular 02/2013. It is therefore evident that the requirement for new and improved MSA facilities on the Strategic Road Network, particularly those with HGV facilities, has been amplified in recent years.

Quantitative and Qualitative 'Need' for Motorway Service Area Facilities

- 5.34 MSA facilities on the Strategic Road Network comprise infrastructure of national significance that enable Motorways and the highway to operate safely and efficiently.
- 5.35 The quantitative need for MSAs is demonstrated within the Circular. It is clearly outlined that a maximum distance of 28 miles should exist between MSA facilities in order to protect the safe operation of the road network and users of it.
- 5.36 The Circular is clear in setting out that once a distance of greater than 28 miles / drive time of 30 minutes between facilities has been identified, the need for an MSA has been established regardless of whether there are any additional factors. Subsequently the need argument is considered crucial when assessing the merit of the facilities on a planning balance.
- 5.37 As mentioned previously, the Circular sets out an even lower minimum distance between MSA's with HGV facilities given the existing shortage of parking facilities for HGVs on the Strategic Road Network. Paragraph 81 (I) states:

"the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles".

- 5.38 The Circular is clear in that once a gap in distance between MSAs of over 28 miles, or 14 miles in respect of MSAs with HGV facilities is evidenced, the need for a MSA is established.
- 5.39 In addition to the quantitative need for MSAs established, it is important to also acknowledge that there are clear shortfalls to the existing stock of MSAs serving Motorways and the Strategic Road Network in the UK, particularly in relation to HGV facilities. The lack of provision of quality HGV facilities is acknowledged at Paragraph 83, which confirms:

"An exception will be made for any predicted increase in HGV mileage, as the provision of facilities that would meet the needs of commercial drivers should be encouraged".

- 5.40 In October 2022, a detailed survey titled Motorway Services User Survey 2022 was published by Transport Focus, who are a 'watchdog' for transport users in the UK. The report was sponsored by the Department for Transport. The survey is part of an annual investigation into MSAs which aims to shed light on customers' requirements and satisfaction.
- 5.41 Page 18 of the survey outlines that the most satisfied visitors to MSAs are commuters, followed by business, with professional and HGV drivers the least satisfied. The survey sets out that HGV facilities received the lowest ratings compared with other users from professional and HGV drivers in regard to the quality of road surfaces, layout of parking area, safety and security of vehicle left in car park and the walk from the car park to the building.
- 5.42 Transport Focus also released a report titled "Lorry drivers and roadside facilities: the user experience" in August 2022. The report measured HGV drivers' experiences using roadside facilities on England's motorways and major 'A' roads. The report confirms that HGV drivers needs when stopping at a roadside facility are straightforward in that they have a legal requirement to do so, in some cases up to 9 hours statutory break from driving, generally taken overnight. Just one in five HGV drivers interviewed were satisfied with the quality and quantity of roadside facilities available throughout the UK.
- 5.43 Paragraph 80 of the Circular recognises that:

"It is recognised that on certain parts of the SRN and at certain times a shortage of parking facilities for HGVs can make it difficult for drivers to find safe space to stop and adhere to requirements for mandatory breaks and rests.".

5.44 Paragraph 81 of the Circular Update sets out that:

"In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN".

5.45 It is therefore clear that the existing stock of MSA facilities serving Motorways and the Strategic Road Network in the UK are in some cases dated and are falling behind the needs of the modern road user in regard to the facilities they offer, parking provision, EV charging provision and quality of landscaped outdoor areas.

Conclusion on Background to Motorway Service Areas

5.46 MSAs comprise essential roadside infrastructure that provide opportunities for refuelling, charging of electric vehicles, rest and refreshment. MSAs are vital to the safe operation of the Strategic Road Network as they allow motorists to take a break, particularly drivers of commercial and public vehicles are subject to statutory breaks and working restrictions that require them rest during their journeys.

5.47 The responsibility for identifying sites and obtaining planning permission for MSAs largely falls on the private sector. The national policy for the provision of roadside service facilities is contained within the DfT Circular 01/2022.

5.48 The Circular is clear in setting out that once a distance of greater than 28 miles has been identified, the need for an MSA has been established regardless of whether there are any additional factors. This minimum requirement for spacing between MSAs including HGV facilities was reduced via the introduction of Circular 01/2022, where a reduction from 28 miles to just 14 miles was included.

5.49 The appeal decisions referenced above assist in demonstrating that where a 'need' has been identified, the provision of MSAs has been deemed of such importance to even outweigh the harm to the Green Belt and other conflicts with national and development plan policies.

5.50 Consequently, the need for MSA facilities that has been explored in the above appeal decisions were regarded as a highly significant material planning factor in support of the proposed developments. Thus, it is considered that the need argument holds substantial importance in the overall planning assessment.

6.0 THE NEED & SUITABILITY FOR AN MSA ON THE M69

- 6.1 As explored in Section 5, the need for MSA facilities is regarded as a significant material planning factor and considerable weight should be afforded to it within the planning balance.
- 6.2 The application Site is located on the M69 motorway, which is a 15.7 mile long dual three lane carriageway motorway running between Junction 1 of the M1 near Leicester and Junction 2 of the M6 near Coventry. The Site benefits from the locational characteristics required for an MSA, and Welcome Break have also identified a need for an MSA to serve the M69 which is explored below.

