

**Case No.** 18/00123/EIAMAJ

**Item No. 01**

**Location:** Land Comprising OS Field 3300, Marton Le Moor, North Yorkshire.

**Proposal:** 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.

**Applicant:** Applegreen Plc

Access to the case file on Public Access can be found here:- [view](#)

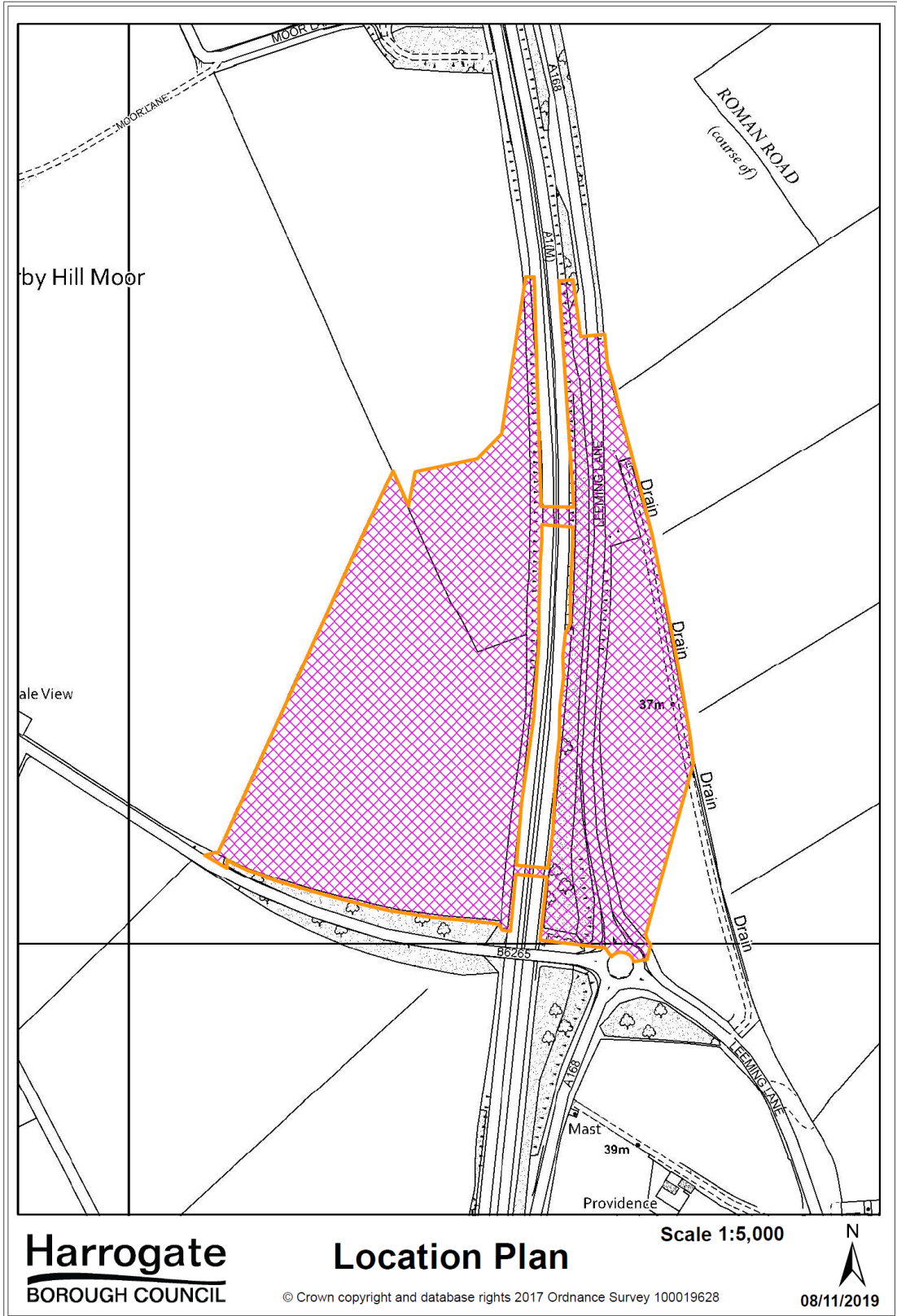
Reason for report: This application is to be presented to the Planning Committee because the application is of a significant, controversial or sensitive nature.

#### **SUMMARY**

The 2012 decision by the Secretary of State to allow a MSA as a brown field redevelopment at Leeming resulted in a 28+ mile section of the A1(M) still not having a MSA on it. A case therefore exists for a further MSA. The proposal has sought to address this and does indeed largely satisfy the issues raised previously with MSA proposals at this location. There would not be a dedicated southbound MSA and this consequently is at the expense of requiring a new bridge over the A1(M) and associated roundabouts and slip roads which are illuminated, including abnormal load bays on the south facing slip roads. Given the lack of any substantial harm being caused to interests of acknowledged importance, the public benefit of the important road safety function that a MSA in the 28+ mile gap would provide through the opportunities for the travelling public stop and take a break in their journey 24 hours a day, along with the jobs created, is considered to carry substantial weight and the application should be approved subject to a legal agreement being completed.

Overall, the proposal accords with policies contained in the NPPF and both local and emerging plan policy.

**RECOMMENDATION: Defer and Approve subject to conditions and a S106 Agreement**





## **1.0 SITE DESCRIPTION**

- 1.1 The site totals 19.24ha, 14.45ha being arable land, alongside the A1(M) and largely to the west side of the A1(M) north of the B6265 between Boroughbridge and Ripon.
- 1.2 The B6265 climbs from the west, to the south side of the site, to cross over the A1(M) to an elevated roundabout forming a junction with the A168, dating from the mid-1990s when this section of the A1 was upgraded. The A168 running roughly parallel to the A1(M) on its east side. The elevated roundabout is illuminated commencing from the west on the B6265 half way across the A1(M) overbridge and extending an equivalent distance on the other routes to that roundabout.
- 1.3 A further overbridge across the A1(M) exists a km to the north taking Highfields Lane, the Dishforth Airfield to Marton-le-Moor road across the motorway.
- 1.4 The northern edge of the village of Kirby Hill is 540m south-east of the A168/ B6265 roundabout, while an isolated residence, Providence Lodge, is 210m to the south. From the south eastern corner of the proposed MSA site to the west of the A1(M) the respective distances are 675m and 320m, both to the south-east.
- 1.5 To the south-west an isolated residence, Moor Lodge, is 325m from the south-west limits of the proposed MSA site.
- 1.6 Properties on the B6265 towards the Grade II Listed Skelton Windmill commence 290m to the west of the proposed MSA site; the windmill itself being 620m distant at its nearest. Those at Dishforth Airfield and Marton Le Moor; both are around 1.5km distant.
- 1.7 The site forms part of an undulating landscape characterised by large fields of arable farm land, few hedgerows and trees and scattered farmsteads. To the east of A1(M) / A168 corridor the low-lying gently rolling landscape stretches around 15km to the foot of the Hambleton Hills. The land is punctuated by occasional small hills and mounds along with ridges of higher

ground such as that at Kirby Hill, adjacent Highfields Lane to the north east and the motorway overbridge used by the road from Marton-le-Moor to Norton-le-Clay. Land rises to the west beyond Skelton Windmill and on Langthorpe Moor.

- 1.8 The western site boundary being a hedgerow with occasional mature trees along it. Both embankments of the B6265 to the south side of the site and the area between the A1(M) and A168 to the east are planted with, now, semi-mature trees.
- 1.9 To the south, Wetherby motorway service area is 12.363 miles<sup>(1)</sup> distant to the south at Junction 46.
- 1.10 To the north, at Junction 61, is Durham motorway service area, c 48.5 miles distant.
- 1.11 Between these two existing motorway service area the A1(M) is presently served by:
  - A truckstop at Barton, Junction 56, which is 27.827 miles<sup>(2)</sup> to the north. This benefits from a now somewhat elderly, but which is understood to remain extant, planning permission for its redevelopment as a motorway service area.

[There are no Junctions 54 and 55 on the A1(M)]

  - a rest area at Scotch Corner, Junction 53 (c.26 miles to the north) – this does not provide facilities for HGVs.
  - a rest area at Leeming (c.16 miles to north on the A6055 accessed from Junction 51 of the A1(M)) which had outline planning permission granted by the Secretary of State in 2012 on appeal, and for its redevelopment as a motorway service area. The reserved matters application was approved in November 2017.

(1) Paragraph 3.1.3, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

(2) Paragraph 2.1.7, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11  
noted Wetherby to Barton was 39.622 miles; from that deducting the 12.363 miles of Wetherby to Kirby Hill.

