

APPLEGREEN PLC

DEADLINE 4 SUBMISSION

relating to

**M42 Junction 6
Development Consent Order Application**

**UPDATED RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN
QUESTION 1.0.3 – Relating to the progress of the M42 J4 MSA application**

2nd September 2019

ExQ1 ref:	Question to:	Question:	Applegreen plc Response
1.0.3	SMBC	<p>Motorway Service Area (MSA) Could SMBC provide an update on the progress of the two undetermined planning applications for MSAs at Junctions 4 and 5?</p>	<p>Applegreen can now provide the following updated response as to the current position with its Junction 4 MSA application.</p> <p>APPLICATION REF: PL/2016/02754/MAJFOT – PROPOSED M42 J4 Motorway Service Area General Position:</p> <p>The planning application for the M42 J4 Motorway Service Area (MSA) was submitted to Solihull Metropolitan Borough Council (SMBC) on 27th October 2016. The application has been subject to two updates of the Environmental Statement through Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). In addition, supplementary information in relation to highway matters has been submitted to SMBC, as both Planning and Local Highway Authority, and Highways England.</p> <p>The Application is not the subject of any objections from any Technical Consultees. The only outstanding matter preventing determination is resolution of Highways England’s holding position, described further below.</p> <p>Statement with Regard to the Position with Highways England:</p> <p>Highways England set out what was its then current position on the M42 J4 MSA proposal in their response to SMBC dated 14th August 2019, a copy of which is attached to this statement. In its response Highways England stated that it was awaiting the finalised Safety Risk Assessment from the Applicant and SMBC’s view on the Road Safety Audit Response Report. Highways England stated that satisfactory conclusion of these matters would enable them to recommend appropriate planning conditions.</p> <p>Since the 14th August, the Safety Risk Assessment was submitted to Highways England on 22nd August 2019 and is now being considered by them. The Road Safety Audit Response Report was signed off as approved by both Highways England and SMBC on 19th August 2019.</p>

It is anticipated that Highways England will have considered the Safety Risk Assessment by mid-September 2019. The Applicant is of the view given that the works have been assessed as Category A for level of risk, this being the lowest risk category, that this should be signed off without the need for further work. Thereafter, it is expected that Highways England will withdraw its holding position and issue suggested planning conditions to SMBC.

On 5th July 2019, the Applicant submitted Departures from Standard submissions for Approval in Principle (AiP) via Highways England's web-based Departures Approval System (DAS). Whilst the Departure AiPs require Highways England's formal agreement, initial comments have been received indicating that there are no insurmountable issues that would prevent Highways England from providing such an agreement.

At this juncture there will be nothing outstanding from the Applicant that prevents SMBC from determining the M42 J4 MSA application.



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Catherine Brookes (Divisional Director)
Operations Directorate
Midlands Region
Highways England
planningm@highwaysengland.co.uk

To: **Solihull Metropolitan Borough Council – FAO Lawrence Osborne**

CC: transportplanning@dft.gsi.gov.uk
growthandplanning@highwaysengland.co.uk

Council's Reference: **PL/2016/02754/MAJFOT**

Referring to the notification of a planning application dated 4 November 2016 and 18 October 2017, **Proposed development of new Motorway Service Area, associated highway improvement works and other associated infrastructure**, Land Adjacent J4 M42 Box Tree Farm Stratford Road Hockley Heath Solihull, notice is hereby given that Highways England's formal recommendation is that we:

- a) ~~offer no objection;~~
- b) ~~recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);
- d) ~~recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

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

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

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature: 	Date: 14/08/19
Name: Catherine Townend	Position: Asset Manager
Highways England: Highways England The Cube 199 Wharfside Street Birmingham B1 1RN Patricia.Dray@highwaysengland.co.uk	

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

Annex A Highways England recommended further assessment required

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as 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.

This response represents our formal recommendation with regard to the above referenced planning application and has been prepared by Patricia Dray, Asset Manager for Highways England.

Context

Highways England received initial notification in November 2016 of the planning application (ref PL/2016/02754/MAJFOT), which proposed the construction of a Motorway Service Area (MSA) at M42 Junction 4. We subsequently wrote to you on 24 November 2016 setting out our review of the application’s conformity to our policy on developments which affect the SRN. This policy, contained within the Department for Transport (DfT) Circular 02/2013 (‘the Circular’), includes Annex B: Roadside Facilities for road users on Motorways and All-Purpose Trunk Roads in England; this annex is applicable to this development proposal.

Our initial review found that this application was lacking in sufficient detail to enable us to provide a definitive response, therefore resulting in our recommendation that the application would not be determined for a period of 6 months to allow the applicant time to improve the evidence base underpinning the application.

We subsequently renewed our formal response to the application on 23 May 2017, 2 November 2017, 2 May 2018, 1 August 2018 and 1 November 2018, 1 February 2019, 14 March 2019, 14 May 2019 and on 14 June 2019.

Update

We understand the applicant is currently working through their remaining actions to finalise the Safety Risk Assessment necessary to ensure the highways elements of the development proposal have been appropriately assessed. We also await confirmation from Solihull, as the responsible authority for the local road network, as to your views on the applicants Road Safety Audit Response Report.

The satisfactory conclusion of these matters, assuming they raise no material issues for us, would enable us to work with you and the applicant to recommend appropriate

planning conditions. These conditions will need to take account of the assessments made by the applicant following their engagement with us that require amended proposals for the M42 northern overbridge structure which have identified that replacement of the existing structure, in-situ, with a new widened overbridge is required. We note that updates to the application documents are still required to reflect a number of these changes including other amendments to the original proposals. These updates, largely comprising of a number of technical drawings to ensure the highways elements of the development proposals are clear and can be adequately controlled through planning conditions.

Conclusions

In light of the above we **therefore recommend that planning permission not be granted for a further period of 2 months beginning today 14 August 2019**. This is to allow for the finalisation of the updated submission and to allow further time for the applicant to address remaining matters outstanding.