Existing MSA Provision in Surrounding Area

- 6.3 Figure 4 below identifies the Site as the red star symbol, whereas existing MSA facilities are shown with the green star symbols. It illustrates that the M69 motorway, which links Coventry and Leicester, does not presently benefit from any MSA facilities.

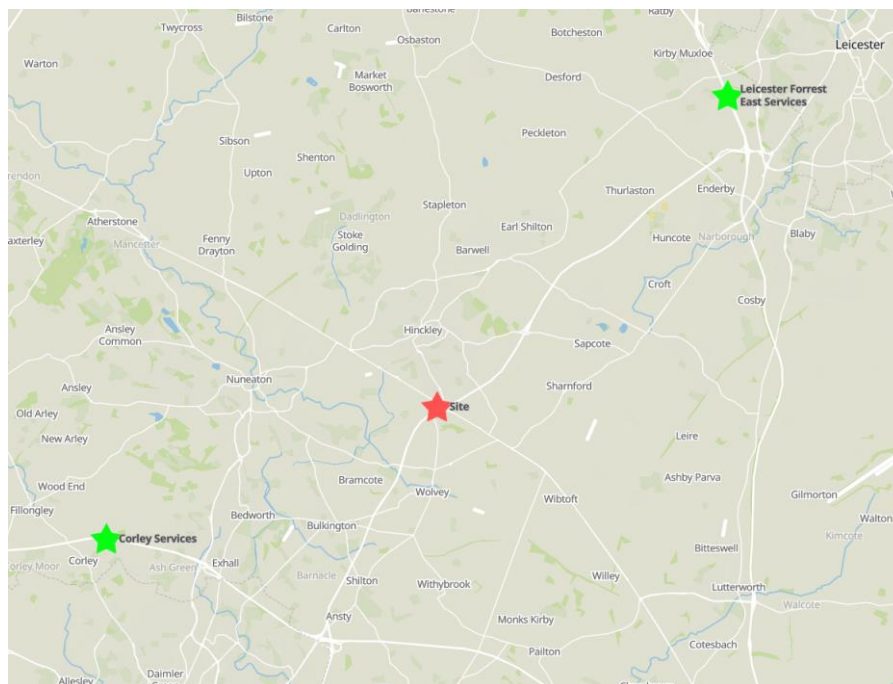


Figure 4 – Motorway Services

- 6.4 The closest MSA facilities to the Site comprise:
- Leicester Forrest East (serves the M1 and is located 12 miles from the Site);
 - Corley (serves the M6 and is located 14 miles from the Site).
- 6.5 A summary of the facilities is provided below.

Leicester Forrest East MSA

- 6.6 Leicester Forest East MSA, which was opened in 1966, comprises two sites located between junctions 21 and 21A on the M1 motorway, approximately 12 miles from the Site to the west of Leicester. The main services facilities are located on the southbound element of the motorway which is connected to the southbound site via an internal bridge over the M1.
- 6.7 The MSA is home to a selection of F&B occupiers including Starbucks (On-The-Go and Drive-Thru), KFC, Burger King, Subway, Krispy Kreme, Chopstix Noodle Bar, f'real Milkshakes, The Good Breakfast and Slush Puppie. The MSA also provides outlets including Top Gift, Waitrose and WH Smith. Additionally, the MSA is home to a Days Inn hotel, Game Zone and showering facilities.
- 6.8 The MSA currently provides car parking for approximately 200 vehicles, as well as HGV parking. There is currently no EV charging provision at Leicester Forrest East MSA.

Corley MSA

- 6.9 Corley MSA, which was opened in 1972, comprises two sites connected via an internal bridge, located between junctions J3 and J3A of the M6 motorway, approximately 4 miles from the Site.
- 6.10 The MSA is home to a selection of occupiers including Starbucks (On-The-Go and Drive-Thru), KFC, Burger King, Subway, Krispy Kreme, f'real Milkshakes, Jolly Rancher Slush and Rollover. The MSA also provides outlets including Top Gift, Waitrose and WH Smith. Additionally, the MSA is home to a Game Zone and showering facilities on both sides, and a Days Inn hotel and laundry facilities on the north-westbound side.
- 6.11 The MSA currently provides car parking as well as extensive HGV parking. EV charging is also available at the site.

Assessing the Need for an MSA on the M69

- 6.12 When assessing the 'need' for an MSA on the M69 that has been identified by Welcome Break, it is important to stress that the nearest MSA facilities to the Site both serve separate Motorways. To that end, Leicester Forrest East MSA provides service to the M1 motorway which connects west Leicester to Nottingham, whereas Corley Services currently serves the M6 motorway which connects Birmingham to Coventry.
- 6.13 As set out in Section 5, the Circular sets out the purpose on the Strategic Road Network of MSAs in terms of their catchment, stating at Para 83:

"roadside facilities should be well-designed to serve passing traffic and not be destinations in their own right".

- 6.14 It follows that the existing MSA provision in the surrounding area does not cater for those road users using the M69 motorway which links Coventry and Leicester. The existing MSA provision at Leicester Forrest East and Corley will simply not be able to capture the traffic from the M69. Users of the M69 who require an opportunity to take a break, refuel, charge their electric vehicles, rest or refresh would therefore need to take a diversion from their route in order to access the nearest MSA, at either Leicester Forrest East or Corley. This re-routing would not be realistic for domestic vehicles, let alone commercial vehicles.
- 6.15 The distance between the two existing MSA facilities is 26 miles. This is in excess of the recommended 14 mile distance for HGV facilities, as set out in the Circular. Owing to the lack of provision on the M69, the distance between facilities for those travelling northwards without using the M6 east of the Junction 2 connection with the M69 is far in excess of 28 miles. A need for an MSA is therefore established. Given the location of the Site at the near mid-point of the M69, we consider the Site to comprise the optimum location for such a facility.