- a truckstop at Leeming Bar, Junction 51 (c.15.2 miles to the north), a relocation of one previously existing at Londonderry, to the south of Leeming, which was granted planning permission by the Secretary of State in 2012 on appeal.

1.12 There are also proposals the subject of current applications for motorway service areas at

- Junction 52, c.21 mile distant, with Richmondshire District Council
- Junction 50, c.5 miles distant (18/02713/EIAMAJ)

## **2.0 PROPOSAL**

2.1 Outline planning permission is sought for a motorway service area located to the west side of the A1(M) and connected to the southbound carriageway by a bridge over the carriageway. Roundabouts (44.7m AOD) would be located either side of the proposed bridge (45.7m AOD) and connect solely with the A1(M) with slip roads descending from those roundabouts, the south facing ones having lay-bys for abnormal loads and the roundabouts would be designed to allow for overrunning by such loads.

2.2 The land required for the slip roads to the southbound carriageway of the A1(M) and their associated roundabout requires the realignment of the adjacent A168; the roundabout being sited atop the alignment of the current carriageway. The realignment was originally shown as extending to some 170m east of the current carriageway but now has been reduced to around 95m.

2.3 Parallel to the realigned A168, a 3m wide field access is to be formed separated by a hedgerow as a c.210m realignment of a section of Leeming Lane that has been in use as a field access for many years, and which presently continues 85m further; the current field access being under the proposed realigned A168.

- 2.4 A further roundabout (42.7m AOD) along the proposed access to the west would split routes for HGVs and coaches from those for cars and caravans.
- 2.5 A controlled service entrance is proposed from the B6265 approximately at the location of an existing field access, for use by staff, deliveries and emergency services only.
- 2.6 A field access is shown as being located at the A168/B6265 roundabout accessing 1.35ha of retained agricultural land between the A1(M) and the A168.
- 2.7 Indicative details include:
- Parking areas for 364 cars (at 36-37m AOD), 90 HGVs (at 37-40m AOD), 20 motorcycles, 18 coaches (at 39-40m AOD) and 13 caravans (most at 38m AOD) including a number of disabled spaces.
  - Staff parking spaces for 7 cars and 3 disabled spaces along with a drop off area (at 39m AOD)".
  - An amenity building (at 36m AOD) of 9-13m height and adjoined filling station of 6-10m height with a "green" roof of:
    - 2100 - 2500 sq.m footprint.
    - 2500 - 4800 sq.m building area
    - 3200 - 5500 sq.m covered area(2350 - 2950 sq.m being the filling station canopy)
  - This would provide for hot and cold food outlets, a shop, lavatories shower and seating / resting areas.
  - A drive through coffee shop (at 40m AOD) of 5.8-6.5m height adjacent to the approach to car/caravan parking areas and of
    - 285 - 305 sq.m footprint / building area
    - 200 - 500 sq.m covered area

- A HGV filling station (at 41m AOD) of 565-715 sq.m covered area around the building with a canopy of less 8m height adjacent to the HGV/Coach entry.
- Four areas of surface water attenuation, three to the west of the A1(M) and the fourth on the land between the A1(M) and the realigned A168.
- Connecting highways and service area.
- Landscaping including “concealment mounds”, made up level changes and supplementary planting. The landscape areas would incorporate:
  - A Children’s Play Area;
  - Dog Exercise Area; and
  - Driver Stretch / Exercise Area
- Associated infrastructure including fencing, lighting and signage etc.

2.8 Land levels are lowered for the main building and parking areas, with the excavated material either retained for use in the proposed landscaping, or exported off site.

### **3.0 APPLICANT’S SUPPORTING INFORMATION**

3.1 The application is supported by the following documents;

- Biodiversity Checklist
- Design and Access Statement
- Drainage Strategy
- Environmental Statement
- Flood Risk Assessment

- Indicative details
- Parameters plan
- Statement of Community Involvement
- Statement of Consultation
- Transport Assessment
- Travel Plan

3.2 The Environmental Statement, which has been the subject of two addendums, includes a Landscape and Visual Impact Assessment, as well as an introduction and background, an explanation of the approach taken, consideration of alternatives and a description of the scheme, the construction methods that are to be employed, and a summary of the effects.

3.3 Further chapters of that submitted Environmental Statement cover;

- Agricultural Land Use
- Air Quality
- Archaeology and Cultural Heritage
- Ecology and Nature Conservation
- Noise and Vibration
- Socio Economic Effects
- Surface Water and Flood Risk
- Traffic and Transportation

The first addendum considers Ecology with additional information provided in relation to bat activity, and Archaeology through the findings of a geophysical survey of the site. The second addendum addresses the implications of the reduced extent of the A168 diversion.

## **4.0 RELEVANT HISTORY**

- 4.1 96/02624/OUT (6.47.52.OUT) Outline Application for a motorway service area. Appeal against non-determination withdrawn.
- 4.2 97/00645/OUT (6.47.52.A.OUT) Outline Application for a Motorway Service Area. Appeal against non-determination allowed 15.03.1999 but quashed by High Court 14.4.2000 due to the Secretary of State giving inadequate reasons for decision. Appeal reconsidered and dismissed 04.08.2005.
- 4.3 08/05860/EIAMAJ (6.47.52.B.EIAMAJ) Outline application for the erection of motorway service area comprising amenity building, petrol filling station, heavy goods vehicle amenity building, car parking and associated landscaping with access considered (site area 19.3ha). Refused 30.03.2009 and appeal dismissed 16.10.2012.
- 4.4 17/03414/EIAMAJ (6.47.52.D.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. Withdrawn 15.12.2017.

## **5.0 NATIONAL & LOCAL POLICY**

### **5.1 National Planning Policy**

- 5.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 5.3 At the heart of the NPPF is a presumption in favour of sustainable development.

## **5.4 Core Strategy**

Policy EQ1 Reducing risks to the environment

Policy EQ2 The natural and built environment and green belt

Policy SG3 Settlement Growth: Conservation of the countryside, including Green Belt

Policy SG4 Settlement Growth: Design and Impact

## **5.5 Harrogate District Local Plan (2001, As Altered 2004)**

Policy C2 Landscape Character

Policy HD20 Design of New Development and Redevelopment

Policy T7 Motorway Service Areas (MSAs)

## **5.6 Emerging Policies (as proposed to be modified) from Draft Harrogate District Local Plan 2014-2035**

Policy CC1 Flood Risk and Sustainable Drainage

Policy CC2 Rivers

Policy CC4 Sustainable Design

Policy HP2 Heritage Assets

Policy HP3 Local Distinctiveness

Policy HP4 Protecting Amenity

Policy NE1 Air Quality

Policy NE2 Water Quality

Policy NE3 Protecting the Natural Environment

Policy NE4 Landscape Character

Policy NE5 Green and Blue Infrastructure

Policy NE8 Protection of Agricultural Land

Policy NE9 Unstable and Contaminated Land

Policy TI1 Sustainable Transport

Policy TI3 Parking Provision

Policy TI4 Delivery of New Infrastructure

## 5.7 **Supplementary Planning Documents**

Green Infrastructure

Biodiversity Action Plan

Biodiversity Design Guide

Heritage Management

Landscape Character Assessment of Harrogate District

## 5.8 **Other material policy considerations:**

5.9 Planning Practice Guidance

5.10 National Design Guide

## 6.0 **CONSULTATIONS**

6.1 **NYCC Planning Services** – Have no comments to make

6.2 **Highways England** – Do not object.

- Comment that the planned MSA serves existing users of the motorway network, it will assist in improving road safety by increasing the number of opportunities for travellers to stop and take a break during the course of their journey. While the applicants highway consultants acknowledge that the addition of merges and diverges to the A1(M) would increase the potential points for vehicle conflict, all merges and diverges have been designed fully in accordance with DMRB TD22/06, with the junction clearly signed for all motorway users. This evaluation is accepted, with it acknowledged that the proposed MSA site remains unlikely to incur any perceptible impact on the safety of the A1(M) mainline and Junctions 48 and 49. Assuming the facilities can be designed in full accordance of DMRB.
- Peak hour traffic generation is considered reasonable.
- Recommend appropriate conditions ensuring the safety of the main carriageway be attached to any permission.

