



Dynamic Transport Planning Ltd
The Riverside
Chester-Le-Street
County Durham
DH3 3QR
Company Number: 11024719

Catherine Townend
National Highways
Your Reference: NHPR 22-12
By Email

30/07/2024

Proposed Construction of Motorway Service Area at South/Western Boundary Fronting M69, Land East of Stretton Croft, Wolvey Road, Leicestershire.

Dear Catherine,

Dynamic Transport Planning Ltd (DTP) is instructed on behalf of Welcome Break Ltd in relation to the above cross-boundary planning application, which is currently being considered by Hinckley and Bosworth Borough Council and Rugby Borough Council (Application Reference Numbers: 23/01023/HYB and R23/1047).

A full timeline of the planning application can be found within the Technical Note (TN) of March 2024 issued by DTP to National Highways (NH). Pre-application discussions were held in March 2023, with the planning application submitted in October 2023. Both Local Highway Authorities have confirmed no objection to the proposals.

A number of consultation responses regarding the application have been issued since its submission. In response to these various consultation comments, DTP have provided a Technical Note (dated March 2024) and a letter response (dated June 2024). The latest set of comments from NH (dated 28th June 2024) are in response to DTP's June 2024 letter. This letter forms a response to NH's latest set of consultation comments dated July 2024.

Our previous letter response outlined the applicant's disappointment in the continued changes in stance and fundamental shifts in position from NH in relation to this planning application and considered NH's behaviour to be wholly unreasonable.

Whilst each matter is addressed in detail below, the applicant notes that this letter will form the final response to NH in relation to these proposals. On this basis, the applicant anticipates that the proposals will be determined as soon as possible, or an appeal for non-determination will be sought.

Response to Latest NH Consultation Comments

Background

NH's latest response provides their general text of consultation comments on each matter and an Appendix of further responses. NH continue to consider that there are fundamental differences between the proposals and the approved services area.

This continues to fail to accept the fallback position of the site (established by Planning Permissions R16/1255 and 20/00531/HYB) and that the now agreed trip generation will result in less peak hour traffic than already approved on the site for an identical access proposal. We have previously outlined to NH that a fallback position is a firmly established planning principle and cannot be ignored at the discretion of a consultee.

NH state within their further comments (Appended to latest NH correspondence) that they have *'no comments to make at this time on planning case law'*. As set out above, it is not within the gift of NH to disregard the fallback position of the site, and NH has failed to clearly set out why a fallback position is not considered relevant in this instance. Indeed, the applicant would reiterate that there is no established planning appeal or case law precedent that NH can rely on to support their position. On this basis, this remains wholly unreasonable and defies the integrity of the planning process.

Need for an MSA

The comments made by NH continue to question the need for an MSA in this location but do now acknowledge that the existing gap between services is 26 miles, which it was noted by DTP as notably closer to the threshold for a need as per Circular 01/2022 than NH had initially suggested. Nonetheless, NH conclude that they will not object to proposals where a need has not been established. Therefore, NH agree that this point is not a planning matter.

Minimum Requirements

NH have confirmed that they are now in agreement with the approach taken to calculate parking provision and that they are satisfied the minimum requirements for an MSA are capable of being met. NH do continue to request that the raw flow data used is provided. Whilst we have previously provided the information required to access this publicly available data, for the avoidance of doubt, this data is enclosed with this letter.

NH state that the removal of the A5 layby in principle is acceptable given that HGV parking is provided within the MSA site. The agreement on the previously approved TRSA application was that the provision of a TRSA replaced the need for a layby, as should a driver need to stop, a services area would meet this need. Therefore, the current proposals for an MSA site would continue to provide a suitable alternative to the layby for drivers wishing to stop.

Traffic Impact

NH have agreed the approach to trip generation but request the raw flow data which, as discussed above, can be found enclosed with this letter. NH also accept that an updated travel plan can be a condition of any planning consent which is acceptable and already agreed with the LHA.

A series of comments have been made regarding the LinSig modelling of the adjacent roundabout following the review of this by NH's appointed transport consultants. This model is the same as the approved model submitted as part of the previous application at the site and remains unchanged from that which was agreed with NH as part of this.

