



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

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

CC: transportplanning@dft.gov.uk
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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: 08 May 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. **It provides an update to our previous response following a re-consultation received on 17 April 2024.**

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 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 response of 19 February 2024 concluded that a need for a new MSA at this location had not been demonstrated by the Applicant based on the 28-mile criteria.

We have since been consulted on Technical Note 3711622 of April 2024 by DTP Consultants within which paragraphs 2.2 to 2.6 maintain that there is a need for an MSA at the proposed location. However, it seems that this only seeks to confuse matters further by discussing distances between existing services in kilometres rather than miles, and also by discussing distances between existing facilities in terms of driving time, which *'at peak times can be between 28 and 40 minutes drive'*. It is unclear whether the above statement is based on anecdotal observation as the statement doesn't appear to reference any established dataset.

Nonetheless, DfT Circular 01/2022 does not require a discussion around driving time between motorway service areas and is quite clear that the need for new services can be identified by comparing the distance (in miles) between existing sites.

As such, our previous comments are unchanged, and the need for a new MSA at this location has not been demonstrated by the Applicant based on the 28-mile criteria.

Notwithstanding the above, and as per our previous response 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. It is noted that the April 2024 Technical Note does not attempt to address this and appears to dispute DfT's Lorry Parking Survey. Without further evidence to support the Applicant's case, the need for an MSA at this location is therefore not established.

Notwithstanding the above comment, the distance between services can be shorter than 28 miles (there is no minimum distance). 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.

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 by National Highways 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. In addition, they also help to avoid an increase in traffic demand at junctions with all-purpose 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 can be classed as an off-line motorway service area as it is not located between junctions but 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).

Our February 2024 response set out that National Highways had reviewed the submitted documents to ascertain if the proposal meets the minimum requirement for an MSA. Following this review, we considered that further information was required as set out below:

Fuel Provision

The proposed Site Layout Drawing (ref 1415-23 revision K) indicated the site layout including access point, amenity building, drive through, parking areas, and HGV fuelling area. It was believed that the fuelling area for domestic vehicles was located to the southeast of the Site, however, this was not labelled. Our response stated that given that the provision of fuel is a mandatory requirement for MSAs, the location of this component should be clearly identified. To address this point, we have been

consulted on an updated plan (ref 1415-26 revision M) which now shows the fuel provision area clearly labelled. This point is now considered satisfactorily addressed.

CCTV and Lighting

The updated Site Layout Drawing still does not appear to identify locations for the provision of security monitoring equipment (i.e. CCTV) and lighting. As such, our previous comment on this matter still stands.

Parking Provision

It was previously noted that the proposal included the provision of a total of 269 parking bays for cars and light goods vehicles. This included 36 EV charging bays and 17 disabled bays. 11 dedicated staff parking bays were included in this number. In addition to this number, the proposal included 10 motorcycle bays, 29 HGV bays, 8 caravan bays, and 6 coach bays.

As per our previous response, DfT Circular 01/2022 Annex A sets out the minimum required parking provision for different vehicle types. These should be calculated based on a proportion of traffic flows for which the development would serve. In calculating this, the most recent complete year data should be used to identify the peak monthly traffic flow, which should then be averaged to find the daily flow for the different vehicle types.

According to Page 20 of the Transport Assessment, the Applicant used the latest traffic flow data from the nearest DfT count point on the M69 (count point 46056), to calculate the minimum required number of spaces. There is no mention of a count point for the A5. Given the site is accessed from the A5 trunk road, flows for the A5 should also be included when determining parking provision and trip generation. DfT Circular 01/2022 Annex A Tables 2 and 3 set out the parking provision required for motorway and trunk road services respectively. If the A5 traffic flows have not already been included, these should be taken into account. We request that the Applicant provide the flow figures that have been used so that we can verify these.

Our previous response noted that HGV parking provision had been calculated based on a standard rate. DfT Circular 01/2022 states that in areas of need for HGV parking, a higher rate should be used to calculate the parking provision for HGVs. As DfT's Lorry Parking Survey indicates that the East Midlands is an area of need for HGV parking, our previous response set out that the higher rate should be used in this case, and that the HGV parking provision proposed with this application was insufficient. With reference to the April 2024 Technical Note the Applicant has re-calculated HGV parking provision based at a rate of 0.75% given that only half the site is located in the East Midlands and therefore an area of need for HGV parking. We consider this calculation to be reasonable.

As per our previous response, parking provision for one abnormal load must also be provided. The April 2024 Technical Note comments on this and the updated site layout drawing (ref 1415-26 revision M) now clearly identifies this provision. We consider this point to have now been addressed.