- 6.16 Beyond the lack of provision of MSA facilities in the region, the lack of high powered (150KW-350KW) EV charging facilities on the Motorway and Strategic Network in the vicinity of the Site is significant as displayed on Figure 5 below, provided by Zap Maps.

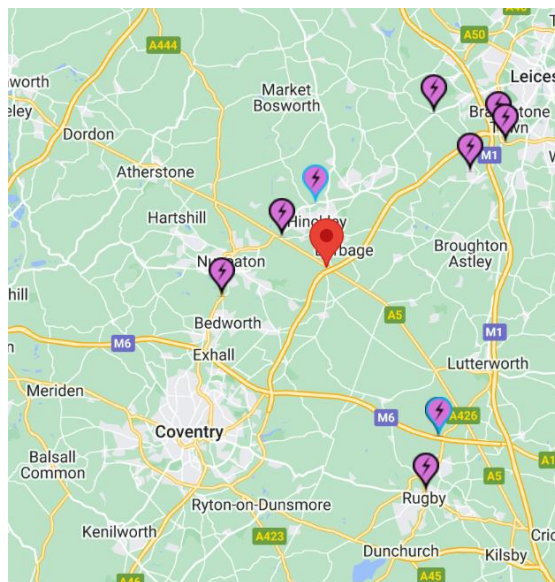


Figure 5 – Zap Map High Power Charing Facilities

- 6.17 It is evident that the existing MSA facilities located within the surrounding area have been identified to lack the level of services offered by the proposed development and therefore do not serve the same purpose. It has been identified that the existing MSA at Leicester Forrest East does not provide any EV charging facilities, and the MSA at Corley only provided a small number.
- 6.18 Linked in part to their age, the existing stock of MSA facilities in the surrounding area has been identified to lack the level of services to fully meet the requirements of the Circular – this is particularly the case in respect of EV charging facilities. It is therefore concluded that there is a level of identified need for a MSA benefiting from modern design and offering to service the surrounding highway infrastructure.
- 6.19 Whilst the gaps in MSA provision comprises conclusive evidence of the need for further provision in this park of the network, it is considered that further weight should be added to the need by virtue of the fact that the M69 motorway connects two large cities, namely Coventry and Leicester, and also links the M1 and M6. The M69 therefore accommodates a large traffic numbers on a daily basis.
- 6.20 In addition, as set out within the submitted Transport Assessment, the total junction inflow at the Stretton Baskerville Interchange was recorded from survey data as 5,111 Passenger Car Units ('PCUs') during the identified morning peak hour, and 4,990 PCUs during the evening peak hour. This is a significant level of traffic that is currently does not benefit from any MSA facilities.
- 6.21 On the basis of the above, it is considered clear that a 'need' for a MSA facility on the M69 has been established. Accordingly, there should be a presumption in favour of the proposed delivery of an MSA at the Site unless other material considerations dictate otherwise.
- 6.22 As stressed earlier, given that Welcome Break Group Limited are owners of the Site following purchasing the Site after Planning Permissions LPA Ref's R20/0422 (Rugby Borough Council) and LPA Ref. 20/00531/HYB were granted in August 2022, subject to the receipt of a satisfactory planning permission, they are committed to the expedient delivery of the proposed MSA facility on the Site in order to address the identified 'need'.

The Suitability of the Site for an MSA

- 6.23 The Site has a planning history which identifies its suitability for development, and in particular roadside uses.
- 6.24 In August 2022, hybrid planning permission was approved at the Site for a roadside facility comprising:
- A petrol filling station with linked kiosk store comprising 485 sq. m (Sui Generis), with forecourt, canopy and HGV facilities.
 - A Starbucks drive-thru coffee shop facility (Class E – 171 sq. m);
 - 54 car parking spaces, 1 coach parking space, 6 HGV parking spaces and associated landscaping.
- 6.25 In addition to the roadside facility, the permission also allowed for the provision of 1,858.1 sq. m of B2/B8 industrial warehousing floorspace and 5,671.7 sq. m of office space. The approved scheme has not been progressed, partly due to the collapse of the industrial warehousing marked following the COVID-19 pandemic but for the most part a desire from the Applicant to deliver an MSA facility and the requirement to utilise the Site in totality to meet the requirements of the Circular.
- 6.26 The proposals have been shaped and considered through pre application discussions with National Highways ('NH') in March 2023. The discussions were considered positive and broad support for an MSA at the Site was provided. NH agreed the proposed MSA trip rates, additional trip generation assessments of the HGV sales unit and drive-thru should be included within the application package. NH also agreed with proposed parking numbers, though requested that 10 motorcycle bays should be added.
- 6.27 Roadside services can only operate in specific locations, adjacent to the highway which they intend to serve. The suitability of the Site is acknowledged in Para 8.17 of the Officers Report for Planning Permission 20/00531/HYB (Hinckley and Bosworth), which states:
- "The application proposal requires specific location requirements of a roadside, to which this site would be adjacent to a Strategic Road Network, that being of the A5. The operator for the petrol station, (Eurogarages) has locational requirement of needing to be near a Strategic Road Network, and the application site is situated both upon the A5 and is adjacent to the M69 to which town centre locations would not provide. The NPPF Footnote 42 states that "the primary function of roadside services should be to support the safety and welfare of the road user" The purpose of the drive through is to provide amenity to motorists using the A5 trunk road. Encouraging passing traffic into Burbage or Hinckley simply to access a services facility could result in travellers driving further."*
- 6.28 In accordance with the above, it has been accepted by both Rugby and Hinckley and Bosworth Councils that the Site benefits from the locational characteristics required for a roadside facility, is capable of meeting the requirements of achieving MSA classification as per Annexe A of Circular 01/2022 and is therefore wholly suitable for the proposed development. The Officers Report from App Ref: 20/00531/HYB Permission states:
- "We understand that the proposed Roadside Facilities are only intended to be signed from the A5. Should the applicant wish to sign the Roadside Facilities also from the motorway or motorway slip-roads, the proposal will need to comply with the minimum requirements to be eligible for signing from the motorway, as set out in DfT Circular 02/2013 – Annex B: Roadside Facilities for Road Users on Motorways and All-Purpose Trunk Roads in England."*
- 6.29 In accordance with the above, it is considered that the Site benefits from the locational characteristics required for a MSA and a need for an MSA facility at the Site is established. Included in the remainder of this Statement is further explanation