During the previous application, NH's transport consultants AECOM reviewed the model on their behalf. It is again AECOM reviewing the model in this instance. None of the comments raised are material and this model has already been agreed with NH and AECOM and there is now a lower traffic demand than previously approved on the site.

It is considered that none of the comments which have been raised would have a material impact on the modelling assessment, hence why this model was already previously agreed with NH and AECOM.

Nonetheless, to directly address the comments made regarding the LinSig model, DTP would offer the following comments:

- Flare Locations – this has no impact on the modelling as the model queue lengths are not significant.
- Crossing – pedestrian stages fit in with traffic and given the location of the stie, there will not be any significant demand for pedestrian movements.
- Queue Limits on Circulatory Carriageway – queue limits in LinSig do not work to exact values and the models have been reviewed to ensure that queuing is accommodated in the modelling scenarios.
- Speeds – in absence of any speed data, 40mph has been considered reasonable given the size and scale of the junction.
- Radius – where the radii are over 100m, these have been excluded as they do not have any material impact.
- Traffic Signal Specification – this was provided as part of the previous application at the site and is enclosed with this letter.

Notwithstanding the above, this model has already been reviewed by AECOM on behalf of NH for the previous application and was agreed as an acceptable representation of the junction. Further to this, with the trip generation now agreed, the current application will now reduce trip generation compared to what has already been approved.

NH also state that no further information has been provided regarding the merge/diverge assessment. This is incorrect as this was submitted as part of the application within the TA, and it is reiterated that during the weekday peak hour periods there will now be less traffic than was previously approved at the site.

Access

Whilst NH provide a commentary regarding the site access arrangements, they continue to fail to accept the fact that this is the same access design as was previously approved at the site and that the scheme now has less peak hour traffic than previously approved.

Whilst NH may maintain that their internal procedures have changed since the previous application, this has no material relevance in this instance. From a planning context, the site has an approved access design for a higher level of vehicular activity than is currently proposed. Again it is frustrating that we have to reiterate that it is not appropriate for NH to disregard the planning fallback position for the reasons set out above.

Other Matters

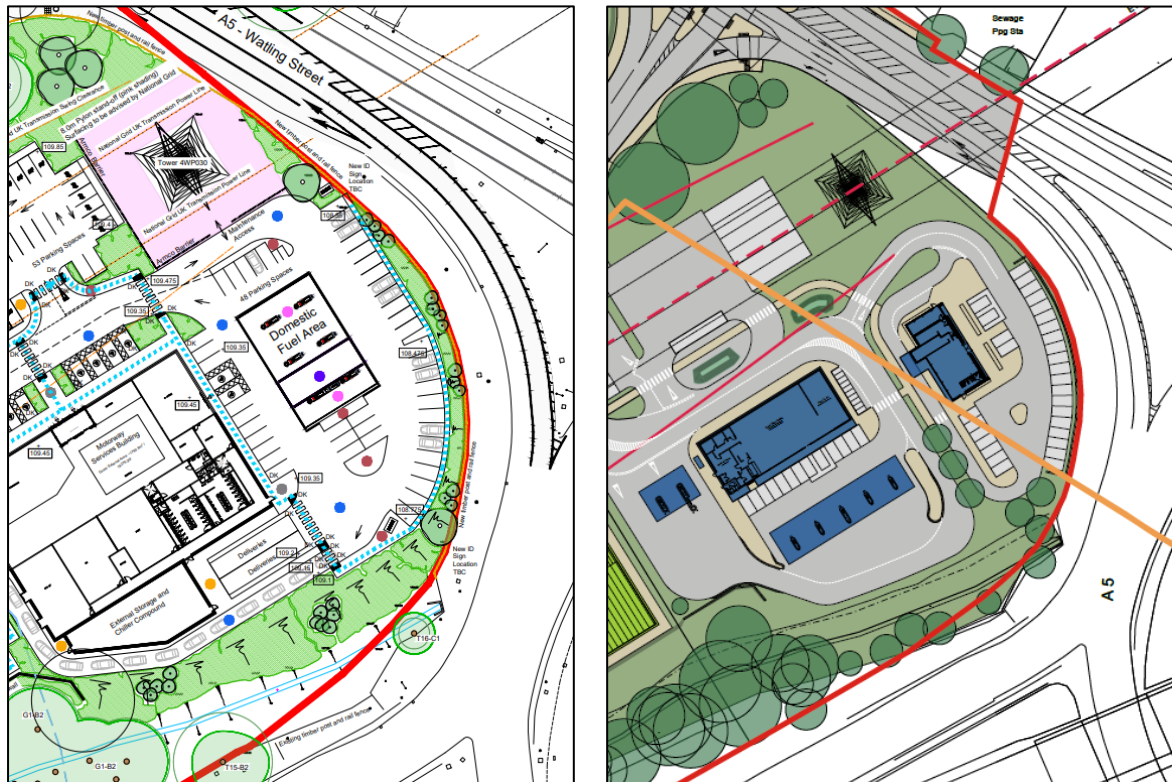
NH state that amongst other information, a WCHAR and RSA1 are required to be submitted prior to planning consent. DTP would note that they have already directly provided NH with a WCHAR and RSA brief (alongside the auditor CVs) via email on Tuesday 4th July 2023.