### 6.3 **NYCC Highways And Transportation** - Do not object.

- Comment that, as the proposal is to be an 'on line' facility, there will be no public access to the site save from the A1(M) between junctions 48 and 49. Consider the impact of its operation on the local highway network to be negligible.
- They are keen to ensure that staff employed are not required to make a long journey to work on the A1(M), the restricted movements at Junction 49 potentially necessitating travel between Junctions 48 and 50.
- Note the proposed 'rear access' from the B6265 for use by construction traffic and subsequently both staff and deliveries, which is approximately in the same location as an existing field access. There have been four recorded accidents since 1 Jan 2014 on this section of the B6265 with no specific pattern to them; one being through illness. A Stage 2 Road Safety Audit should be undertaken before the access is constructed and any appropriate amendments included in the design.
- Advise that once the site is operational access at this point will be restricted so that the general public cannot use it. Details of these measures have yet to be determined and request conditions are attached to any permission to ensure appropriate measures are in place, the access is appropriately constructed and it is made available for use by construction traffic.
- Note the lack of a footway to Kirby Hill and require a footway / cycleway to be provided between the existing footway in Kirby Hill and the 'rear access' including the necessary provision around the A168/B6265 roundabout. Comment that as the footways along the B6265 at Kirby Hill link to the wider footway network in Boroughbridge the site will, as a result, have walking links to the wider area.

- Require the diversion of the of the A168 north of the B6265 roundabout including re-aligning the A168 leg on the roundabout, to allow for the slip roads to the southbound A1(M) and A1(M) the overbridge, to be undertaken in accordance with the appropriate national standards. Add that the A168 is a key part of the local highway network as well as a diversionary route for the A1(M).
  
- Comment that the Travel Plan is to provide specific, measurable, achievable, realistic, and timely (SMART) targets against which its effectiveness can be monitored and would include the provision of a staff shuttle bus and other measures to discourage the un-necessary use of the private car.
  
- Request any approval includes conditions in respect of
  - Construction Management Plan.
  - Construction of the access from the B6265 and its use by construction traffic.
  - Extension also as a cycleway the footway from Kirby Hill to the access from the B6265.
  - Measures to restrict use of the access from the B6265 once operational to staff and deliveries.
  - Realignment of the A168.

6.4 **Heritage Unit of NYCC** – Notes the Environmental Statement includes a chapter on cultural heritage to which an addendum includes archaeological field evaluation in the form of a geophysical survey. The survey indicated a number of anomalies that may be of archaeological interest concentrated in the northern part of the site, where less development is proposed and considers that the features are unlikely to represent very significant remains. Requests a Written Scheme of Investigation for archaeological mitigation be the subject of an appropriate condition attached to any approval.

6.5 **Yorkshire Water** – Do not object.

- In respect of water supply, advise that significant off-site mains and possible mains reinforcement (demand dependant) will be required to supply the development.
- Agree with the foul water disposal set out in the submitted Environmental Statement with foul water being pumped at no more than 6 litres / second to the 150mm diameter public foul water sewer in Leeming Lane, approximately 800 metres south east of the site. Add that an off-site foul water sewer may be required.
- Note ground conditions support the use of soakaways and they have not therefore assessed the capacity of public sewers to receive surface water and there is no capacity in the local sewerage for surface water arising from the development.
- Add it is imperative that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water sewer network without passing through an oil, petrol and grit interceptor/separator of adequate design.
- Ask that appropriate conditions be attached to any approval regarding water supply, separate drainage systems, rate of pumped foul water, surface water outfall and run-off.

6.6 **Lead Local Flood Authority** (North Yorkshire County Council) – Comments awaited at the time of writing

6.7 **Economic Development Officer** - Has no objection and comments the proposal will see significant investment in the district from an overseas company.

6.8 **Environmental Health** - Do not object. Agree with the assessments in the submitted Environmental Statement regarding the impact of the proposal on

air quality and noise, both during construction and operation and the conclusions that :

- Construction noise and vibration, including HGV movements, and noise arising from the use as a motorway service area will not have a significant adverse impact on residential properties in the vicinity and there is no need for noise mitigation measures. Adds that this is due to the distance that noise sensitive properties are from the proposed development, the high ambient noise levels in the area from road traffic noise and also based on an assumption that best practical means, including restricting hours of operation of some activities, are used to avoid excessive noise.
- There is a low risk of construction dust causing any significant impact on nearby residents and this would be further reduced with mitigation measures contained in a Construction Environmental Management Plan which should be the subject of a condition in the event of planning permission being granted.
- The impact on air quality from vehicle emissions at all times are not significant.
- With regard to the artificial external lighting notes the submitted Environmental Statement provides details of the proposed lighting scheme for the finished development. In terms of the potential nuisance aspect of the proposed lighting considers that Environmental Statement sets out proposed levels of lighting that are satisfactory, average illuminances of:
  - 10 lux to the car parking area
  - 20 lux to parking areas for other vehicles, access roads and fuel filling station with elevated levels at pedestrian crossings.
  - 50 lux to the HGV fuel filling station.

- Notes a reference made to electric vehicle charging points being provided and asks that an appropriate condition be attached to any approval.
- Also considers the conclusion that environmental criteria targets for lighting will not be exceeded to be satisfactory; the submitted assessment includes an indicative lighting scheme and asks that a condition be attached to any approval to ensure the final lightning scheme accords.
- Judges the site as being unlikely to have any land contamination from its past use and the proposal is not particularly sensitive to contaminated land issues. Asks that a condition be attached to any approval with regard to unexpected contamination.

6.9 **Natural England** – Do not object. Advise the proposal is unlikely to affect any statutorily protected sites or landscapes. Refer to standing advice on protected species.

6.10 **Police Architectural Liaison Officer** – Notes the applicants measures to address crime risks and advises should those measures be fully implemented they will have a significant impact on reducing the likelihood of development suffering from crime. Advises that 15 anti-social behaviour incidents and 80 crime incidents were reported to the Police in a 12 month period in respect of the existing facilities at Wetherby, Leeming and Scotch Corner. Making off without payment is the one of the main crime risks and considers the applicants measures including CCTV with automatic number plate recognition to be appropriate. Welcome the intention that the design will be undertaken with their consultation.

6.11 No comments have been received from the Environment Agency and

- Hambleton and Richmondshire District Councils
- NYCC Strategic Policy and Economic Growth Team.

## **7.0 VIEWS OF THE PARISH COUNCIL**

7.1 Boroughbridge Town Council and Dishforth, Kirby Hill, Langthorpe, Marton-le-Moor, and Skelton cum Newby Parish Councils were all notified of this application. Comments have also been received from Roecliffe and Westwick Parish Council. All object to the proposal. Comments may be read in full through public access and their grounds for their objections, in summary, are:

- Adverse effect on lives of local people.
- Air quality potentially harmed.
- Alternative Baldersby location better for a MSA distance wise from Wetherby.
- Construction Management Plan unworkable; extent of traffic generated/congestion/'accidents.
- Greenfield site (Green Belt also erroneously referred to).
- Inability to screen elevated roundabouts, abnormal load bays.
- Inappropriate discharge of surface water to agricultural land.
- Inconsistent location of surface water attention basin.
- Increase in crime; Kirk Deighton a high crime area shortly after the Wetherby MSA opened.
- Increased incident of accident on this section of the A1(M); proximity to Junction 49, could adversely affect highway safety.
- Landscape character open and expansive; unsustainable location with unacceptable environmental / landscape / visual harm.
- Light pollution.
- Location of concrete panel forming site compound close to Kirby Hill.

- Loss of agricultural land, some Grade 1, effect on agricultural production.
- Negative impact on economy of Boroughbridge, used by existing motorway traffic.
- No adequate plan to cope with waste water; existing system overflowed last summer in Langthorpe.
- No change since previous MSA consideration to justify anything other than refusal.
- No footpath from Kirby Hill to the site.
- No MSA allocation in new Local Plan; contrary to Saved Local Plan Policy T7.
- No need; existing A1 and A19/A168 facilities suffice.
- Noise, including accelerating / decelerating HGVs, staff on 24 hour rotas.
- Odours.
- Possible archaeological finds.
- Proximity to Dishforth Airfield.
- Raised roundabouts and lights highly intrusive; dominate skyline.
- Realignment of A168 unnecessary, traffic close to Kirby Hill, fields more difficult to farm, and no benefit to local residents.
- Rear access is an accident blackspot.
- Risk of flooding.
- Road Safety Audit identified collision risks that are not mitigated for. Will increase accidents.
- Scenic and historic landscape marred in an area of tourism importance.

- Travel Plan unworkable; no public transport.
- Wildlife and biodiversity negatively impacted on.
- Will HGV parking be free; if not likelihood of increase in overnight parking on local roads.

