



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

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To: Hinckley Borough Council; and Rugby Borough Council

CC: transportplanning@dft.gov.uk
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Hinckley & Bosworth Borough Council Reference: 23/01023/HYB
Rugby Borough Council Reference: R23/1047

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

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

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

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

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

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

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

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

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

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

Signature:

Date: 21 August 2024

Catherine Townend

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¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

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

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

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

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

Development Proposal

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

National Highways understands that Full planning permission is sought by Welcome Break as the Applicant/Landowner for the construction of a motorway service area (MSA) to serve users of the M69 motorway. Access into the Site however, is located on the adjacent A5 trunk road.

Background

The Site currently benefits from (unimplemented) planning approval for a roadside (trunk road) services and employment site.

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

We acknowledge that this planning application makes reference to the planning permission mentioned above. However, whilst this proposal contains some similarities with the existing proposal, there are fundamental differences between a trunk road (i.e. A5) roadside facility and a motorway service area. In addition, some of our policies, standards, and procedures have changed in the intervening years since the previous development was considered. As such, this planning proposal will be assessed on its own merits in line with our current policies, design standards and procedures.

Need for a Motorway Service Area

Roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two 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. In locations on the SRN where drivers would have to drive in excess of 28 miles between roadside facilities, a need for a new MSA can be established.

It is for the promoters of new facilities to demonstrate to the determining authority that a need for a new facility at the proposed location exists. There are currently no motorway service areas serving the M69 motorway. However, this does not automatically denote the need for such a facility. As referenced in the Applicant's Planning Statement, the closest existing services to the Site comprise the M1 Leicester Forrest East Services (12 miles from the Site) and the M6 Corley Services (14 miles from the Site).

Given that the above-mentioned services are within 28 miles of the Site, our previous responses concluded that a need for a new MSA at this location had not been demonstrated by the Applicant based on the 28-mile criteria.

Notwithstanding the above, and as per our previous responses it is recognised that on certain parts of the SRN, 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. As such, in areas where there is an identified need for HGV parking (informed by [DfT's National Lorry Parking Survey](#)), the maximum distance between facilities providing HGV parking should be no more than 14 miles.

The Applicant has demonstrated that the proposed development is in excess of 14 miles from the nearest MSA but has given no indication of the distance to all types of motorway HGV parking facilities (being service areas, rest areas or truckstops). Whilst DfT's Lorry Parking Survey *does* indicate that the East Midlands is in critical need of more HGV parking, the Applicant should identify the distances to the nearest HGV parking based on all type of HGV parking facilities to establish a need.

Notwithstanding the above, National Highways will not object to proposals where a need has not been established as there is no minimum distance between these facilities. However, to protect the safety and operation of the SRN, the access/egress arrangements of facilities must comply with the design requirements as set out in the Design Manual for Roads and Bridges (DMRB) which includes provisions in respect of junction separation. National Highways has no further comments to make on this point.

Minimum Requirements for a Motorway Service Area

All roadside facilities that are accessed directly from a motorway or motorway junction must be signed for safety reasons. DfT Circular 01/2022 (Annex A, Table 1) sets out the minimum requirements that these facilities must meet to be eligible for signing.

National Highways will not support proposals for roadside facilities adjacent to a junction with a motorway that would not meet the minimum requirements for signing as these can prevent or reduce the provision of more appropriate facilities.

On-line (between junctions) service areas are preferred because they are more accessible to users of the SRN and as a result more conducive to encouraging drivers to stop and take a break. They also help to avoid an increase in traffic demand at junctions with all-purpose trunk roads.

However, where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, the development of a site that shares a common boundary with the highway at a junction with the SRN, and which provides the mandatory requirements to be eligible for signing is preferred to the continued absence of facilities where a need has been demonstrated.

The proposed development would constitute an off-line motorway service area as it is located at an existing junction (M69 Junction 1). As the Site shares a common boundary with the highway at a junction with the SRN, its location would meet the criteria for a signed motorway service area providing that the minimum requirements for an MSA are also met.

As per DfT Circular 01/2022, as a minimum, motorway service areas must:

- Be open 24 hours per day, 365 days per year;
- Include free parking for a minimum of 2 hours for all vehicles;
- Include provision of security monitoring equipment including appropriate lighting and CCTV systems;
- Have free-to-use toilets with hand washing facilities, and at least 1 changing places toilet and 1 for people with disabilities;
- Include shower and washing facilities for HGV drivers (separate provision for men and women);
- Include the provision of fuel for petrol and diesel vehicles and EV chargepoints;
- Serve hot drinks and cooked hot food for purchase during all opening hours and for consumption on the premises;
- Include access to a free-of-charge telephone for emergency use, Wi-Fi and power points available for device charging;
- Have adequate levels of parking for different vehicle types supported by a demand-based calculation (DfT Circular 01/2022, Annex A Table 2).

Following our previous consultation responses, we are content that the proposed development can meet the minimum requirements of a MSA as per DfT Circular 01/2022. When other outstanding matters are resolved, a planning condition will be necessary to ensure that the minimum requires of an MSA as per DfT Circular 01/2022 are met in perpetuity.