In response to this, DTP received an email from the NH officer (Cathrine Townend) on Thursday 6th July 2023 which stated that it was premature for an RSA to be undertaken before NH had accepted the TA, inclusive of trip generation and junction modelling. On the basis that this is an identical junction which has an RSA for more traffic, it is not considered that this is still required as the principles have already been established through an approved scheme. If an RSA is required, the developer has already agreed to undertake this, as set out above.

NH agree that the suggested changes within the highway boundary can be provided post-planning at the detailed design stage.

NH also state that, with regard to the ground impact the proposed development is unlikely to be acceptable as it would require a buffer zone between earth works and the public highway. The project architect has confirmed that the proposed site layout has designed out the need for a retaining wall, by providing a larger planted buffer zone between the proposed car park and the highway. This buffer zone will slope towards the highway as indicated by the slope ticks on the drawing. The gradient of the slope will be around 1in3, with the steepest change in levels occurring to the south of the bank of parking.

An excerpt of the site layout plan is shown below, which shows the current site layout plan (left) and the previous scheme at the site (right), which had no buffer and proposed a retaining wall adjacent to the highway boundary.



NH has also requested further information regarding utilities – this is not a planning matter. It should also be noted that the applicant would be agreeable to the condition of a CEMP. A condition would comprise a standardised approach to such matters.

Summary

Overall, the traffic generation of the proposals is now agreed with NH, which has been a key matter to establish. In terms of the traffic impact of the site, an identical access arrangement is proposed to that which has already been approved, and during the weekday AM and PM peak periods the application site will now be generating less traffic (extant permissions R16/1255 and 20/00531/HYB).

Although a weekend period would see a higher traffic generation over what has been previously approved, the background traffic flows on the network are significantly lower. Indeed, these flows are around a third lower to both the AM and PM peak (around 3,200pcus Sat compared to around 5,000pcus weekday AM and PM), thus the key assessment periods are the weekday peaks.

As agreed with both LHAs involved, they have accepted that the weekday trip generation will be lower, and as such, given the approved status of development on the site, if the proposals will now provide more balanced flows over the day/week, and at peak times will reduce traffic flows, there is no basis on which to delay approval of the application.

It is acknowledged that within their response NH state they are keen to work with applicants to resolve outstanding matters. Whilst this support from NH is appreciated, it is now considered that all relevant matters have been addressed, and this protracted process of multiple iterations of consultation comments cannot continue. The planning team have confirmed that this is the sole remaining matter to be addressed in terms of the application. Therefore, the applicant respectfully requests and anticipates that NH's position will be confirmed on the application as soon as possible.