## **8.0 OTHER REPRESENTATIONS**

8.1 Representations against the proposal received from 267 authors largely, but not wholly, resident in the surrounding villages and Boroughbridge; and which include the Ward Councillor and the Campaign to Protect Rural England. The representations may be read in full through Public Access and in summary raise the following matters concerning the proposed development:

- Abnormal load bays overly prominent linked by sub-standard footways.
- Adverse visual impact and landscape harm day and night, large-scale open gently undulating area devoid of trees and woodland, buried in a hole on a ridge. LVIA admits adverse impacts from most viewpoints. Conflict with Landscape Character Assessment.
- Applicant has said there are better locations.
- Applicant's main revenue source is fuel sales not retail.
- Aquafer supplies surrounding farmland / properties – pollution from soakaways. Unsustainable.
- Biomass boiler presumed but no chimney shown.
- Cannot be fully concealed or integrated; mental stress caused on nearby residents, harm well-being.
- Conflict with any aircraft use of Dishforth Airfield / Linton.

- Contrary to Government Policy, the Local Plan and the Districts Economic Growth Strategy.
- Drainage pond will damage environment.
- Effect on house prices.
- Greed of applicant / owner.
- Green roof likely to be modified later; technically difficult to build and maintain – no MSAs exist with full green roofs.
- Harm to air quality from exhausts and cooking, especially on Kirby Hill and the village school.
- Harm to landscape / tourist attractions / views.
- Harm wildlife, destroy bio-diversity. Red kites, deer, hedgehogs, nests pheasants, stoats.
- Housing refused nearby as an unsustainable location; same applies.
- If approved a motel will be applied for
- Increased likelihood of accidents on A1(M); area blighted by dense fog; no access for emergency services, previous slip roads closed for safety reasons.
- Increased traffic and more congestion on top of existing traffic to waste transfer station;
- Road network will not cope;
  - 42 lorry movements each 12 hour day during construction although heavy traffic should have been banned already.
  - Rear access a safety concern, accident black spot on a fast road.
  - Increased traffic a danger to locals including school children and elderly at Kirby Hill, drivers still use the village due to Satnavs.

- Resulting congestion; existing workers will be delayed getting to their jobs.
  - A bend in A168 will be necessary.
- Impact on surrounding dwellings during construction.
  - Improved price competition between services areas does not outweigh damage caused.
  - If needed should be elsewhere; Junction 50 Baldersby / Brown Field Sites - Dishforth Airfield / Red House Old Little Chef site.
  - Inadequate infrastructure; surface water flooding and sewerage overflows already, river flooding in Boroughbridge,
  - Increased risk of crime.
  - Increased urbanisation, added to Waste Transfer Station.
  - Landscape mounding would not integrate, out of character.
  - Lack of bus service.
  - Light pollution including from lights on raised roadways.
  - Loss of Grade 1 agricultural land; on top of 1000 new homes in Boroughbridge and effect on farmer.
  - Loss of trade in Boroughbridge; small independent traders harmed as well as Morrisons. No economic gain – national chains at MSAs preclude small scale local suppliers.
  - Many motorists ignore service areas without easy slip road access.
  - May result in less lorries parked on A168/ in Kirby Hill but that will continue to avoid parking charges.
  - Mitigation measures will cause substantial harm.
  - Need affordable houses instead; use the site for affordable houses.

- No guarantee artist's impressions would be complied with.
- No justification for higher levels of illumination of HGV and filling station area.
- No justification impressions would be complied with.
- No need, existing facilities on A1 and A168/A19 suffice, fuel cheaper at Morrisons. MSAs overcharge.
- Noise and vibration created including from realigned A168 delivery vehicles and starting / slow moving HGVs.
- Not "inward investment", the £40-£50m is mainly road infrastructure; £10m alone being needed by the new junction and A168 diversion and total actually £25-30m.No economic case. Non-local agents and contractors
- Number of proposed jobs (300) excessive and unjustified, 192 more likely. Any will not be filled by locals; little local unemployment, no benefit to local economy.
- Of archaeological interest; remains have been found, likely course of a Roman Road.
- Outside development limit
- Poor boundary treatment.
- Previous dismissals at appeal and should be upheld. Baldersby site preferred by Inspectors.
- Proximity to farmhouses and Kirby Hill.
- Proximity to and harm to the setting / long range views of heritage assets - Skelton Windmill and Kirby Hill Church.
- Raised steeply banked dominant roundabouts and slip roads with abnormal load parking with little or no screening.
- Remoteness of emergency services.

- Reserved matters will be done by a different applicant.
- Resultant difficulties accessing farm land.
- Scope for development to the east of the A1(M).
- Should be considered along with the proposal at Baldersby.
- Single sided MSA now proposed does not reduce previously identified harm.
- Time needed for any screening to become established.
- Totality of harm caused outweighs benefits.
- Tree planting to be appropriately planted in hard landscaped areas – welcome tree and hedge planting being greater than a 1:1 ratio.
- Waste created including spillages and litter.
- Water supply inadequate.
- Will cause security issues at Dishforth airfield.
- Will encourage more use of motor vehicles.
- Will take business away from other MSAs.
- Windblown litter will harm livestock.
- Working from home, electric cars, increased efficiency and comfort of vehicles, driverless vehicles and need to reduce carbon emissions decreased need for / make redundant MSAs.
- Would be a junction MSA not an on-line MSA.

8.2 Two letters of representation received in support of the proposal. The representations may be read in full through Public Access and in summary raise the following matters concerning the proposed development:

- Benefits future generations.
- Electric vehicle charging facilities; large gap in existing facilities, Wetherby then Scotch Corner.
- High standard design; green roof and planting of many trees resulting in more diverse habitat than current field and improved CO2 absorption despite parking areas.
- High quality facilities in contrast to poor existing offerings.
- Job opportunities for new residents, economic benefits locally.
- Safe lorry parking instead on verges.
- Safety, rest and stop over facility.
- Travellers passing by anyway, so no added pollution issue.

## **9.0 ASSESSMENT**

9.1 Each main issue in the consideration of this application, which includes Need, Highways, Landscape, Heritage, and matters related to amenity, is prefaced where relevant in *italics* by the comments of the First Inspector of the 2012 Appeal as endorsed by the then Secretary of State.

9.2 The key differences between the proposal put forward now and the previous scheme is that no southbound dedicated motorway service area is proposed and that to the west side of the motorway would serve all traffic with a bridge being provided over the motorway, and a different approach is taken in terms of landscape mitigation.

### **9.3 Sustainability**

9.4 Achieving sustainable development is a key purpose of the National Planning Policy Framework (NPPF), and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental. These are discussed below in conjunction with sub-paragraphs contained within each strand.

## **9.5 The Development Plan and National Planning Policy**

9.6 Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Plan is the starting point for determination of any planning application.

9.7 The National Planning Policy Framework (NPPF) is a material consideration which at paragraph 11 requires local planning authorities:

(c) to approve development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.8 At paragraph 48 the NPPF further advises Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 9.9 The emerging Harrogate District Local Plan was the subject of a public examination in January following which the Inspector has written to the Council recommending that a number of sites be deleted from the Plan and that additional sustainability appraisal work is undertaken. The Local Plan satisfies Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness in the NPPF. All the policies in the emerging Local Plan can now therefore be given significant weight, they cannot however be given full weight until the document is adopted which is expected towards the end of the year.
- 9.10 National guidance has changed since the issue of a Motorway Service Area (MSA) at this location was last considered, with Department for Transport circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' replacing previous documents from 2007 and 2008.
- 9.11 Annex B of circular 02/2013 covers the issue of 'Roadside facilities for Road Users on Motorways and All-Purpose Trunk Roads in England', and comments, at para B4, that "Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements."
- 9.12 The circular consequently notes, para B6, that "The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles" and that "the distance between services can be shorter." The reference in previous guidance to an absolute minimum acceptable distance between facilities on the same route of 12 miles no longer exists.
- 9.13 The changed national planning guidance means the development plan in terms of the now elderly Harrogate District Local Plan and its Policy T7 is out

of date in stating that within Harrogate District planning permission will be granted for not more than one motorway service areas serving the A1(M).

- 9.14 The Policy dates from 2001 when the then Government advice was that that a criteria based approach should be set out against which MSA proposals should be considered, and which was cancelled by the NPPF.
- 9.15 In terms of the Saved Policies reference to just one MSA being provided in the District, that had been fulfilled by the Wetherby MSA. The remainder of that Policy does however have relevance.
- 9.16 The emerging Harrogate District Local Plan does not have a specific policy on MSAs and each such proposal would under that Plan be assessed on its own merits in accordance with paragraph 11 of the NPPF.

