



North Yorkshire
Campaign to Protect Rural England

objection

Date of submission: 9th February 2018 Number of pages in this correspondence: 6

Planning Application details:

18/00123/EIAMAJ - Outline application for proposed Motorway Service Area to the West side of the A1(M) with vehicular over bridge to and from southbound carriageway and partial diversion of the A168, including associated infrastructure and staff access from B6265. Revised scheme.

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All CPRENY CIO comments are prepared by the Branch with professional planning advice, research conducted and recommendations by qualified planning consultants.
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Introduction

The North Yorkshire Branch of the Campaign to Protect Rural England CIO operates with the help of planning wardens in the different local authority administrative districts reporting directly to the branch following a recent restructure. All correspondence should therefore, be directed to the Chair of the Branch.

The North Yorkshire Branch of the Campaign to Protect Rural England CIO (referred to in this document as "CPRENY" or "the branch") welcomes the opportunity to comment on this consultation.

It is understood that the application in its current guise is a revised application following the submission of 17/03414/EIAMAJ which was withdrawn prior to a recommendation being made by the Planning Officer at that time. Previously to that, it is understood that a proposal for a Motor Way Service Area (MSA) has been proposed at or near this location, three times. At each occasion Harrogate Borough Council refused the application and the schemes were taken to appeal and refused by the Inspectors at those times.

CPRENY object to the development of this site, for the reasons as set out below:

- Harm would be caused to the landscape at this location;
- Harm to the local community;
- Loss of agricultural land;
- Impact on the local road network; and
- The development would be contrary to both local and national planning policies.

It is recognised that this proposal for major development has been submitted in an 'outline' form, therefore the general principle of development at this site is being determined alongside the consideration of site access, albeit the applicant has submitted detailed layout plans, surveys and landscape proposals to accompany the application as part of the Environmental Statement. CPRENY therefore, will address issues pertinent to the principle of the development at this site only. The branch, however, reserves the right to comment further should the application proceed to a full application and address those issues reserved at the appropriate time.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise.

The Development Plan relevant to this application consists of:

- The 2009 Harrogate District Core Strategy; and
- Saved policies of the Harrogate District Local Plan (2001).

When determining the application, other 'material considerations' need to be taken into account. These considerations include other relevant policies and guidance particularly national planning policies provided by the National Planning Policy Framework (NPPF) and other relevant Government policy statements alongside the National Planning Practice Guidance (PPG).

The NPPF was published by the Department for Communities and Local Government (DCLG) in 2012 and set out the Government's planning policies for England and how they are expected to be applied. The NPPF is a material consideration which should be used to aid the determination of this planning application.

Achieving sustainable development is the primary aim of the NPPF. Paragraph 14 states that for decision making this means that proposals should be approved when in accordance

with the development plan without delay, or where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- *“Any adverse impacts of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in this framework as a whole; or*
- *Specific policies in this framework indicate development should be restricted.”*

Paragraph 211 sets out that *“policies in the Local Plan should not be considered out of date should not be considered out of date simply because they were adopted prior to the publication of the Framework”*. Paragraph 215 goes further stating that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*. It is considered that the tilted balance in favour of paragraph 14 is not triggered with this application as the Local Plan is neither absent or silent, nor is it out of date in terms of policies with relevance to this proposal, as discussed below.

Paragraph 31 of the NPPF is of principle relevance to this application setting out that *“Local Authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for growth of ports, airports or other major generators of travel demands in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.”*

This policy is carefully linked to the Department for Transport (DfT) Circular 02/2013 The Strategic Road Network and Delivery of Sustainable Development. It states at paragraphs B5 and B6 that the *“network of MSAs have been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour”*. Highways England recommends that based on this, the maximum distance between MSAs should be no more than 28 miles. Paragraph B7 of the Circular sets out that *“speed limits on motorways may vary and therefore the maximum distance between MSAs should be equivalent to 30 mins driving time.”* B8 sets out importantly that *“In determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits”*.

With that in mind, the applicant has established at paragraph 2.4.3 of the Planning Statement that the proposed site is located some 13 miles north of Wetherby MSA and 15.8 miles south of Leeming Bar Rest Area, thus the existing MSAs are located some 28.8 miles apart – only 0.8 mile over the recommended distance. Given that the DfT Circular sets out that proposed intervals are located at intervals of *‘approximately half an hour’* (as set out above) CPRENY would consider that the current MSAs in existence on the A1 do indeed provide sufficient facilities to meet the required safety standards and there does not appear to be specific *‘need’* for this development which must be weighed in the planning balance accordingly.