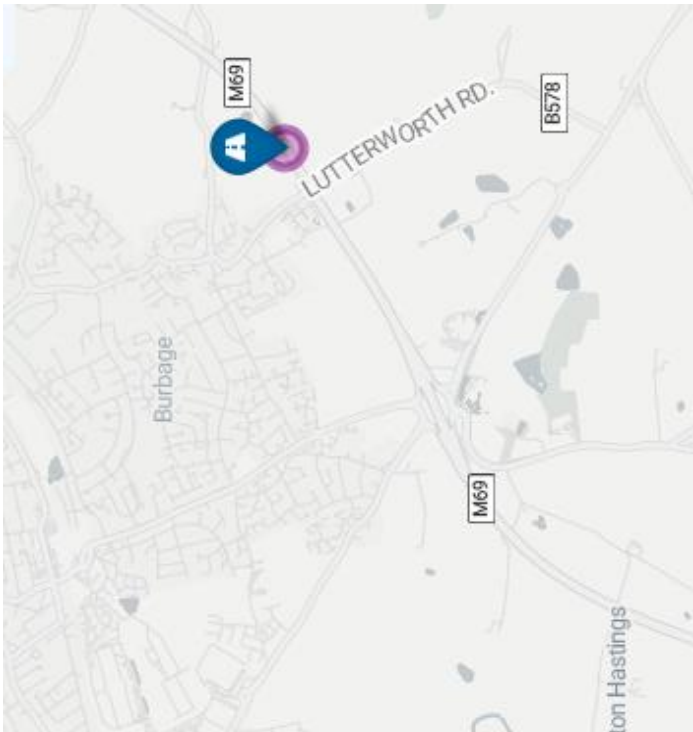
Yours Sincerely,



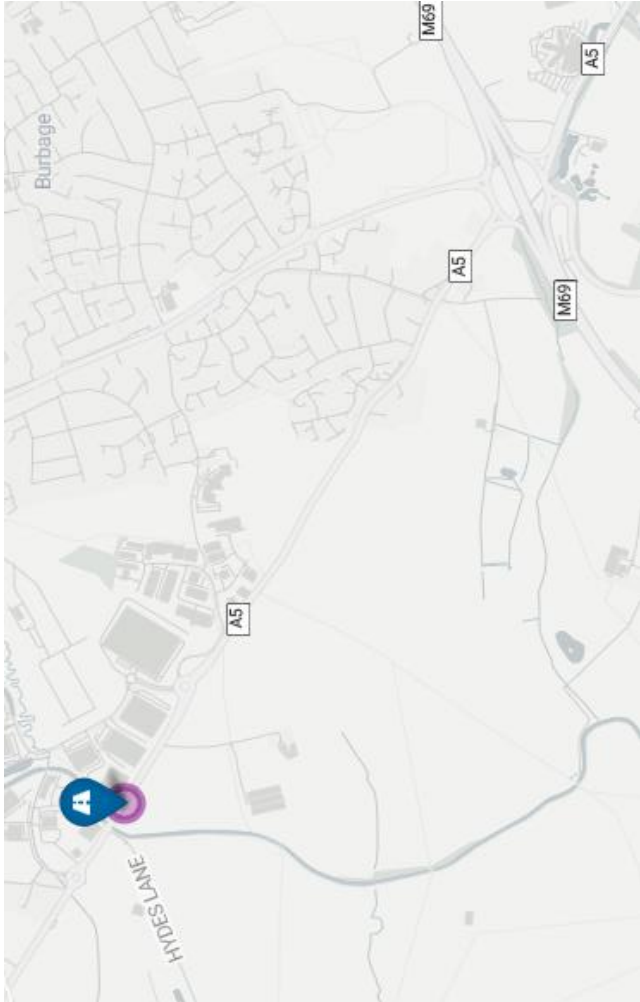
Gavin Snowball
BSc (Hons) MSc MCIHT MTPS MSoRSA HE Cert Comp
Director: Dynamic Transport Planning Ltd

Enclosed:
Raw Traffic Data
Signal Controller Data

vid	count_poir_year	local_auth_region	length_km	length_mil_road_type	estimation	pedal_cycl_two_wheel_cars_and_ibuses_andlgvs	hgvs_2_rigi_hgvs_3_rigi_hgvs_4plus_hgvs_3or4_hgvs_5_art_hgvs_6_art_hgvs_all	all_mv	data_quality											
3277811	46056	2019 Leicestersl East Midla	4.4	2.73 major	Estimated	0	81	42778	91	8409	1741	345	604	324	1259	1382	5654	57013	NA	
vid	count_poir_year	local_auth_region	length_km	length_mil_road_type	estimation	pedal_cycl_two_wheel_cars_and_ibuses_andlgvs	hgvs_2_rigi_hgvs_3_rigi_hgvs_4plus_hgvs_3or4_hgvs_5_art_hgvs_6_art_hgvs_all	all_mv	data_quality											
3277814	46056	2022 Leicestersl East Midla	4.4	2.73 major	Counted	Manual co	0	99	32419	88	9546	997	244	603	214	797	2343	5198	47350	NA



