



Environmental Services

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YOUR REF:

MY REF: SBD/0723/99

DATE: 23/11/00

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Secretary of State for the Environment,
Transport and the Regions
Planning Directorate, Zone 4/B1
Eland House
Bressenden Place
London
SW1E 5DU

Dear Sir,

APPEAL REFERENCE: APP/N410/A/00/1039103

**THE INSPECTOR'S REPORT ON THE PROPOSED MOUNT HILL FARM
MOTORWAY SERVICE AREA DEVELOPMENT ON THE M40 MOTORWAY,
HEDGERLEY, BUCKINGHAMSHIRE.**

I refer to the above appeal and the recent Inspector's Report.

For the record, the County Council welcomes the overall conclusion of your Inspector that consent ought to be refused for the proposed Mount Hill Farm MSA at Hedgerley between Junction 1A and Junction 2 on the M40 motorway. However, the County Council is concerned at certain conclusions drawn by the Inspector including his assessment that the relevant gap for assessing the need for an MSA is between the Oxford MSA and Paddington in West London. This is not an issue to be taken up with you at this time but, in the appropriate way, the County Council will be making submissions on this matter to the re-opened Burtley Wood MSA Inquiry in due course.

The purpose of this letter is to seek specific clarification with regard to the methodology to be adopted for assessing the need for "roughly thirty mile MSAs" in the Green Belt. The relevant extract from the MSA Policy Statement made by Lord Whitty in July 1998 is attached in Annex A.

At the Mount Hill Farm Inquiry the appellant argued that there is no policy requirement to test the need for the Mount Hill Farm MSA, as a "roughly thirty miles site", against the five factors listed in paragraph 5. The appellant maintained that these factors are only relevant to the consideration of an "infill site" between "roughly thirty mile sites". The Inspector agreed with this argument. In paragraph 12.16 of his report he states,

"I conclude that the appeal scheme (Mount Hill Farm) is one which fits well with the Government's roughly 30 miles" strategy on all three of these routes, namely the M40/A40T/A40(M), the M40/M25(N) and the M40/M25(S). For these reasons, and

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notwithstanding BCC's arguments to the contrary, I accept the consensus view of the parties appearing at the inquiry that the appeal proposal is for a "30 mile" site which falls to be considered against paragraph 4 of the July 1998 Statement and not paragraph 5."

In the County Council's view, there is an important point of principle as to whether or not MSA policy in this respect is being interpreted by your Inspectors' in the manner in which the Government intended?

The County remains of the opinion that in assessing the need for an MSA site in the Green Belt there is no hard and fast distinction to be made between so called "Paragraph 4 " sites (i.e. roughly thirty mile sites) and "Paragraph 5 " (i.e. infill sites between roughly 30 mile sites) for several reasons.

First, paragraphs 4 and 5 do not actually state that there is a distinction to be made.

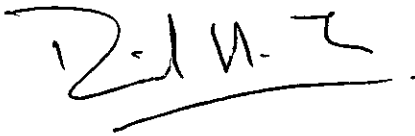
Second, paragraph 5 emphasises the need for flexibility and the need to treat each case on its merits. It states that the list of factors are likely to be relevant "...in virtually every case". Moreover, it does not say that these factors only apply to "infill sites".

Third, paragraph 4 acknowledges that "roughly thirty mile MSA sites" are subject to the normal operation of the planning system. There is no doubt that MSAs are inappropriate development in the Green Belt. Therefore, to consider whether or not there are very special circumstances that apply such sites will inevitably require an assessment of the "compelling need and safety case". Turning the Inspector's narrow interpretation of the policy on its head, the County contends that any paragraph 4 site located in the Green Belt will, as a matter of course, need to consider the paragraph 5 factors as a matter of policy. Otherwise, it would imply that the MSA policy is indifferent as to whether the "roughly thirty mile MSA site" is in the Green Belt or not.

Given that all the MSA schemes in Buckinghamshire are in Green Belt, on behalf of the County Council, I would very much welcome your clarification on this important point of principle.

I look forward to hearing from you.

Yours faithfully



David Turner
Head of Spatial Planning

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