## **SOCIAL SUSTAINABILITY**

### **9.17 Need**

- 9.18 The 2012 appeal decision that last dismissed a MSA at this location arose through a process that involved a public inquiry being held between November 2010 and February 2011 and then being reopened under a different Inspector in February/March 2012 to consider specified matters. Under consideration were also sites at Leeming (both a MSA and a separate proposal for truckstop), within Hambleton District, and two different sites at the A61/A1(M) Junction 50 near Baldersby. The recommendation of both Inspectors was that one of the sites at Junction 50 should be allowed.
- 9.19 The Secretary of State however ruled in favour of the site at Leeming on grounds that it accorded with the development plan for the area, made use of brownfield land being a redevelopment of a motel, avoided taking land in open countryside and was capable of being brought on stream quickly so making an immediate contribution to the economy of the area. That Leeming site is 1.3km from the A1(M), a 2.6km round journey<sup>(3)</sup>, close to the junction of the A6055 with the B6268 due to the realignment of the upgraded A1(M).

Representors claim that the proposal does not comply with Circular 02/2013. That Circular at para B5 comments that the network of service areas on the strategic road network has been developed on premise that opportunities to stop are provided at intervals of approximately half an hour. 28 miles being the distance a vehicle restricted to 56mph can, at the most, travel in 30 minutes and does not take account of acceleration and deceleration times.

- 9.20 The first inspector noted the distance between the Wetherby MSA and the truckstop at Barton accessed from Junction 56, which also had permission to become a MSA, was 40.19 miles<sup>(4)</sup>, with the site of the Leeming MSA being 12.828 miles<sup>(5)</sup> from Barton. The Leeming MSA site is situated noticeably off the A1(M) at Junction 51 (M) on the A6055 and hence the distance between the MSA sites at Wetherby and Leeming is not simply the distance between Leeming and Barton subtracted from that of the distance between Wetherby and Barton but rather that calculation plus 1.3km (0.808 miles) , which is 28.17 miles. Consequently, the distance from the services at Wetherby to that proposed at Leeming is slightly in excess of the 28 mile distance the Circular promotes as a maximum between MSAs, not a minimum as many representors consider.
- 9.21 Part of the reasoning that lead the First Inspector to support of a MSA at Junction 50 was that if a MSA was approved at Leeming there would still be sufficient a gap for one at Kirby Hill, and via versa.<sup>(6)</sup> In addition, the Inspector found that the Junction 50 site had the advantages of an existing motorway junction and was further away from any residential area, whilst also judging that proposal caused significantly less environmental harm than the others then put forward.
- 9.22 A truckstop at Leeming Bar was also allowed by the 2012 appeal within Hambleton District and that has been constructed adjacent to the southbound A1(M) although accessed off the motorway.

(3)(4)(5)(6) Paragraphs 14.1.88, 14.1.27, 14.1.86 and 14.1.86 respectively of the Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.23 Given the distance between the extant MSA at Wetherby and that proposed at Leeming is slightly in excess of the 28 mile distance and therefore, as was noted by the First Inspector, a case for a further MSA between those two sites can be made.
- 9.24 On line journey planners<sup>(7)</sup> give a car journey between the Wetherby and Leeming sites as being between 28 and 34 minutes for a vehicle travelling at a maximum of 70 mph in clear conditions. At 56 mph the speed reduces by a fifth equating to between a journey time of between 33 and 41 minutes. The opportunities to stop on this section of the A1(M) in terms of extant and proposed MSAs is exceeded by up to 11 minutes, over a third longer than the “approximately half hour” premise set out in the Circular. Driverless vehicles would not override the need for their occupants to remain fully alert.
- 9.25 Of the five sites considered in 2012, that at the location of this application was the only one to cater for the full range of abnormal loads and provision for such is shown in the details of this application, albeit limited to lay-bys on the slip roads. It is a requirement of Circular 02/2013 that at least one such space is provided at a MSA.
- 9.26 The A168 link from the A1(M) to the A19 for traffic to Teeside might be viewed as bringing into consideration the availability of roadside facilities on trunk roads; there are services at Excelby, near Northallerton on the A19, 35 miles from Wetherby, which cater for lorries compared to lighter vehicles which are catered for by facilities further to the south around Thirsk.
- 9.27 Little weight was however given to the A168/A19 traffic by the First Inspector of the 2012 Appeal who commented “an MSA’s purpose is to service motorway travellers. It follows that choice of location should be based on the needs of motorway travellers. The fact that travellers on other routes may find benefit from them is a bonus, but is one that should carry limited weight in the planning balance.”<sup>(8)</sup>.

(7) Google, TomTom, AA, RAC

(8) Paragraph 14.3.71, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.28 On-line (between junctions) service areas are considered to be more accessible to road users, para B13 of Circular 02/2013, and as a result they are more attractive and conducive to encouraging drivers to stop and take a break.
- 9.29 It is argued in the representations that this proposal is not an on line MSA but a junction MSA due to the ability for people to do a U turn arising from the slip roads and roundabouts, and less attractive to motorists due to proposed slip roads and roundabouts.
- 9.30 The circular does however adds that they also avoid the creation of any increase in traffic demand at existing junctions and certainly in terms of serving traffic on the A1(M) the proposal has the characteristics of an on-line facility and would be the only such facility on this section of the A1(M) where customer vehicular access is only possible from the A1(M) and the benefits that affords in terms of the wider impacts of the proposal discussed below.

### **9.31 Conclusion on social sustainability**

- 9.32 Justification can be made for an additional MSA between Wetherby and Leeming. The proposal has further benefits in being an on-line facility.

### **9.33 ENVIRONMENTAL SUSTAINABILITY**

#### **9.34 Highways and Traffic**

*“Inclusion of rear staff accesses would make the proposal more sustainable and would reduce unnecessary journeys on the [A1(M)] without materially harming the living conditions of local people.”*

Paragraph 14.3.76, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

*“There is no reason to suppose the merges or diverges would lead to any undue accident hazards. Nor would the construction of the MSA or the inclusion of staff accesses lead to undue highway safety problems.”* <sup>(8)</sup>

Paragraph 14.3.77, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.35 Paragraph 108 of the NPPF requires sustainable transport modes to be taken up, given the development and its location, safe and suitable access

achieved for all users. Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe.

- 9.36 Criteria of Saved Local Plan Policy T7 include that proposals will be assessed against the need to meet minimum standards for parking to serve the needs of motorways users, and the need to provide safe and convenient access without interfering with the free flow of traffic on the motorway or local highway network. Emerging Local Plan Policy T13 requires appropriately designed car and bicycle parking.
- 9.37 Core Strategy Policy SG4 and Emerging Local Plan Policy TI1 require that the travel impact of any scheme should not add significantly to any pre-existing problems of access, road safety or traffic flow.
- 9.38 Core Strategy Policies EQ1 and TRA1 seek to reduce the need for travel and also improve accessibility to jobs, shops, services and community facilities.
- 9.39 Emerging Local Plan policy TI4 requires appropriate infrastructure required by new development to be provided.
- 9.40 Circular 02/2013 notes that where MSA proposals are not consistent with the adopted Local Plan then a full assessment of their impact will be necessary based on the performance and character of the strategic road network taking the proposal wholly into account. This assessment has been provided by the Highways Agency and they recommend appropriate conditions be agreed to offset the impacts identified through that assessment process.
- 9.41 At para B23, it is clearly stated there should be no through connection to avoid the creation of an unofficial highway junction. That is the case in terms of the A168 as there is no connection to the proposed MSA indicated. The “rear access” to the B6265 does give rise to such a possibility and hence it would be paramount that measures are provided through a condition of any permission to restrict use of that access to staff and deliveries with no direct access to the A1(M).

- 9.42 Two shifts of up to 85 people are stated as working on site per day, 0700-1500 and 1500-2300 of up to 85 staff in each while between 2300-0700 staffing would comprise of 45 personal.
- 9.43 The submitted travel plan has three objectives
- To actively promote car sharing between all new employees by creating a database of employee travel patterns prior to occupation.
  - To increase the role of walking and cycling as transport modes, in support of wider transport, health and social policy objectives.
  - To develop a safe, convenient, efficient and attractive transport infrastructure, which encourages and facilitates the use of walking, cycling and public transport (staff shuttle bus) and which minimises reliance on and discourages unnecessary use of private cars.
- 9.44 A footway / cycleway of 1.5m minimum width is proposed between the service access of the site to the existing shared footway / cycleway provision at the B6265 roundabout and then extend south along Leeming Lane approximately 350m to connect with existing footway north of Kirby Hill.
- 9.45 The locality is poorly served by bus services and consequently the developer proposes to provide an employee bus service which would be subject of the details sought by a legal agreement in the event of the committee supporting the proposal.
- 9.46 Highway safety and congestion issues are raised in the representations however neither Highways England nor the Local Highway Authority express any substantive concerns.
- 9.47 The “rear access” would be designed to the appropriate national standards of the speed of traffic on the road and detailed design beyond the scope of this outline application would be undertaken to ensure those are achieved.