The Harrogate Local Plan was adopted in February 2001 and certain policies have been saved through a Direction by the Secretary of State in 2007 until such a time that they are replaced. Chapter 12 deals specifically with transportation matters. Policy T7 *‘Motorway Service Areas’* states that

“Within Harrogate District planning permission will be granted for not more than one motorway service area serving the A1 (M). The provision of an MSA is to be dependent on there being a need for such a facility taking into account existing and planned services on the A1 and linked motorways elsewhere in Harrogate and Yorkshire. Sites and proposals will be assessed against the following criteria:

- A) *the need to meet minimum standards for parking and the other basic services necessary to serve the needs of motorway users;*
- B) *the desirability of excluding extraneous services and facilities;*
- C) *the need to provide safe and convenient access without interfering with the free and safe flow of traffic on the motorway or the local highway network;*
- D) *minimising the loss of the best and most versatile agricultural land;*
- E) *minimising the impact on listed buildings, registered parks and gardens and their settings;*
- F) *safeguarding and/or enhancing the existing landscape character of the surrounding area;*
- G) *safeguarding sites and features of archaeological or nature conservation interest;*
- H) *minimising the impact on residential amenity.”*

The current application is not in conformity with this policy given that the Secretary of State granted planning permission in 2005 for Wetherby Services, which despite its name, is located within the southern part of Harrogate District Authority area.

CPRENY also consider that the proposals are not in conformity with other parts of the policy having already discussed ‘need’ and ‘safety standards’ above.

Part D references the need to minimise the loss of best and most versatile agricultural land. The proposed MSA would necessitate the permanent loss of 9.8 Hectares (Ha) of the best and most versatile agricultural land and the ‘reversible’ loss of a further 4.3 Ha. Paragraph 112 sets out that *“local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

Chapter 3 of the Local Plan deals with the countryside and within its objectives sets out that the Council aim ‘to safeguard the best and most versatile agricultural land’ (BMV). The specific policy in relation to BMV land was not saved in 2007 as it was considered that this was replaced by the NPPF.

CPRENY nationally and locally campaign for the retention and protection of BMV land. The land at this location falls in to category 2 which is described in the Agricultural Land Classification Study as *“Very good quality agricultural land”* within Section 13 of the Environmental Statement. CPRENY believe it is paramount that this land is safeguarded from development wherever possible, particularly given the substantial encroachment onto it that is occurring to deliver objectively assessed housing need throughout the district due to other constraints. It is also important that the UK can produce ‘home-grown’ crops and food supplies, especially as the outcome of BREXIT and future trade agreements remain unknown at this stage.

Part F of Local Plan Policy T7 refers to the need to safeguard the landscape character of the surrounding area. Paragraph 17 of the NPPF sets out that planning should *“take account of the different roles and character of differing areas [...], recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”* Paragraph 109 within the conserving and enhancing the natural environment section provides that the protection and enhancement of valued landscapes is important amongst other factors.

Core Strategy Policy EQ2 seeks to protect and where possible enhance the landscape character of the whole district, whilst it does recognise that some green field land will be required for new development. Saved Local Plan Policy C2 requires development to protect existing landscape character. The proposed site location is situated within Landscape Character Area 81 (Dishforth and surrounding farmland).

The 2012 decision by the Secretary of State relating to an appeal following a previous refusal of planning permission for the MSA set out that *“it is a uniform large-scale agricultural landscape that would not so easily mitigate the harmful effects of the large scale MSA. The development would be seen from closer viewpoints.”* Whilst it is acknowledged

that the applicant has revised the scheme including reducing both the number of buildings, and the amount of tree planting and has proposed sinking the building and providing grass rooves to the built form, this does not alter the existing landscape character which does invariably make it difficult to assimilate this scale of development into it. It will also be difficult to assimilate the carparking provision for up to 364 cars, 90 HGVs, 18 coaches, 11 caravans and 11 motorcycles bays and a fuel-filling station into the surrounding agricultural landscape.