on how the Site is capable of meeting the requirements of achieving MSA classification as per Annexe A of Circular 01/2022 and is therefore wholly suitable for the proposed development.

7.0 PLANNING CONSIDERATIONS

- 7.1 This application comprises proposals for a new MSA facility to be operated by Welcome Break Group Limited, located immediately to the west of Junction 1 of the M69. The proposals have been developed to upgrade the consented roadside facility at the Site such that it meets the requirements of the Circular in respect of MSA facilities, the scheme meets the identified need for an MSA facility to serve north and south bound traffic on the M69. Consideration has also been given to providing a betterment in relation to key elements of the development compared with the consented scheme.
- 7.2 In this Section, we consider the proposed development against key planning considerations and relevant local and national planning policy.
- 7.3 The following key planning considerations are addressed in the following Section:
- Locational Requirements of the Site and Lawful Fallback
 - Sustainable Economic Development and Socio-Economic Benefits;
 - Highways;
 - Landscaping;
 - External Lighting;
 - Drainage and Flood Risk;
 - Noise Impact Assessment;
 - The Sequential Test
 - Retail Impact

Locational Requirements of the Site and Lawful Fallback

- 7.4 The application Site is located beyond the Settlement Boundary and therefore in a Countryside location. It is not within the Green Belt.
- 7.5 The strategic requirements of an MSA dictate that a location adjacent to the Strategic Road Network comprises a fundamental element of providing such facilities.
- 7.6 The extant planning permissions allowing for the development of the Site for, in part, a roadside use comprises a lawful fallback and provides evidence not only in respect of the principle of the development of the Site, but also for the purposes of a roadside development.
- 7.7 The proposed development seeks to, in effect, upgrade the extant permission to provide an MSA facility. The requirements for such facilities are set out in Appendix A of Circular 01/2022. The layout and services provided within the intended development have therefore arisen from the guidance.
- 7.8 The extant planning permission allowing for the development of the Site allowed for a significantly larger amount of built form when compared to the proposal subject of this Statement. The development will therefore result in a lower level of

visual impact when compared to the fallback position. This is evidenced within the Landscape and Visual Impact Assessment which forms part of the submission package.

- 7.9 In the High Court judgement relating to Zurich Assurance Limited (t/a Threadneedle Property Investments) V North Lincolnshire Council and Simons Developments Mr Justice Hickinbottom identified at Paragraph 75:

“The prospect of the fall back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall back position happening is “very slight indeed”, or merely “an outside chance”, that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee.”

- 7.10 In accordance with the above, the suitability of the Site for development for the purposes of a roadside facility is established via the extant planning permission the Site benefits from. The fall-back position comprises a material consideration in the determination of the application.
- 7.11 The locational requirements and need for an MSA have been evidenced within this Statement. The Site is located at the optimum location to provide such a facility, particularly in light of the planning history of the Site.

Sustainable Economic Development and Socio-Economic Benefits

- 7.12 This application is supported by a Socio-Economic Statement, prepared by Montagu Evans, which assesses the socio-economic context and potential impacts associated with the proposed development.
- 7.13 The Statement sets out that the proposed development is expected to make a strong positive contribution to the Hinckley and Bosworth economy through securing productivity of the Site, creating new jobs and generating higher economic output (GVA) from a site with strong potential for development.
- 7.14 On completion the proposed development is expected to generate up to 127 jobs directly and will boost the economy by an estimated £3.5 million per annum. The jobs created will benefit a broad cross section of society, providing a mix of part time and full time roles in a variety of industries.
- 7.15 Additionally, the proposed development will create opportunities to maximise local economy benefit through partnerships with local Jobcentre Plus and other schemes designed to boost local employment.