It is also noted from the site layout drawing that the parking provision for staff parking has increased from 11 to 18. However, there is no evidence to support whether this is sufficient. Further information on this matter is therefore sought.

In light of the above comments, further information is required to understand if the proposed development meets the minimum requirement for a motorway service area in accordance with DfT Circular 01/2022.

Site Layout

Given the Site is accessed directly from the SRN, National Highways will need to consider the layout of the Site to ensure that any conflict points or congestion within the Site will not result in queuing back onto the SRN. National Highways will undertake this review once we are satisfied that the minimum parking requirements are met and that there will be no further updates required to the Site Layout drawing.

Access

According to the Transport Assessment and Site Layout drawing, 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 was noted in our previous response that the proposed Site Access is unchanged to that approved under the previous planning consent for a petrol filling station. However, we advised that given that the development proposal has since changed, National Highways would need to determine that the proposed access is safe and suitable for the development being proposed. In addition, it should be noted that our policies and procedures have changed since the previous planning application including the site access arrangement was considered. The new submission will have to follow our updated policy and procedures.

In that regard, and as indicated in our previous response, the proposed Site Access arrangement (Appendix 5 of the April 2024 Technical Note) does not meet our new requirements as drawings must be designed to a preliminary standard in accordance with the Design Manual for Roads and Bridges (DMRB). This was highlighted in our previous response. For more information on the level of detail to provide, the Applicant should refer to [Planning for the Future: A Guide to Working With National Highway on Planning Matters \(October 2023\)](#).

Following our previous response however we do note that a Swept Path drawing for an abnormal load has now been provided (Appendix 4 of the April 2024 Technical Note). This will be reviewed by our internal specialists and further comments on this may follow in due course.

Removal of Layby

The proposed access scheme will require 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. However, the two spaces removed from the layby, should be compensated within the overall parking provision of the MSA. As such, two additional HGV parking spaces should be added to the total number of HGV parking spaces needed to satisfy DfT Circular, Annex A.

The above matter has not been referred to in the April 2024 Technical Note. We can also not determine if the HGV parking provision is sufficient until the applicant provides the flow data used to inform parking provision.

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 includes signage 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.

The Transport Assessment sets out the anticipated vehicular trip generation for the proposal which has utilised TRICS to derive trip rates for the development, selecting land use 'Hotel, Food and Drink', and sub land use – 'Motorway Service Areas'. This category has been utilised for the MSA (1,720sqm), HGV sales area (73sqm) and Drive-Thru (170sqm).

As per our previous response, the TRICs category used was based on the advice of National Highways, however, upon reviewing the TRICs outputs it was evident that the sample was not representative of MSAs within the Midlands region. As such, following our previous 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, summarises the revised trip rates based on the alternative methodology. However, as per our comments relating to parking provision, we require the raw flow data in order to verify the trip generation assumptions. In addition, as per our comments in relation to parking provision, given that the site will also serve A5 users, flows for the A5 should also be included in trip generation calculation.

We may have further comments on trip generation once we have had the opportunity to review the data.

We will consider the appropriateness of trip distribution once we are satisfied with the above.

Travel Plan

Government guidance states that Travel Plans should contain information concerning the nature of the proposed development and the forecast level of trips by all modes of transport likely to be associated with the development.

Whilst the Transport Assessment contains the trip generation for road users, this has not identified the trip generation for staff for which the Travel Plan should be aimed at. As such, the Travel Plan should identify the likely trip generation for employees. This has not been evidenced. Evidence should be provided to demonstrate the number/proportion of employees likely to arrive by private car, setting a baseline for which travel plan targets can be measured against. The Travel Plan fails to do this. This should be clear from the outset to ensure that parking used by staff does not deduct from the total number of parking spaces needed to serve road users.

The Travel Plan contains no clear targets. Government guidance Travel Plans should identify specific required outcomes, targets and measures. Justification for specific targets should also be given.

The Plan offers no clear measures or incentives for reducing travel by private car. The Plan indicates that secure cycle spaces will be provided within the Site, however this is not shown on the Site Layout Drawing.

Other matters to be considered in due course.

The re-consultation materials (April 2024 Technical Note) provide no further information in relation to the following matters. As such, our comments on those matters as set out in our response of 19 February 2024 are unchanged.

- Junction capacity assessment
- Merge/Diverge assessment
- Highways mitigation
- Boundary impacts
- Off-site signage

Summary and Recommendation

In summary, insufficient information has been submitted with this planning application to demonstrate that the proposal is acceptable to National Highways as the highway authority for the M69 motorway and A5 trunk road.

In light of the above, we recommend that this application not be determined for a period of six 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.