Parking Provision

In addition to the minimum requirements of an MSA as set out above, sufficient parking is important to ensure that queuing from the site onto the adjacent road network does not occur. As such, parking provision should be calculated based on a proportion of traffic flow for which the development will serve. DfT Circular Annex A sets out the methodology for this calculation. In areas in need of more HGV parking, as defined by [DfT's National Lorry Parking Survey](#), HGV parking should be calculated at a higher rate.

We are now satisfied that sufficient parking for all vehicle types has been proposed.

When other matters are resolved, a planning condition will be required to ensure that the agreed parking numbers are retained in perpetuity.

Removal of Layby

The proposed access scheme requires the removal of an A5 layby. The principle of the removal of the layby is acceptable to National Highways given that provision for HGV parking will be provided within the MSA Site.

Traffic Impacts

Trip Generation

As per DfT Circular 01/2022, roadside facilities should be well-designed to serve passing traffic. Off-line MSAs can divert traffic onto the nearest junction and surrounding roads increasing the volume of traffic at those locations, whilst there is also a risk to them becoming destinations in their own right. This can adversely affect the safety and operation of the surrounding highway network and consequently the Transport Assessment must show that there would only be a minimal overall increase in trip mileage and that road safety is not compromised.

Given that the current proposal would be signed from the M69 motorway (not part of the existing planning consent), the demand for this roadside facility will increase compared to the previously proposed trunk road services (signed from the A5 only), although it is noted that the previous planning consent included an element of B1/B2/B8 employment use which is now not being proposed.

Following our February 2024 response, we provided a recommendation on how trip generation should be calculated. This is based on calculating the likely 'turn-in' rates, based on comparable sites and flow data. The April 2024 Technical Note, summarised the revised trip rates based on the alternative methodology and the 6th June 2024 letter included the addition of A5 users.

We consider that the trip generation is now agreed and we have no further comments to make on this point.

Travel Plan

Our previous comments on the travel plan are still relevant. However, we are content that an updated Travel Plan can be a condition of any planning consent.

Network Capacity Assessment

LinSig

We consider that in terms of model extents the current set up of the M69 slips are appropriate. There are observed issues with the LinSig model as set out in our previous response, in particular saturation flows causing bottle necks. However, it is considered unlikely that the concerns raised present a severe issue or any significant concerns with how well the model demonstrates junction performance. As such, our previous comments are for information purposes.

Merge/Diverge assessment

Our 19 February 2024 response requested more information. We do not appear to have received anything further.

Specifically, the Transport Assessment does not consider whether the increase in traffic using the merge/diverge (as a result of the proposed development) would require a step change in layout compared to the current design. It appears that the northbound and southbound merges would be below the required layout. The Applicant should consider whether there is a requirement to bring the merges up to the required standard.

Access

Access to the Site for vehicles and pedestrians is proposed to be taken from the A5 Watling Street approximately 170m south of Wolvey Road (south) junction and 200m north of the Stretton Baskerville Interchange (M69 Junction 1). The A5 Watling Street at this location is subject to the national speed limit (60mph).

It has been noted that the proposed access is the same to that approved under the extant planning permission. Our previous responses have however highlighted that our policies and procedures have changed since the previous planning application was considered, and that this planning application would have to follow our updated policy and procedures.

In that regard, the proposed Site Access arrangement (Appendix 5 of the April 2024 Technical Note) must be designed to a preliminary standard (General Arrangement drawing) in accordance with the Design Manual for Roads and Bridges (DMRB). Our previous responses referred the Applicant to our planning guide: [Planning for the Future: A Guide to Working With National Highway on Planning Matters \(October 2023\)](#) for more information.

Specifically, the preliminary site access drawing (including the proposed changes to the Wolvey Road junction) and associated documentation should include:

- Identification of scheme extents.
- Sufficient engineering drawings with dimensions showing compliance with DMRB requirements in both plan, cross, and long sections.
- Topographical survey data.
- A document explaining the design rationale to include:
 - o Design standards used and how the scheme complies with them
 - o Identification of departures, relaxations and deviation from recommendations (see DMRB GG 101)
 - o Justification for design decisions, including supporting data where necessary e.g. design speed etc.
- Early consideration of scheme constructability.

Once the preliminary documentation has been agreed, as per our planning guide and previous response, completion of the following prior to planning consent should also be noted:

- A Walking, Cycling, Horse-riding, Assessment and Review (WCHAR) in accordance with DMRB GG142 – the submitted WCHAR is currently being reviewed.
- A Stage 1 Road Safety Audit (RSA) in accordance with DMRB GG119 – we received an RSA brief and CVs of the audit team in July 2023. These will require some updating in light of our above comments.
- Agreement in Principle (AiP) obtained for any departures from standard – any departures (existing or new) should be identified by the Applicant/designer on the General Arrangement drawing.
- A Safety Risk Assessment in accordance with DMRB GG142 (in certain circumstances only).