Highways

- 7.16 This application is supported by a Transport Assessment prepared by Dynamic Transport Planning.
- 7.17 The Transport Assessment sets out that the proposed level of parking is shown to meet the DfT parking requirements for the redevelopment of the Site, as well as providing appropriate levels of parking for HGVs, caravans and motorcycles.
- 7.18 In addition, the accessibility of the Site for non-car modes has been assessed and it is considered that the Site benefits from a reasonable level of sustainable access, promoting access by foot, bicycle and public transport.
- 7.19 The TRICS database anticipates that the development would result in 492 two-way vehicle trips during the busiest peak hour, equivalent to approximately 9 vehicle movements per minute in either direction. The TA also sets out that the Site already benefits from previous planning approval for a roadside service area that would result in a higher total trips than the current proposal.

- 7.20 Finally, as requested by LCC, a joint LINSING modelling assessment has been undertaken on the M69 J1 interchange and proposed site access junction, which demonstrates that the site access junction is forecast to operate efficiently in all assessment scenarios and is thus fit for purpose.
- 7.21 Overall, the TA concludes that there are no reasons why the proposals should not be granted on highways grounds.
- 7.22 The application is also supported by a Travel Plan, prepared by Dynamic Transport Planning, which provides a long term strategy that seeks to deliver sustainable transport objectives through positive actions. The TP forms a live document that will be regularly reviewed in order to ensure its effectiveness.

Landscaping

- 7.23 The Site in its undeveloped form provides areas of soft landscaping comprising species rich amenity grassland and areas of native trees, hedges and shrub planting. The existing trees, shrub areas and hedges will be retained at the Site boundaries, which currently form wildlife corridors. These features will be protected and enhanced through additional planting and the infilling of hedgerow gaps during the construction phase of the development.
- 7.24 A 5 Year Landscape Management Plan and Landscaping Layout Plan has been prepared by DEP Landscaping Architecture Ltd. The plan has been prepared to ensure that the landscape is maintained in a manner that protects and enhances existing wildlife habitats and promotes the biodiversity value of the Site. The landscaping will also play an important role in promoting recreational activities and will contribute to the visual amenity of the local area and success of the development.

External Lighting

- 7.25 This application is supported by an External Lighting Assessment, prepared by Herrington Consulting Limited. The External Lighting Assessment considers the potential effects from obtrusive light that may arise from the proposed external lighting scheme.
- 7.26 The Assessment sets out that the Site in its current form comprises an existing greenfield with no lighting, however, the existing area is predominantly street lit from the A5 road to the east. As such, the Assessment considers that the addition of external lighting scheme will not stand out in the nighttime landscape and the impact on the scheme on the wider surroundings will therefore be negligible.
- 7.27 The detailed analysis within the Assessment concludes that the impact of the proposed development on sensitive receptors located in close proximity to the Site, with the inclusion of the recommended mitigation, will meet all of the assessment criteria set out within the Institute of Lighting Professionals Guidance note on the reduction of obtrusive light.
- 7.28 The proposed development is therefore considered acceptable in this regard.

Drainage and Flood Risk

- 7.29 This application is supported by a Flood Risk Assessment, prepared by BWB, which demonstrates that the proposed development is at an acceptable level of flood risk subject to the recommended flood mitigation strategies being implemented. These strategies include the provision of surface water attenuation and storage at the Site, as well as the raising of finished floor levels above ground level to mitigate groundwater flood risk.
- 7.30 It follows that subject to the mitigation measures proposed in the FRA being implemented, the proposals are able to proceed without being subject to significant flood risk. The proposals will also not increase the flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the Site.
- 7.31 The proposed development is therefore considered acceptable in this regard.

Noise Impact Assessment

- 7.32 This application is supported by a Noise Impact Assessment ('NIA'), prepared by ADC Acoustics.
- 7.33 The NIA sets out that the modelled levels are based on an extreme worst case scenario. Predicted noise levels at the busiest 1 hour period are well within the comparable BS 8233 criteria, and below levels which would rate under BS 4142 as *"low impact depending on the context"*. The context in this case is a busy area dominated by the M69 motorway. The NIA sets out that the noise impact is expected to be negligible.
- 7.34 Simple acoustic fencing is proposed around part of the boundary. The NIA also recommends that acoustic fencing is installed around the north west corner of the HGV parking area which can be addressed by condition.
- 7.35 The NIA also sets out that any mechanical equipment to be installed at the site is likely to be negligible.
- 7.36 The proposed development is therefore considered acceptable in regard to noise impact.

The Sequential Test

- 7.37 This section of the Statement assesses the proposed development against the provisions of Paragraphs 91-95 of the NPPF, namely whether there are sequentially preferable sites that have the potential of accommodating the floorspace associated with the application.
- 7.38 It is important to stress that the proposed development comprises an MSA facility which accords with the requirements of Circular 01/2022. The proposed development is therefore not a retail use in the traditional sense. Instead, an MSA comprises a Sui Generis use. It should also be noted that MSAs can only be located at sites directly adjacent to the Motorway itself between junctions, or sites sharing a common boundary with the highway at an existing junction with the Motorway. Therefore, whilst retail and other "town centre" uses comprise part of the proposed facility, they are wholly integrated to provide a comprehensive MSA facility in accordance with the requirements of the Circular. No individual element can therefore be disaggregated from the whole development.
- 7.39 As such, in our view, given the locational requirements of MSA facilities, as well as the fact that MSA facilities should not be described as a Class E retail use, it should not be considered necessary to conduct a detailed sequential assessment in this instance. Notwithstanding, for completeness, we provide a proportionate assessment which assesses that proposed development against the provisions of Paragraph 91-95 of the NPPF.
- 7.40 The sequential test means wherever possible seeking to focus new development within, or failing that, on well located sites on the edge of existing centres. Only if in-centre or edge-of-centre sites are not available will out-of-centre locations be appropriate, provided they are acceptable in other respects.
- 7.41 Applying the sequential approach should have regard to the need, both consumer and operator, that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments.
- 7.42 Applying the sequential approach should have regard to the need, both consumer and operator, that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that occupiers, retailers and developers and landlords are seeking to provide in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments.

