

**ASSESSMENT OF THE STRATEGIC PLANNING ISSUES CONTAINED
IN THE MOUNT HILL FARM MSA INSPECTOR'S REPORT**

1. Overall, the Inspector has recommended that the appeal be dismissed and planning permission refused. His overall conclusion is:

“On balance, I consider that the compelling need which the appeal proposal would meet, together with the incidental benefits it would bring would be sufficient to outweigh the harm to the Green Belt, the landscape and the public footpaths and thereby amount to the very special circumstances necessary to justify inappropriate development in the Green Belt. However, I consider that in the absence of Variable Speed Control, the harm to the functioning of the M40 motorway eastbound between J2 and the MSA would be unacceptable and would reverse this balance. For these reasons I conclude that the appeal should be dismissed.”

2. Clearly, while the overall conclusion is to be welcomed, some of the conclusions formed in reaching this conclusion are not. This annex to the main report is intended to explore these conclusions in greater depth.

MSA Policy

3. On 31 July 1998 the then new Minister for Roads, Lord Whitty, issued a new policy statement on MSA provision (The July 98 Statement) in advance of a full review of Roads Circular 1/94 and PPG13. In announcing the new policy the minister expressed the view that additional MSA provision brought about by the previous guidance had been at the expense of other considerations, particularly in areas of planning constraints (e.g. Green Belt).

4. The Minister stated,

“We therefore intend to return to a policy based on the provision of MSAs approximately every thirty miles in order to provide drivers with adequate opportunities to stop and rest. Services at closer intervals will not be ruled out completely but we will in future expect to approve them only where there is exceptional need and safety grounds for doing so.”

5. This policy statement is intended to supplement existing guidance, but the Minister makes it clear (Paragraph 5 of the July 98 Statement) that it should take precedence over previous statements of policy where it differs. A copy of the July Statement forms part of the appendices at Appendix F.
6. Specifically, it is worth reiterating that the Government took the view that the network was largely complete. In paragraph 4 of the Statement it states that:

“For the future therefore the Government wishes to concentrate on completion of the ‘thirty mile’ MSA network on those relatively few

stretches of motorway where this has not already been achieved (My emphasis). This does not amount to a presumption in favour of MSA proposals which would contribute to the 'thirty mile' network; they will continue to be subject to the normal operation of the land use planning system."

7. It is acknowledged that the last line of paragraph 4 of the July Statement states that on those relatively few parts of the motorway network where the network is not complete, planning authorities are expected to give greater weight to the needs of motorists where sites are roughly spaced at 30 miles. Equally, the first line of paragraph 5 states MSAs located between "thirty mile" sites should only be granted exceptionally and where a compelling case for the MSA has been established.
8. Further on in paragraph 5 of the July Statement, a list of factors are identified to assist planning authorities in assessing need. These are:
 - (i) the distance to adjoining MSAs;
 - (ii) evidence (such as queuing on the MSA approach roads or lack of parking spaces at times of peak demand) that nearby existing MSAs are unable to cope with the need for services;
 - (iii) a higher than normal incidence of accidents attributable to driver fatigue;
 - (iv) evidence of genuine need for the proposed services rather than simply demand: it will not be sufficient to show merely that drivers would use an MSA if it were to be built – there should be evidence of genuine safety-related need; and
 - (v) Whether the MSA is justified by the type and nature of the traffic using the road; the need for services may, for example, be less on motorways used by high percentages of short distance or commuter traffic than on those carrying large volumes of long-distance movements."
9. The interpretation of paragraphs 4 and 5 is a key issue to this and other MSA public inquiries. The appellant argued, presumably based on the sequence of the sentences, 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. He says that these factors are only relevant to the consideration of an "infill site".
10. The Inspector has 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 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.”