vid	count_poir_year	local_auth_region	length_km	length_mil_road_type	estimation	pedal_cycl_two_wheel_cars_and_ibuses_and_lgvs	hgvs_2_rigi_hgvs_3_rigi_hgvs_4plus_hgvs_3or4_hgvs_5_art_hgvs_6_art_hgvs_all	all_mv	data_quality											
3325473	56143	2019 Leicestersl East Midla	4.6	2.86 major	Counted	Automatic	53	183	17159	21	4423	897	130	184	292	867	420	2791	24577	NA
vid	count_poir_year	local_auth_region	length_km	length_mil_road_type	estimation	pedal_cycl_two_wheel_cars_and_ibuses_and_lgvs	hgvs_2_rigi_hgvs_3_rigi_hgvs_4plus_hgvs_3or4_hgvs_5_art_hgvs_6_art_hgvs_all	all_mv	data_quality											
3325476	56143	2022 Leicestersl East Midla	4.6	2.86 major	Counted	Automatic	51	144	15223	16	4615	869	117	202	299	853	409	2749	22746	NA



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A	F	1	Always appears	End of stage
B	F	1	Always appears	End of stage
C	F	1	Always appears	End of stage
D	F	1	Always appears	End of stage
E	D	1	Always appears	End of stage
F	D	1	Always appears	End of stage

Phase	minimum green	blackout/flash	maximum greens
A	7 (7)		40 40 40 40
B	7 (7)		20 20 20 20
C	7 (7)		40 40 40 40
D	7 (7)		20 20 20 20
E	2 (2)		0 0 0 0
F	2 (2)		0 0 0 0

Phase	location	minimum red
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[illegible]

A	Circ M69 E BND	2 (2)
B	M69 E BND Slip	2 (2)
C	Circ At A5 S BND	2 (2)
D	A5 S BND	2 (2)
E	Revert	2 (2)
F	Rest on Red	2 (2)

Stage stream 1

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Stage	Phases
1	Phase 1
2	Phase 2
3	Phase 3
4	Phase 4
5	Phase 5
6	Phase 6
7	Phase 7
8	Phase 8
9	Phase 9
10	Phase 10
11	Phase 11
12	Phase 12
13	Phase 13
14	Phase 14
15	Phase 15
16	Phase 16
17	Phase 17
18	Phase 18
19	Phase 19
20	Phase 20
21	Phase 21
22	Phase 22
23	Phase 23
24	Phase 24
25	Phase 25
26	Phase 26
27	Phase 27
28	Phase 28
29	Phase 29
30	Phase 30
31	Phase 31
32	Phase 32
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86	Phase 86
87	Phase 87
88	Phase 88
89	Phase 89
90	Phase 90
91	Phase 91
92	Phase 92
93	Phase 93
94	Phase 94
95	Phase 95
96	Phase 96
97	Phase 97
98	Phase 98
99	Phase 99
100	Phase 100

1	B,	C	
2	A,	D	
3 *	A,	C,	E
4	F		

Start_up stage in each stream is marked thus *.

Controller B

PHASE INTERGREEN DETAILS

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	ウ	-----ウ(6)	ウ	ウ	ウ(3)	ウ
	テ	ット	ット	ット	ット	ット
	ウ	ウ	-----ウ	ウ	ウ	ウ
B	ウ	6	ウ	-----ウ	ウ	ウ
	ウ(6)	ウ	-----ウ	ウ	ウ	ウ(3)
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C	ウ	ウ	ウ	-----ウ	6	ウ
	ウ	ウ	ウ	-----ウ(6)	ウ	ウ(3)
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	ウ	ウ	ウ(6)	ウ	-----ウ	ウ(3)
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	ウ	ウ	ウ	ウ	ウ	-----ウ
E	ウ	ウ	ウ	ウ	ウ	-----ウ
	ウ	ウ	ウ	ウ	ウ	-----ウ(3)
	テ	ット	ット	ット	ット	ット
	ウ	ウ	ウ	ウ	ウ	ウ
F	ウ	2	ウ	2	ウ	2
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PHASE DETAILS