7.43 The Planning Practice Guide (PPG) advises that applicants and planning authorities should consider what contribution more central sites are able to make individually to accommodate the proposal. This should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Local planning authorities need to be realistic and flexible in terms of their expectations.

7.44 There have been a series of court and appeal decisions which provide the binding authority and guidance on the correct application of national policy relating to the sequential approach. The Supreme Court in *Tesco Stores v Dundee City Council* [2012] UKSC 13, 21 March 2012, considered how the sequential test should be applied. It concluded that:

“...it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.”

7.45 The Supreme Court was clear that a developer or retailer should not be required to materially change a development to operate in an artificial world. At Paragraph 38 of the transcript, Lord Reed states:

“The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for which is something less than that sought by the developer...”

“But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so”.

7.46 It is not the intention of the policy to require a developer or operator to materially alter the proposal to it can be accommodated by an alternative site. The sequential approach is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand.

7.47 The High Court supported the principles established in the Supreme Court and confirmed that its decision was binding in England. The Court provided further analysis in *Zurich Assurance Limited (t/a Threadneedle Property Investments) V North Lincolnshire Council and Simons Developments*. In the judgement, Justice Hickinbottom concluded that:

“It is also important to mark that developers, and planning authorities, work in the real world. Working in the real world, the [planning] committee were entitled (and, indeed, bound) to take into account the evidence... Marks and Spencer would not locate to Scunthorpe town centre in the event that this application for the site was refused.”

7.48 The Judgement is explicit in that it requires decision makers to take into consideration the commercial requirements and objectives of operators, developers and the wider commercial sector. Of particular relevance from the Zurich case was the acceptance that, should planning permission not be granted for the proposed development, the tenant would not occupy any of the sites that had been identified as alternatives. This accords with the principal objective of the sequential approach which is to direct development to defined centres in the first instance.

7.49 In *Aldergate Properties Ltd v Mansfield District Council*, the application of the policies in respect of suitability and availability, and the requirements for applicants to demonstrate ‘flexibility’ were considered. The Judgement states:

“In my judgement, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity or personal or corporate attitudes of an individual retailers”.

7.50 The NPPF requires applicants to consider sequential sites that are ‘available’ which is defined as including sites due to become available within a ‘reasonable period’. A ‘reasonable period’ is not defined by the NPPF or PPG but is considered to be ‘reasonable’ having regard for the requirement the development is intended to meet and the relevant local context.

7.51 In the Scotch Corner Secretary of State Decision in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143690) the Inspector found:

"In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites..." (IR paragraph 11.7)

7.52 More recently, the Secretary of State has issued his decision in respect of development at Cribbs Causeway. In that decision, the requirement for 'disaggregation' is specifically considered within the context that an explicit requirement was not re-introduced in the revised NPPF:

"In the Tollgate Village case the Inspector did consider that there was scope for disaggregating the proposals and spreading them onto different sites, even though ultimately such sites were found not to be available. However, the findings here were case specific and it is noted that they were not specifically endorsed by the Secretary of State in his decision"

7.53 In December 2014, the Communities and Local Government Committee assessed the operation of the NPPF and considered whether disaggregation should be re-introduced into the application of the sequential approach. This was rejected by the Government and not seen necessary, given the established policy and requirement to demonstrate 'flexibility'. The requirement to disaggregate a specific development was seen to go beyond the requirements of this policy.

7.54 It is therefore clear that there is no requirement to disaggregate proposals into its smaller constituent parts when applying the sequential test, and when considering sequential sites, these need to be able to be suitable for the development proposed as a whole, and not an alternative hypothetical smaller version of the proposal.

7.55 The interpretation of the NPPF and its role in decision making was explored in Asda Stores Limited v Leeds City Council Respondents and Commercial Development Projects Limited ('The Leeds Case'). The decision is clear in that:

"The words "should be refused" have a clear meaning, which requires no elaboration by the court. They do not mean "must be refused". The policy is not imperative. It does not dictate a refusal of planning permission whenever the development proposed is likely to have a "significant adverse impact" on the "vitality or viability" of a town centre".

7.56 Instead, it allows for planning balance. In the Leeds Case, it was acknowledged that the sequential test had not been passed, and that the development would be a significant adverse impact on a town centre. However, in reaching their decision to approve the application, Members determined that, this was outweighed in the planning balance by socio-economic factors and other considerations. The High Court concluded that:

"That balance, conducted within the statutory parameters, depended on an exercise of planning judgment. The panel exercised its planning judgment lawfully".

7.57 The proposed development is based on a clear understanding of the form and size that is required for Welcome Break. Any compromises to the business model would result in Welcome Break not being able to fully implement the proposed MSA facility, meet the requirements of the Circular and would result in them not proceeding with the Site.