- 9.48 That “rear access” would allow staff and authorised delivery vehicles to use the local road network so reducing the extent of travel that may be needed if the only access was off the A1(M).
- 9.49 The nature and volume of existing traffic on the A168 and B6265 are such that local traffic generated by the proposal would not result in any severe cumulative impact.
- 9.50 A Road Safety Audit has been undertaken in accordance with the national standards. Identified issues and recommendations to address those issues would be incorporated in the detailed design.
- 9.51 The submitted Construction Management Plan provides an indicative framework for a future final document to be evolved from.
- 9.52 Reference is made by one representative that a footway is too narrow, that links to the abnormal load parking spaces and would be of appropriate width for those who will use it, although the final detail would be shown in any subsequent reserved matters application.
- 9.53 In terms of parking costs that is a matter for the operator to determine what is appropriate. It is stated that all parking would be free for two hours.
- 9.54 The motorised parking provision is appropriate for the use. Bicycle facilities should also be provided given the cycleway that is proposed and this can be the subject of a condition of any permission that may be granted.
- 9.55 The proposal can be adequately controlled through the conditions of the outline permission to ensure that the highway impacts are in accordance with the development plan, namely Saved Local Plan Policy T7 and Policies EQ1, SG4 and TRA1 of the Core Strategy as well as the emerging policies of the Draft Local Plan.

**9.56 Impact on Agricultural Land**

*“The scheme cannot be said to minimise the loss of BMV land...”*

Paragraph 14.3.78 Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.57 Saved Local Plan Policy T7 requires the loss of the best and most versatile agricultural land to be minimised.
- 9.58 Emerging Local Plan Policy NE8 advises the best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary.
- 9.59 The proposal would affect 13 ha of the best and most versatile agricultural land (Grade 2), although the indicative scheme indicates 4.36ha as being potentially reversible to agricultural use, being open landscaped areas within the site.
- 9.60 The 2012 dismissed scheme affected some 18ha of such land within an overall site of 19.31ha, by comparison the site at Junction 50 that the Inspectors in 2011/12 wished to support comprised 13.36ha of such land.
- 9.61 The proposal before members consequently has noticeably lesser impact on agricultural land. The extent of best and most versatile agricultural affected is 0.36ha less than that which would have been lost by the scheme at Junction 50 that was supported by the Inspectors in 2011/2012.
- 9.62 Field accesses have been adequately provided for.
- 9.63 Given the general high quality of agricultural land alongside the A1(M) in the Vale of York then any MSA proposal would be exceptionally likely to affect the best and most versatile agricultural land. This proposal is limited in its land take for such a proposal and the proposal consequently complies with the development plan in terms of Saved Local Plan Policy T7 and Policy NE8 of the emerging Local Plan.

**9.64 Landscape and visual impact.**

*"... there would be clear views from the [local road network] and Ripon Road roundabout which lie on a tourist route...the visual effect of the MSA on that tourist route would be moderate to slight adverse. The MSA and mound would cause slight visual harm to views from a number of residential properties in Church Lane and moderate to slight visual harm to residents*

*near Skelton Windmill particularly in the early years and in winter. There would also be a slight detrimental visual effect from nightglow.”*

Paragraph 14.3.80 Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

*“... the proposal would have a significant detrimental effect on the character and appearance of the surrounding landscape”*

Paragraph 14.3.81 Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.65 Core Strategy Policy SG3 notes there will be strict control over new development in accordance with national planning policy.
- 9.66 Core Strategy Policy SG4 requires that visual amenity is protected and that the environmental impact and design of development conforms with Policies EQ1 and EQ2. The latter is the more relevant here as it seeks to ensure that the District’s exceptionally high quality natural and built environment is given the level of protection it deserves.
- 9.67 Saved Local Plan Policy HD20 requires new buildings to respect their landscape setting.
- 9.68 Saved Local Plan Policy C2 is a more general policy, having a requirement that development should protect existing landscape character. Related to this policy is the Supplementary Planning Guidance contained in the 2004 Harrogate District Landscape Character Assessment; the site falling within Character Area 81, “Dishforth and surrounding Farmland”, a large scale landscape punctuated by villages, hamlets and farmsteads traditionally surrounded by small fields.
- 9.69 Saved Local Plan Policy T7 requires MSAs to safeguard and/or enhance existing landscape character.
- 9.70 The Character Area is an open flat landscape which has limited tree cover and there are extensive views across the area towards the North York Moors in the east. The A1(M) corridor dissects the area and there are a few large scale developments in the open landscape that are detractors. The guidelines seek to maintain the extensive views across and beyond the area,

integrate existing development (large scale development is specifically referenced as not being easily accommodated without further detriment to landscape character), reinforce diverse landscape pattern of field systems and conserve historic features in the landscape.

- 9.71 Emerging Local Plan Policy NE4 supports proposals that protect, enhance or restore landscape character for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district.
- 9.72 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, while at paragraph 127 “Planning policies and decisions should ensure that developments... are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, amongst other matters”.
- 9.73 The Landscape and Visual Impact Assessment (LVIA) submitted with the Environmental Impact Assessment provides a detailed description of the landscape at a local, regional and national level.
- 9.74 The impact of a scheme on landscape character and visual amenity is assessed by determining the sensitivity of the landscape or view to change alongside the scale of the change. The Landscape and Visual Impact Assessment Guidelines (Third edition) provides guidance on the assessment of effects and the method submitted with the LVIA has followed this guidance.
- 9.75 Landscape sensitivity is determined by assessing the value of the landscape and its susceptibility to change as a result of the proposal. There is some fragmentation and loss of field boundaries and also a few detractors but generally the landscape is in good condition. There are extensive views across the area which contributes to its scenic value. Overall, the value of the landscape is assessed to be medium. The susceptibility of the landscape to the loss of the field is low, which would result in landscape character terms of medium/low sensitivity.

- 9.76 The open rural landscape however would experience a high magnitude of change due to the introduction of large-scale development that is uncharacteristic and add to existing detractors in the area. The development would also result in changes to landform on site, the introduction of new buildings and extensive areas of car parking together with a bridge and new lighting. With a landscape character of medium/low sensitivity and a magnitude of change that is assessed to be high would result in an overall moderate level of adverse effect on landscape character.
- 9.77 The magnitude of change is large because this is a new development in an open landscape that will appear 'boxed in'. The proposals seek to link the development with the surrounding landscape through planting of native hedgerows and clumps of trees rather than screen the development in full.
- 9.78 The submitted visual assessment has assessed the potential visibility of the scheme from agreed viewpoints, and overall has determined that the proposed development would be generally inconspicuous being well screened by a combination of surrounding landform and the presence of vegetation cover particularly along the A1(M) and A168 corridor but also along the western boundary and surrounding landscape. Some elements of the proposed development would however be more visible from particular locations. The submitted LVIA down plays, to some extent, the full extent of the level of adverse effects that the scheme would cause.
- The B6265 itself is a significant tourist route leading to Ripon Cathedral and Newby Hall and will have an brief passing oblique view of the MSA.
  - The public footpath from Church View, at Kirby Hill, is a high sensitivity receptor and the proposed development adds uncharacteristic features associated with the road corridor to the open rural view. The magnitude of change is medium and an overall level of landscape effect is of moderate to major adverse.

- All Saints Church and Skelton Windmill are a high sensitivity receptors and the proposed development has a potential to cause the magnitude of change to be medium and the overall level of landscape effect is of moderate to major adverse.

9.79 The previous scheme considered by the Inspectorate 2011/12 was criticized through its proposed large scale woodland planting and a mound of up to 9m high that would mostly surround the development and was judged by to significantly harm the character of the surrounding area.

9.80 The approach now proposed in contrast is largely welcomed. Landform within the site and green roofs to the buildings are proposed to help the development blend with its surroundings and hence ameliorate the landscape impact that could otherwise occur.

9.81 Landscaping within the site breaks up the parking areas such that views into the MSA from the west are obscured to differing extents, while the raised B6265 embankment and overbridge, together with the existing planting of those embankments provide significant obscurity from the south. The submitted details show the lorry parking area as being between 1.5m and 3m below, and the bridge 2.16m higher than the level of land to the immediate west side of the site.

9.82 The proposed mounds within the site are indicated as being of a height up to that which is comparable to land beyond the application site. For example one to the northern end of the site south of the access from the roundabout adjacent the proposed bridge whilst 2.5m higher than the roundabout, 0.5m lower than the highest part of the land immediately to the west. This is a matter that would be assessed further through any reserved matters application for landscaping.