Swept Path

Following our previous response a Swept Path drawing for an abnormal load has now been provided (Appendix 4 of the April 2024 Technical Note). We will undertake a full review when we review the General Arrangement drawing (as mentioned above).

Changes within the highway boundary

In relation to changes within the highway boundary, the Applicant should also note the following to be submitted and agreed with National Highways. However, we are content that they can be provided post-planning consent through our detailed design and technical approvals process:

- A drainage strategy for the highway alterations to include method of collection, attenuation, pollution control and discharge.
- A signing strategy and details of proposed signage, showing the locations, general sign face designs, overall dimensions, and to pursue structural approvals (where necessary) in accordance with TSRGD, TSM, and DMRB requirements.
- Details of the proposed signal post, control box, maintenance bay locations together with timings, phases and intended operation of the signals.
- Details of the proposed extent of street lighting and location of columns and feeder pillars.
- Pavement drawings showing areas of existing and proposed highways construction, to include areas requiring full construction; areas requiring resurfacing and areas requiring relining and the condition of the wearing course.
- Plans showing if and where VRS is required, in accordance with DMRB CD 377. For the avoidance of doubt, this includes the proposed advance direction

signs and any hazards within or adjacent to the highway that warrants the installation of VRS.

- A Maintenance Repair Statement (MRS) in accordance with DMRB GD 304 and a plan to show the maintainable boundary of the scheme.
- A Traffic Regulation Order (TRO) will be required to reduce to speed limit from 60 to 40 mph as per the Transport Assessment.
- Screening for an Equality Impact Assessment (EqIA) in accordance with DMRB GG101.

Other Matters to Note

Redline

The redline, denoting the legal boundary for the proposed development, does not appear to include the full extent of proposed junction works on the A5 trunk road. The red line boundary should be updated showing the full extents of the development proposal including works within the highway boundary.

Electricity Pylon

The proximity of the existing electricity pylon along the eastern boundary of the development site suggests works forming the A5 junction diverge would be within the 8m exclusion zone. As per our previous letter, the application should confirm if National Grid acceptance has been given.

Flood Risk and Drainage

The development proposes to discharge surface water into the Soar Brook via three new outfalls. The brook and outfalls are outside of the SRN boundary and do not directly affect the SRN. The culvert downstream of the outfalls however are owned by National highways.

Increase water from the development may increase the risk of the National Highways culvert flooding. This risk of flooding is considered in the Flood Risk Assessment (FRA) and has been mitigated by restricting the flow of water discharging into Soar Brook with the use of hydro brakes and attenuation. The FRA also demonstrates that the capacity of the culvert has been checked and can sufficiently convey water from the development.

In light of the above, we have no concerns with the site's drainage.

The highways drainage for the A5 access has not been considered at this stage however as per mentioned earlier, details of the drainage relating to physical works to the A5 will form part of our technical approvals process under a Section 278.

External Lighting

From a review of the external lighting assessment accompanying the planning application there appears to be excessive light spill along the eastern boundary of the development site, leading to the potential for light trespass onto the adjacent A5 highway in excess of 1 Lux. We are nonetheless content that external lighting is a matter that can be resolved through the use of suitability wording planning conditions.

Boundary Treatments

All boundary treatments and landscaping should be positioned entirely within the red line boundary of the site and far enough within the site that it can be installed and maintained without encroachment onto National Highways land. This applies to fences and all vegetation for the duration of their life. In particular:

- Shrubs used in edge planting must not be planted within 4.5m from the edge of the carriageway.
- Medium size trees (less than 450mm (DBH) should not be planted closer than 7m (i.e., Malus sp., Prunus sp.)
- Large climax trees (greater than 600mm DBH) should not be planted within 9m (i.e., Quercus sp., Fagus sp.)

The above is however for information only. We are content that landscaping plans can be considered in more detail following planning consent, enabled through suitably worded planning conditions.

Ground Impact / Geotechnical matters

Our previous response noted that with reference to the Proposed Site Layout plan, that the eastern edge of the development will be on a raised plateau relative to the adjacent A5 and M69 J1 circulatory carriageway and includes the installation of a retaining wall. We indicated that a buffer zone between earthworks and the public highway would be required.

Whilst we may still have queries relating to the above to ensure that the development complies with CD 622, we are content that compliance with CD622 can be subject to a planning condition. As such, no further information is required at this time.

Utilities

There is no information accompanying the planning application discussing connections, protections, diversions or enhancements to public utilities required by the development, including the proposed junction and how they may affect the SRN. Further information on this will be required as a condition of planning consent.

Construction Impact

Given the scale and proximity of the development to the SRN, National Highways should be consulted on a Construction Environmental Management Plan (CEMP) to include construction traffic impact and construction access. We are content however, that this could be provided post-planning consent.

Summary and Recommendation

In summary, whilst good progress has made to satisfy National Highways on the acceptability of this proposal, there are still some outstanding matters to be resolved before we can lift our holding recommendation.

In light of the above, we recommend that this application not be determined for a period of three months from the date of this letter. This is to give the Applicant sufficient time to provide the outstanding information as requested.

Standing advice to the local planning authority

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

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

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