7.58 There is no presumption within the NPPF in favour of disaggregation rather that the applicant should provide evidence that the scope for reasonable disaggregation has been explored. The proposed development cannot be expected to disaggregate into smaller sites, removing the critical mass necessary for a commercially viable MSA facility, as set out within the above consideration of relevant appeal decisions and judgements. Disaggregating the proposed development into

smaller parts, i.e separating the proposed drive-thru coffee shop from the proposed MSA building, would result in an unviable scheme and failure to provide a complete MSA facility.

- 7.59 In the event that either Council do not approve the proposals, it will not result in the retail elements of the proposed MSA facility looking for alternative premises in the surrounding area, and specifically not the Hinckley Town Centre or Burbage District Centres. Therefore, in this particular case, the sequential test is an entirely theoretical exercise linked to the use proposed and its requirements.
- 7.60 It follows that we do not consider that there are any defined elements to the proposed development which could be reasonably or successfully disaggregated for the purposes of the sequential test, given the unacceptable impact that such disaggregation would have on the operation of the wider Site for the Applicant.
- 7.61 The Site comprises an area of vacant land located adjacent to the M69 Motorway and benefits from an extant consent allowing (in part) for a roadside facility. As such, in our view it is an entirely appropriate location for the proposed MSA development.
- 7.62 The proposed development requires a Site with an area of 41,940 sqm, such to accommodate the proposed MSA facility. To demonstrate flexibility for the purposes of undertaking the sequential test, we have searched for sites between 35,000 sq. m and 45,000 sq. m. This demonstrates a flexible interpretation of the sequential test, with sites 10% smaller and larger than the joint requirements of the Applicant.
- 7.63 Given the nature of the proposal as a MSA facility, there is a need to provide a considerable quantum of customer car parking, EV parking and HGV parking. Whilst it is accepted that greater flexibility is required within centres where a variety of alternative parking options are available, there is a requirement for a sufficient level of parking spaces to be available within the development for it to operate viably as an MSA facility. The proposed car parking, HGV parking and EV charging provision therefore comprise an essential element of the proposed development.
- 7.64 In addition, it will also be necessary to consider the ability of sites to accommodate the necessary requirements for a MSA facility. These include the following:
- Size of Site to meet the requirements as set out in the Circular;
 - Frontage onto a Motorway;
 - Provision of food and beverage sales for consumption on and off the premises;
 - Areas for rest or respite for motorists;
 - Provision of fuel for petrol and diesel vehicles;
 - Provision of EV charging points;
 - Sufficient domestic and commercial vehicle parking; and
 - Sufficient servicing and access.
- 7.65 Units or sites below the threshold, and that are unable to provide the necessary requirements above for an MSA, would require a material change to the established Welcome Break business model and would not have the ability to be 'signed' as an MSA in accordance with the requirements of the Circular.
- 7.66 Given that the proposals relate to a Site which is owned by the Applicant, for an alternative to be considered genuinely available, it needs to be currently vacant, or be available in the short term. Sites which require a redevelopment or are not available in the short term cannot be considered genuinely available in the context of the sequential assessment for the application to which this Statement relates.
- 7.67 Hinckley Town Centre and Burbage District Centre comprises the only centres in close proximity to the Site. As such, they comprises the focus for our assessment. This is consistent with the approach taken by the approved Sequential Assessment

that was undertaken as part of the application that was successful in obtaining the extant consent on the Site. It is clear that neither centre would meet the requirements to provide an MSA and would therefore fail the sequential test in respect of suitability.

- 7.68 In terms of Hinckley Town Centre, there are currently 48 units that are vacant, the largest being Unit A1 & 2 of the Crescent Shopping Centre, which measures 840 sq. m. The remaining vacant units all measure less than 700 sq. m. Owing to the limited size of these vacant units, it is clear that none of them could physically accommodate the application proposals. Notwithstanding this, the role and size of Hinckley Town Centre is not one that can be deemed suitable to accommodate the proposed development.
- 7.69 In terms of Burbage District Centre, notwithstanding the fact that the role and size of the centre is not one that can be deemed suitable to accommodate the proposed development, there are currently no vacant units or sites that could physically accommodate the proposed development.
- 7.70 As such, it is clear from the above proportionate sequential assessment demonstrates that there are no suitable or available sites or units within Hinckley Town Centre or Burbage District Centre that are capable of accommodating the proposed development.
- 7.71 Irrespective, the application proposals require specific locational requirements to be located directly adjacent to the Motorway itself between junctions, or sites sharing a common boundary with the highway at an existing junction with the Motorway. It follows that the Site is an entirely appropriate location for the proposed MSA development, and it is therefore the most sequentially preferable site.
- 7.72 The proposed development therefore complies with Policy DM21 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 91-95 of the NPPF.