11. The policy does not explicitly state that there is a policy requirement to test "30 mile sites" on the basis of spacing alone and "infill sites" against the five factors. However, it does say at Paragraph 5 that,

“Individual cases will need to be treated on their merits and it is not possible to prescribe a comprehensive list of the factors which it might be appropriate to consider in every case (My emphasis). There, are nevertheless a number, which are likely to be of importance in virtually all cases (My emphasis). Planning authorities will therefore be expected to have considered at least....” (My emphasis)

12. It is true that these factors are highly relevant in assessing “infill MSAs” which are to be granted only exceptionally and where a clear and compelling need and safety case for the MSA has been established. On the other hand, it seems illogical to conclude that these factors are also not relevant in policy terms to the consideration of all other MSAs, particularly ones in the Green Belt.
13. Indeed, if the Inspector's assessment were correct, it would imply that the Government is indifferent in MSA policy terms as to whether the MSA is in Green Belt or not. Similarly, no regard would be given as to the location of the proposal on the motorway network.
14. Given the above, I consider that the Inspector's interpretation of the July Statement needs to be clarified.

Spacing Issues

15. The Written Statement submitted by the County Council to the MHF Inquiry (and the Burtley Wood MSA Inquiry for that matter) maintained that the relevant gap is between the Oxford (Wheatley) services and the end of the M40 motorway at Junction 1 in West London. A distance of 29 miles (and not 45 miles). Accordingly, the County contends that the level of MSA provision on the southern section of the M40 already complies with the 30 mile “rule of thumb” that is the general aim of the July 98 statement.
16. The Inspector disagreed with the County's assessment. He sided with the appellant and considered that "need" should be based on the gap between the Oxford Services and Paddington in West London. A gap of 45 miles. The Inspector states in paragraph 12.13,

"I am satisfied that there is no functional distinction to be made between the M40 and A40/(T), which links them on the M40/A40(T)/A40 route, it lies within a 45 mile gap at a point 26 miles from the existing MSA at Oxford (Wheatley) and 19 miles from the south eastern end of the A40 (M) at Paddington."
17. He proceeds to add later on in the same paragraph,

"...I conclude that it would be perverse to distinguish between the M40, A40(T) and A40(M) in considering the gap between Oxford MSA and Paddington, on which the

Appellant's case is primarily based."

18. Similarly, he agreed with the appellant's assessment that the four existing trunk road services serving the A40(T) were deficient, particularly for HGVs. In paragraph 12.14 he states,

"I concur wholly with that view and consider that the existing limited services on the A40(T) should be discounted in determining the relevant gap for assessing MSA provision on the M40/A40(T)/A40(M). I conclude that the relevant gap is that between Oxford Services and Paddington."

19. To my mind, however, there are a number of other factors that need to be taken into consideration.
20. First, while the A40(T) is a major route into London, by definition, it is not part of the nation's motorway network. There is separate Government guidance for services on motorways and trunk roads. The July Statement is a specific policy statement on motorway service areas that supplements Roads Circular 1/94 "Motorway Services Areas" and PPG 13 Annex A. Government's guidance on trunk roads is contained in the Roads Circular 4/88.
21. Similarly, the Structure Plan has separate policies for "MSAs" (TR9) and "Other Roadside Services Areas" policy TR10. This reflects the wide area that it covers including the M1, M4, M25 and M40 motorways and A5(T), A41(T), A428(T) and A404(T).
22. Second, the Inspector places great weight on an extract of supporting text within paragraph 11.69 of the Policy TR9 of the South Bucks Local Plan which states that,
- "This road is in effect an extension of the M40 and is of a similar standard to a motorway and therefore the same criteria will apply as to motorway service areas."
23. There are no trunk roads in the district of South Bucks apart from an 800 metres stretch of the A40(T) from Junction 1 of the M40 eastwards to the boundary with the London Borough of Hillingdon. Therefore, not unreasonably, the Local Plan has a composite policy for motorway service areas and other road side services that applies to all the motorways and this tiny section of the A40(T) that falls within the plan area.
24. Third, notwithstanding the fact that the A40(T) is by definition not a motorway, it also has different characteristics to the motorway network as a whole. After all, there are at least nine junctions along the 12-mile stretch of the A40(T) between Junction 1 at the beginning of the M40 and the end of the A40(M). Therefore, while it is undoubtedly a busy route, it is manifestly different in character to the radial motorways that extend into the Greater London area such as the M1, M11, M4 and M3.
25. On balance, I consider that there are good reasons to counter the Inspector's assessment that Oxford to Paddington is the relevant gap to assess.