9.83 The bridge would be lit (when illuminated by street lights) and this would add to the adverse effects of the existing bridge on the B6265 and the realignment of the A168 would widen the road corridor in this area. The type of development proposed is linked to the A1(M) corridor but would result in

the widening of the motorway's influence in the area, resulting in a moderate level of effect on the local landscape.

9.84 The changed realignment of the A168, whilst taking up less land and being less disruptive to the existing field pattern compared with the original submission, has equally resulted in less space being available to accommodate the southbound roundabout embankment and that embankment requires a steep gradient, where tree planting would not be possible on or adjacent to, for a distance of 20m. This gap faces due east and with the planting that is proposed, views of the bridge and roundabouts would diminish, as new planting becomes established and the existing planting alongside the A1(M) matures further.

9.85 The visual impact of the new bridge and raised roundabouts would be negated as a local landscape feature by those existing on the B6265, the roundabout which once was a new construction now appearing as part of surrounding landscape and also the presence of the over bridge on the Marton-le-Moor to Norton-le-Clay roads.

9.86 A proposal of this scale inevitably has landscape impacts; this proposal seeks to mitigate them, responding to its landscape setting and whilst there are some concerns the judgement is that the approach now proposed is largely welcomed in the way it tackles its landscape setting, and harm is not substantive.

#### **9.87 Design and Appearance**

9.88 Criteria of Saved Local Plan Policy T7 include that proposals will be assessed against the desirability of excluding extraneous services and facilities, and provision of basic services necessary to serve the needs of highway users.

9.89 Core Strategy SG4 advises that the scale, density layout and design should make the most efficient use of land and be well integrated with and complimentary to neighbouring buildings and the spatial qualities of the area. In addition, development must be appropriate to the form and character of the settlement.

- 9.90 Core Strategy Policy EQ1 requires the design of development, along with its planning, design and operation to seek to minimise, amongst other matters, energy and water consumption, use of natural non-renewable resources and waste.
- 9.91 Core Strategy Policy EQ2 which seeks to protect and enhance the District's built and natural environment and ensure that new development incorporates high quality and distinctive design.
- 9.92 Emerging Local Plan Policies CC4, HP3 and NE5 require sustainable design, local distinctiveness to be reflected and green infrastructure provided.
- 9.93 The NPPF stresses the need to make the effective use land while advising (para. 127) that "...decisions should ensure that developments... are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, amongst other matters.
- 9.94 The indicative proposals shown only carry limited weight at this stage in the application process being a matter for full assessment through any subsequent reserved matters application. No biomass boiler is proposed.
- 9.95 The large swept roof over the main building and its adjacent filling station would assist in siting that significant built in, rather than on, the landscape and the indication that it has "green" roof is welcomed; such roofs are increasingly being used on developments and whilst noting the representations that have been received, there is no fundamental objection to such a roof at this stage of the application process. An appropriate condition should be attached to any approval.
- 9.96 The main building is indicated as providing an appropriate range of facilities, and appropriate conditions should be added to any approval to control the extent of these, or any which may arise, along with appropriate facilities for waste.

- 9.97 Aside from the main building and its associated filling station the built form is limited to a coffee shop and a HGV filling station and the proposal does not have extraneous facilities.
- 9.98 Open green areas are indicated in the scheme.
- 9.99 On the basis of the information available at this outline stage, the proposal would be capable of achieving compliance with the development plan, and would be able to follow the principals set out in the National Design Guide

### **9.100 Heritage**

*“There would be limited harm to the settings of the Grade I listed All Saints’ Church in Kirby Hill and to the Grade II listed Skelton Windmill.”*

Paragraph 14.3.82, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

*“...archaeological interests in the site could be accommodated through the imposition of an appropriate planning condition.”*

Paragraph 14.3.83, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.101 Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special attention to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.102 Saved Local Plan Policy T7 requires MSAs to minimise their impact on listed buildings, and safeguard sites and features of archaeological interest.
- 9.103 Core Strategy Policy seeks to ensure that the District’s exceptionally high quality ...built environment is given the level of protection it deserves.
- 9.104 Emerging Local Plan Policy HP2 notes that proposals for development that would affect heritage assets will be determined in accordance with national planning policy.
- 9.105 The previous proposal with MSAs on both sides of the A1(M) was judged to cause limited harm to the setting of the Grade I listed All Saints church in Kirkby Hill and the Grade II listed Skelton Windmill. The indicative details

with this application show that land form and buildings are arranged to limit harm further and whilst there are illuminated added slip roads and raised roundabouts, the lack of a dedicated southbound MSA facility is a significant change, noticeably reducing the extent of visually seen development in comparison with that previous proposal. At the most, limited harm consequentially will arise from this proposal.

9.106 The NPPF at paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits and this will be undertaken in the planning balance below.

9.107 Archaeological matters can be adequately addressed through a condition attached to any consent.

#### **9.108 Ecology**

*“There is limited ecological value in the site which may be improved by the proposal.”*

Paragraph 14.3.84, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

9.109 Saved Local Plan Policy T7 requires MSAs to safeguard sites and features of nature conservation interest.

9.110 Emerging Local Plan Policy NE3 seeks to protect the natural environment.

9.111 The NPPF (paragraph 180c) requires that light pollution impacts on nature conservation should be limited.

9.112 The submitted Environmental Statement ‘Ecology and Nature Conservation’ is supplemented by Breeding Bird and Bat Roost Surveys. These conclude that the major habitats are arable fields and species-poor hedgerows. The western site boundary includes two mature hedgerow oak trees, while much younger immature hedgerow trees exist on the western boundary of the A1(M). An immature broadleaved plantation separates the A1(M0) and The A168, the latter having coarse neutral grassland verges

- 9.113 Around 1.2 km of hedgerow will be lost as a result of the proposed development, plus sections of the young broadleaved plantation and neutral grassland as a result of these proposals.
- 9.114 The submitted indicative Landscape Masterplan provides for retention of the western boundary hedge and associated mature oak trees, together with the a large proportion of the broadleaved plantation to the east of the A1(M) supplemented by new planting of native trees and hedgerows which would is indicated as maintaining a comparable extent overall, mitigating for lost planting in the longer term.
- 9.115 The bat survey, as with the one carried out in 2008 for the previous proposal, found low numbers of common species identified as foraging around the site. The site is consequently assessed to be of low importance for bats and provision for bat boxes can be sought through the conditions of any permission that may be granted.
- 9.116 Lighting design for the site provides for light spillage along the western boundary to be limited to less than 1 lux, although this is unlikely to include the effects of headlights from cars and lorries, which are likely to utilise the site, including the adjacent carpark 24 hours per day. There are likely to be relatively few light sensitive ecological receptors in this location but light can impact on a number of vertebrate and invertebrate species, so a precautionary approach should be followed and light spillage should be reduced to the minimum achievable. An appropriate condition should be attached to any approval, requiring the matter to be reappraised as part of a reserved matters application for layout.
- 9.117 The most significant ecological receptors are assessed to be priority species of birds. Probable breeding species on site include yellowhammer, dunnock, song thrush, house sparrow and reed bunting with skylark nesting in adjacent fields. Yellow wagtail and corn bunting were noted in 2008 but not in 2018. Together, these form a significant farmland breeding bird assemblage. An area of arable farmland will be lost as a part of the proposals, although this is a widespread habitat type within the area and some elements of the habitat would be enhanced through the landscaping

scheme. The development would be unlikely to cause any significant adverse impacts on this assemblage overall.

- 9.118 Most species are anticipated to be accommodated for within the proposed landscaping scheme for the site, although some species of open farmland, such as skylark and lapwing, which were noted to utilise adjacent land for nesting (although not the site itself) may not be able to be accommodated within the scheme and may suffer some edge effects offsite, due to noise and light disturbance.
- 9.119 Ecological enhancement measures, proposed in the Environment Statement, include ensuring hedgerow planting utilises diverse, locally-native shrub species, with an appropriate maintenance regime to retain structural diversity; designing and managing areas of trees and woodland to develop understory and ground flora species; utilising appropriate wildflower and grass mixes, in order to establish species-rich grassland; managing grassland and wildflower areas to maximise avian and invertebrate value and retention of permanent wetland habitats in some of the surface water attenuation basins and incorporation of log piles and hibernacula around the site.
- 9.120 Mitigation and enhancement measures are set out in the Environment Statement and these are proposed to be incorporated into both a Construction Environment Management Plan for biodiversity, to avoid harm to protected species during construction and an Ecological Management Plan, which includes habitat enhancements to be incorporated within landscaping during the operational stage. Appropriate conditions should be attached to any approval in this respect.
- 9.121 Landscape mounding's would be predominately be sown with a species rich grassland mix and sections of them sown with a seed mixture to create nesting habitat for birds such as skylark and yellow wagtail. Grassland will have a single 'hay cut' taken in August to avoid the flowering and bird nesting season. Species rich hedgerows, and native trees and shrubs will be planted along with wetland planting. Bird and bat boxes provided along with log piles.