Part H of Local Plan Policy T7 refers to minimising the impact on residential amenity. Paragraph 17 of the NPPF sets out that planning should seek to “*secure a good standard of amenity for all existing and future occupants of land and buildings*”. According to paragraph 5.3.6 of the Environmental Statement, “*the village of Kirby Hill is located 685metres to the south-east of the site. Other nearby settlements include properties associated with Dishforth Airfield (approximately 990m to the north-east), Marton-le-Moor (approximately 1.4km to the north-west), Norton-le-Clay (approximately 1.5km to the north-east), Skelton-on-Ure (approximately 2km to the south-west), and the town of Boroughbridge, the northwestern edge of which is approximately 1.73km south of the Site.*” CPRENY are concerned that residents in these areas will be detrimentally impacted by the location of this MSA, should the Council be so minded as to approve the application.

The applicant is proposing that the MSA will be open 365 days per year for 24hours. This means introducing lighting to an area that is currently unlit at night and will lead inevitably to noise from vehicles entering and egressing the facility (including large HGVs which generate more noise) during night-time hours. Coupled with this, it is assumed that some drivers will use the surrounding road network and therefore the risk of these routes becoming ‘rat-runs’ with the potential for collisions increases.

National and local planning policies exist which set out that proposals which introduce significant noise or light pollution to the detriment of residential communities should be refused if not capable of being adequately mitigated against. Paragraph 123 of the NPPF sets out that “*planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*” and Paragraph 125 provides that “*planning decisions should limit the impact of light pollution from artificial light on local amenity*”.

Paragraph 216 of the NPPF sets out that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to (inter alia):

- “*The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight to be given).*”

The Publication version of the emerging Harrogate District Local Plan has been released for consultation (closing date 9th March 2018), and therefore in line with paragraph 216 can be given due weight in the planning balance.

Whilst there are several policies within this Plan which will be of relevance to this application and in time (subject to independent examination) may replace existing policies, those most pertinent to this proposal are detailed below.

Policy GS7 – Health and Well-being. This policy is considered within the applicant’s planning statement; however, it fails to mention all relevant points of the policy – set out in full below:

“The potential for achieving positive health and wellbeing outcomes will be taken into account when considering development proposals. Where any potential adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.

Development proposals should promote, support and enhance health and wellbeing by:

- A. Contributing to a high quality, attractive and safe public realm to encourage social interaction and facilitate movement on foot and cycle.*
- B. Providing sufficient and the right mix of homes to meet people's needs and in the right location.*
- C. Creating opportunities for employment in accessible locations.*
- D. Designing homes that reflect the changes that occur over a life-time so people are not excluded by design as their circumstances change.*
- E. Building homes which are easy to warm and ventilate.*
- F. Ensuring high levels of residential amenity.*
- G. Providing opportunities for formal and informal physical activity, recreation and play.*
- H. Supporting and enhancing community and social infrastructure.*
- I. Improving the quality and quantity of green infrastructure and by protecting and enhancing public rights of way.*
- J. Alleviating risk from unhealthy and polluted environments such as air and noise pollution and water and land contamination.”*

CPRENY consider that whilst points C and G may be addressed through the application proposals, some are not of relevance and others clearly show that the proposals are not in conformity with this emerging policy. Points F and J in particular, are not considered to be met for the reasons set out above.

Policy T14 – Delivery of New Infrastructure. The applicant also deals with this policy in the planning statement, however incorrectly includes a fourth point within the list of criteria contained within the policy. It is considered that these proposals do not satisfy point A of this policy which states that proposals will be supported where *“it can be demonstrated that they are necessary to support new development and/or to rectify existing evidenced deficiencies in infrastructure or service provision”* for the reasons set out above regarding ‘need’.

Conclusion

CPRENY strongly object to the principle of development of an MSA at this location to the west of the A1 for the reasons set out above. It is considered that there is no quantitative need for the proposals and therefore the harm that would be caused by the development significantly and demonstrably outweigh the proposed benefits at this location.

It has been demonstrated by the number of objections generated by the previous applications and the current proposal, that the local residents and Parish Councils within the vicinity of this site do not support or feel a need for this MSA proposal. It is acknowledged that this application is for a smaller land area than previously proposed and that the applicant has proposed certain mitigation methods for specific aspects of the scheme which differ from previous applications made for the site. However, CPRENY believe that even with these amendments the harm to the surrounding landscape and amenity of residential communities, alongside the loss of Grade 2 agricultural land will be such that the scheme is not in conformity with local and national planning policies and therefore cannot be supported.

CPRENY reserve the right to comment further at the appropriate time should this outline application receive planning permission.