Retail Impact

- 7.73 Paragraph 94 of the NPPF states that an assessment of retail impact is necessary for proposals above 2,500 sq. m not located within a Town Centre location, unless a locally set floorspace threshold indicates otherwise. Locally set thresholds for impact assessment are 2,500 sq. m for Hinckley Town Centre, as set out by Policy DM21 of the Site Allocations and Development Management Policies DPD (2016). Rugby Local Plan Policy TC2 sets a floor space threshold for retail, leisure and office development (including change of use applications and applications seeking variations of conditions) of 500 Sq. m gross and above, to demonstrate that they will not have a significant adverse impact on Rugby Town Centre.
- 7.74 The proposed development comprises a Motorway Services, designed in accordance with the requirements of Circular 02/2022. The Circular identifies at Paragraph 83:
- “Roadside facilities should be well-designed to serve passing traffic and not be destinations in their own right. Consequently, the transport assessment to accompany a planning application for a new or improved facility must show that there would only be a minimal overall increase in trip mileage to be acceptable in this regard. An exception will be made for any predicted increase in HGV mileage, as the provision of facilities that would meet the needs of commercial drivers should be encouraged.”*
- 7.75 The only part of the proposed development that falls within the definition of ‘retail and leisure uses’ as defined by the NPPF and therefore subject to the impact test, are the retail and leisure outlets within the Motorway Service Building and drive-thru coffee shop. The proposed petrol filling station and HGV fuel sales are classified as Sui Generis uses and are therefore not defined as retail use in the NPPF. Irrespective, given the proposed use (i.e. an MSA), the proposed development has not been designed to comprise a retail or leisure destination, rather a roadside facility and to meet the requirements as set out in DfT guidance.

7.76 In accordance with the above, the principal characteristic of MSA facilities is that the overwhelming majority of visitors to the Site are derived from pass by trips for the purpose of fuel and rest. As such, it should be noted that a de minimis number of dedicated trips will be generated to the Site by the proposed retail and leisure uses, which are in any event are ancillary to the proposed MSA facility.

7.77 The Transport Assessment (Para 6.3) based on TRICS analysis of comparative facilities within the UK, is clear in respect of trip generation:

“The presented trip generation estimates for both the previously approved and current proposals rest on the expectation that a significant volume of traffic would draw from existing movements on the local highway network, given the proposed location of this type of development.

The proposed MSA will also be supported by approach motorway signage and as such, is expected to have most of its associated trips originate from existing traffic on the M69 mainline, acting as ‘new’ or ‘primary’ trips to the study network. The development’s trip generation by trip-type has been discussed in further detail below.

To inform a robust assessment, it has been assumed that 70% of the proposed MSA vehicular trips would divert from the M69 mainline, with 10% local pass-by trips (from the adjacent A5 Watling Street), and 20% diverted from the M69 J1 interchange.”

7.78 On the basis that the development will derive 70% of it’s visitors from the M69, 20% diverted trips from the M69 J1 interchange and 10% via local pass by trips, it is clear that the proposed development will not result in trade diversion from existing centres within Rugby or Hinckley beyond a de minimis level. The proposed development will therefore not result in a “significant adverse” impact on any center within Rugby or Hinckley.

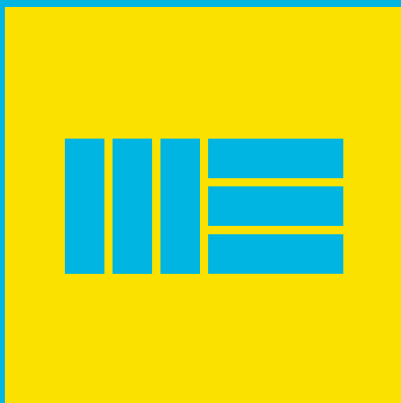
7.79 The proposed development has therefore been demonstrated to comply with the requirements of the sequential and impact tests and the proposals are therefore considered to be acceptable in planning terms in respect of any implications for nearby town centres.

8.0 CONCLUSION

- 8.1 This Planning Statement forms part of an application for full permission submitted on behalf of Welcome Break Group Limited to Rugby Borough Council / Hinckley and Bosworth Borough Council proposing the erection of a MSA at an area of land to the east of Junction 1 of the M69, Stretton Baskerville Roundabout and the south of the A5.
- 8.2 The Site has an extensive planning history which underlines its suitability for development, and in particular roadside uses. The Site already benefits from an extant planning permission for roadside facilities, including a petrol filling station. This application seeks to provide an MSA in accordance with the requirements set out in existing and forthcoming versions of Circular 01/2022.
- 8.3 Welcome Break Group Limited as owners of the Site are committed to the expedient delivery of the proposed MSA facility in order to address the identified need for one at the Site, subject to the grant of a satisfactory planning permission. As such, this application is not speculative and will be built out accordingly.
- 8.4 This Planning and Retail Statement has considered the acceptability of the proposal against the relevant policies contained in the NPPF and in local Development Plan policy, and concludes the following:
- The Site is located immediately adjacent to the M69 Motorway. The application proposals require specific locational requirements to be located directly adjacent to the Motorway itself between junctions, or sites sharing a common boundary with the highway at an existing junction with the Motorway. The Site is therefore in an entirely appropriate location for the proposed MSA development;
 - A 'need' has also been identified for a new MSA facility at the Site. This is on the basis that the existing MSA provision in the area does not currently serve traffic on the M69. The existing stock in the surrounding area has also been identified to lack the level of services required to fully meet the requirements of an MSA as per the Circular;
 - Positive pre application discussions have been held with National Highways prior to the submission of the application;
 - The proposed provision of 36 EV charging points at the Site will meet a clear shortfall in such facilities in the surrounding area and assist in helping the Government's aim to achieve its 2050 zero carbon commitments.
 - The proposed development has been demonstrated to comply with the requirements of the sequential and impact tests and the proposals are therefore considered to be acceptable in planning terms in respect of any implications for nearby town centres.
 - The proposal will deliver material socio-economic benefits; and
 - The proposed development is acceptable in all other respects.
- 8.5 Accordingly, we conclude that the application fully accords with both national and local planning policy and should therefore be considered favourably by the Council.

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.