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Types :- D = dummy, F = Full traffic, I/A = Indicative or Filter Arrow (ends in bkout/flashing green), V = Vehicle in ped stream, W = ped With traffic, M = MCE0145 ped, L/U = peLican/pUffin ped, N/T = Near or far-sided Toucan bicycle, X = far-sided pedestrian

Phase	Type	Related Colour phase option	Appearance depends on demand :-	Terminates on
A	F	1	Always appears	End of stage
B	F	1	Always appears	End of stage
C	F	1	Always appears	End of stage
D	F	1	Always appears	End of stage
E	D	1	Always appears	End of stage

F	D	1	Always appears	End of stage
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Phase	minimum green	blackout/flash	maximum greens			
A	7 (7)		40	40	40	40
B	7 (7)		20	20	20	20
C	7 (7)		40	40	40	40
D	7 (7)		20	20	20	20
E	2 (2)		0	0	0	0
F	2 (2)		0	0	0	0

Phase	location	minimum red
A	Circ at B4109	2 (2)
B	B4109 Rugby Road	2 (2)
C	Circ At M69 WBND	2 (2)
D	M69 W BND	2 (2)
E	Revert	2 (2)
F	Rest on Red	2 (2)

Stage stream 1

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Stage	Phases
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1	B,	C	
2	A,	D	
3 *	A,	C,	E
4	F		

Start_up stage in each stream is marked thus *.

Controller C

PHASE INTERGREEN DETAILS

[illegible]

	A			B			C			D			E			F		
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	ウ	-----	ウ	(6)		ウ			ウ	(5)		ウ	(3)		ウ	(3)		ウ
	テ	ト	ト	ト	ト	ナ	ト	ト	ト	ト	ナ	ト	ト	ト	ト	ト	ト	エ
	ウ		ウ	-----	ウ				ウ			ウ			ウ			ウ
B	ウ	6	ウ	-----	ウ	6			ウ			ウ	3		ウ	3		ウ
	ウ	(6)	ウ	-----	ウ	(5)			ウ			ウ	(3)		ウ	(3)		ウ
	テ	ト	ト	ト	ト	ナ	ト	ト	ト	ト	ナ	ト	ト	ト	ト	ト	ト	エ
	ウ		ウ		ウ	-----	ウ					ウ			ウ			ウ

Phase	minimum green	blackout/flash	maximum greens			
A	7 (7)		40	40	40	40
B	7 (7)		20	20	20	20
C	2 (2)		0	0	0	0
D	2 (2)		0	0	0	0
E	3 (3)		0	0	0	0
F	3 (3)		0	0	0	0
G	3 (3)		0	0	0	0

Phase	location	minimum red
A	Circ at A5 N BND	2 (2)
B	A5 N BND	2 (2)
C	Dummy IGN A	2 (2)
D	Dummy IGN B	2 (2)
E	Dummy E CALL 3	2 (2)
F	Dummy F CALL RED	2 (2)
G	Dummy G Rev	2 (2)

Stage stream 1

Stage	Phases
1	1.1
2	2.1
3	3.1
4	4.1
5	5.1
6	6.1
7	7.1
8	8.1
9	9.1
10	10.1
11	11.1
12	12.1
13	13.1
14	14.1
15	15.1
16	16.1
17	17.1
18	18.1
19	19.1
20	20.1
21	21.1
22	22.1
23	23.1
24	24.1
25	25.1
26	26.1
27	27.1
28	28.1
29	29.1
30	30.1
31	31.1
32	32.1
33	33.1
34	34.1
35	35.1
36	36.1
37	37.1
38	38.1
39	39.1
40	40.1
41	41.1
42	42.1
43	43.1
44	44.1
45	45.1
46	46.1
47	47.1
48	48.1
49	49.1
50	50.1
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93	93.1
94	94.1
95	95.1
96	96.1
97	97.1
98	98.1
99	99.1
100	100.1

1 *	A,	C,	G
2	B,	D	
3	E,	F	

Start_up stage in each stream is marked thus *.