Traffic Volumes and Composition

26. The predicted two-way 24 hour flows passing the appeal site are some 137,000 vpd in 2001 rising to around 162,000 in 2001.
27. The definition of short distance trips or "local" trips should be those under 30 miles, with medium distance trips being between 30-60 miles and long distance trips as those over 60 miles. It is estimated that the total number of medium and long distance journeys (i.e. above 30 miles) would be 90,757 in 2001 and 107,330 in 2016. Long distance traffic (i.e. in excess of 60 miles) would be 55,296 in 2001 and 65,374 in 2016.
28. However, in the case of the NBF appeal a further allowance was made to take out those trips that started within 30 miles of the site. This resulted in a "non local flow at NBF of 38,350 vpd. Undertaking a similar exercise for MHF produces a total of 43,850 vpd of "non local" traffic passing Hedgerley.
29. Bearing in mind that the appellant's "Primary" case on "need" is based on the M40/A40(T)/A40(M) alone, it is instructive to consider the level of "non local" traffic on this route.
30. The total volume of "non local" traffic passing MHF and New Barn Farm (Surrey) or South Mimms is 31,250 vpd. This is around 32% of the flow. However, account should be taken of the 62,996 vehicles which pass under the M25 to "Central London" and north and south London inside the M25 via the A40(T) and the North Circular A406(T) north and A406(T) south.
31. The appellant estimates that 20 % of this flow will travel in excess of 30 miles from Hedgerley. This represents some 12,600 vpd to be added to the 31,250 vpd "non local" traffic using the M40/M25, producing a total of 43,850 vpd. But if the M25 traffic is discounted, the "non local" traffic that passes the appeal site and proceeds to use the A40(T) is 9.2%.
32. Not surprisingly, at paragraph 12.138, the Inspector states, "My conclusion is that notwithstanding its compliance with Government spacing policy, the genuine need for the appeal proposal on the M40/A40(T)/A40(M) route alone is insufficient (My emphasis) to outweigh the overall harm it would cause to the Green Belt and other interests."
33. Therefore, it needs to be recorded that the appellant's "Primary" case on need has failed.
34. However, at paragraph 12.139 the Inspector reaches the overall conclusion that, "...the overall need in terms of the 3 major strategic motorway routes the proposal would serve is very substantial. It would serve at least as much "non local traffic as NBF and probably more. The appeal site is very well located to meet this need and contribute to the completion of the "30 mile" MSA network in the area."
35. Accordingly, it is the spacing with other MSAs (Oxford MSA at 26 miles, NBF at 24 miles and South Mimms at 26 miles) that is the telling factor in the Inspector's overall conclusion that there is a compelling need for an MSA at the appeal site.

Green Belt and the Southern Plateau Area of Attractive Landscape

36. With regard to the Green Belt, in the County Council's Written Submission to the Inquiry the Council argued that the MSA would conflict with the aim of preventing towns merging by reducing the undeveloped gap that exists between Gerrards Cross, Slough and Beaconsfield. It would also partially infill the sub gap that it is important to preserve between Gerrards Cross, and smaller settlements such as Farnham Common, Stoke Poges, Hedgerley and Fulmer.
37. The Inspector at paragraph 12.25 firmly rebuts this view, "In my view the effect of the appeal scheme on the coalescence of these 3 well spaced towns would be insignificant, and I regard BCC's claim as unsustainable".
38. Similarly, I remain disappointed to note that he appears to give little weight to the inevitable harm to the Green Belt or the Southern Plateau Area of Attractive Landscape. In particular, at paragraph 12.27, I am surprised that, in considering the preservation of the countryside from encroachment and thereby its openness, that, "This is a general role played by all land in the Metropolitan Green Belt and the appeal site's contribution to openness, though important, is general and unexceptional."

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