9.122 The proposal would result in changes but not adversely affect ecology, and the attenuation basins would expand the ecology on the site.

### **9.123 Contaminated Land**

9.124 Emerging Local Plan Policy NE9 addresses the issue of contaminated land.

9.125 It is not anticipated that the land is contaminated but in case any contamination is discovered an appropriate condition should be attached to any proposal.

### **9.126 Drainage, Flooding and Water Supply**

*“The development has a low risk of flooding and will not have any off-site impacts. Surface water would be disposed of by means of soakaways or to existing ditches. Foul water should be disposed of by way of the public sewer network connecting to Boroughbridge [Waste Water Treatment Works]”*

Paragraph 14.3.85, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

9.127 Core Strategy Policy EQ1 and emerging Local Plan Policy CC1 amongst other matters seek to minimise / prevent the increase of flooding, and in respect of the former water consumption. Emerging Local Plan Policies CC2 and NE2 requires the protection and improvement of the quality of water bodies, and the protection of water quality.

9.128 Representors raise concerns over inadequacies of the existing drainage systems and its ability to cope with the proposed development. As this is an outline application the issue is whether the proposal could be acceptably drained rather than the actual mechanics of how that is to be undertaken.

9.129 No substantive concerns have previously existed concerning the ability of a substantially larger site to be drained.

9.130 With regard to foul sewerage, a positive connection to a foul drainage system would be a necessity and Yorkshire Water are satisfied with the proposed discharge into an existing foul sewer some 800m from the application site. With regard to the flooding last summer in Langthorpe raised

by representors and the Parish Council, Yorkshire Water advise that was as a result of blockage in a private sewer, and not part of their network.

- 9.131 Soakaways are proposed for surface water drainage. Ostensibly surface water is a result of rainfall and currently naturally soaks away on the site. Development results in surface water being collected together and then discharged to one, or more locations. With a soakaway system the issue is the permeability of the land at the point of discharge; details that have been provided show the provision of four attenuation basins to hold surface water on site and allow for appropriate discharge through soakaways on surrounding land, without causing adverse problems on that land, or on the site itself. An appropriate condition should be attached to any approval.
- 9.132 The surface attenuation basins are all within the site; to clarify the matter raised in the representations, the descriptive labelling only on a plan is outside of the site.
- 9.133 The site lies on land that is within Flood Zone 1, having a less than 1 in 1,000 annual probability of river or sea flooding.
- 9.134 Yorkshire Water accept that significant works are necessary to ensure that an adequate water supply exists and an appropriate condition should be attached to any consent.
- 9.135 Similarly conditioned, should be the treatment of surface water from areas of the site where it is likely to be contaminated and this would ensure the aquifer is unaffected by the proposal.
- 9.136 Given the above, it is considered that with the inclusion of appropriate conditions, the proposal complies with the relevant policies of the development plan and the emerging local plan.

### **9.137 Crime**

*“The MSA would be most unlikely to cause an increase in crime in the area”*

Paragraph 14.3.87, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

9.138 As a MSA accessed publically solely from the A1(M) the proposal is not one that is judged as having an adverse effect on the surrounding area in terms of crime, in contrast to a MSA that is accessed off an existing junction such as Wetherby.

9.139 The Police Designing Out Crime Officer is satisfied with the measures set out in the application in seeking to ensure a safe environment for the proposed development. The detailed design would incorporate all necessary security measures, taking advice from all relevant guidance and policies.

#### **9.140 Residential Amenity**

*“A number of properties at Church Lane would experience slight visual harm. A number near Skelton Windmill would experience moderate to slight visual harm particularly in early years. At night, the effect would be slight adverse from the night-glow. Otherwise there would be no material adverse effect on the living conditions of residents.”*

Paragraph 14.3.88, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

9.141 Saved Local Plan Policies T7 and HD20 of the Local Plan, Core Strategy Policy SG4 and Policy HP4 of the emerging Local Plan all seek to protect amenity. Policy NE1 of the emerging Local Plan sets out measures to protect Air Quality.

9.142 The NPPF requires a high standard of amenity for existing and future users (para 127) and to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).

9.143 A site compound is suggested in the Environmental Statement on the site of the proposed car and caravan parking areas, with access initially from the B6265 until the northbound slip roads are completed, with construction taking 12 months.

9.144 Another site compound is proposed on the east side of A1(M), stated as being likely to be located on agricultural land to the east of A168 and accessed via the existing farm access from Leeming Lane. Developers have

“permitted development” rights to provide buildings, moveable structures, works, plant or machinery that are temporarily required during construction both on the site and on land adjoining the site.

- 9.145 Concrete abutment structures and a pier for the bridge are stated as being cast in-situ, with the precast bridge deck likely to be prefabricated in a compound immediately to the east of A1(M) so that it can be directly lifted into place.
- 9.146 The issues of the proposal in terms of noise, air quality and light in terms of the environmental effect on residential properties are considered by Environmental Health not to be material given the distances involved. There is a low risk of construction dust which a Construction Management Plan should mitigate for. Dust generation and deposition being minimised through best practice construction methods, for example damping down.
- 9.147 Since Environmental Health considered the matter, the A168 diversion has been reduced in its extent and the levels of illumination on parts of the site have been confirmed as being lower, with the access road, lorry coach and caravan parking areas reduced to 10 lux average, from 20 lux, the same as the car parking areas. The HGV fuel filling station being reduced to 20 lux average, from 50 lux, the same as the slip roads and fuel filling station.
- 9.148 The upper parts of the MSA would most likely be visible and the full impact would be assessed as part of the reserved matter application for scale, however the existing B6265 bridge and its associated planting would reduce to the full extent such that it would not be judged to overbear any nearby residential properties, again through also the distances involved.
- 9.149 By setting the MSA to the west side of the A1(M) there is no extensive use of land to the east side of the A1(M) previous proposals sought to use and, whilst there is a realignment of the A168, this proposal would significantly limit the extent of visual harm caused to properties on Church Lane such as not being overly material.
- 9.150 Loss of a view is not a material planning consideration and therefore, the judgement of the impact on residential amenity, given the environmental

assessment by the Environmental Health Officer finds no significant issues, rests with any overbearing impacts.

- 9.151 In terms of any overbearing impact visually there would be some night-glow evident. Representators noticeably raise issues with the proposed bridge and the lights on it that would be sited on around 8m above ground level along with the adjacent roundabouts and slip roads including abnormal load bays, The bridge would be 1.03km from the northern limits of Kirby Hill, 710m from Providence Lodge, 825m from Moor Lodge, and 608m from the nearest property on the B6265 towards Skelton Windmill. Given the separation involved the lights will not be overbearing to the extent that they would harmfully detract from the residential amenity of a dwelling.
- 9.152 The slip roads including the abnormal load bays drop down to motorway level and will largely be screened by the extant planting to the east side of the A1(M) along with the additional planting that is proposed while to the west side they will be part of the overall MSA development that is set into or is indicated as being designed in sympathy with the landscape.
- 9.153 There will obviously be a visual change but the separation is such that there would be no adverse overbearing impacts and consequently there is no substantial harm to residential amenity that would cause a conflict with the development plan and justify the refusal of the application.

**9.154 Effect on Airfields**

*Having considered the possibility of birdstrikes and the effect that light sources associated with the proposal might have, I consider that the proposal would not materially harm the operation of Dishforth Airfield.*

Paragraph 14.3.89, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

- 9.155 A noticeably smaller overall development is now proposed and any use that may arise of Dishforth Airfield for its original purposes would not be materially harmed, as neither would Linton.

## **9.156 Conclusion on Social Sustainability**

9.157 The proposed development is largely acceptable in terms of social sustainability; there are some matters that give rise to concerns that will be assessed in the final planning balance.

## **9.158 ECONOMIC SUSTAINABILITY**

*Recruitment is likely to take place from a wide area, but I find nothing to indicate that recruitment would give rise to any particular difficulty.*

Paragraph 14.3.86, Report to the Secretary of State for Communities and Local Government, RR Lyon, 25/8/11

9.159 Paragraph 80 of the NPPF advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The specific locational requirements of different sectors should be recognised, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations (Paragraph 82).

9.160 Aside from jobs created during construction, the proposal is stated as providing employment for approximately 300 staff, which provides significant economic benefits. Representors question the number of staff and low local unemployment. It is nevertheless evident that a significant number of jobs would be created, which if not filled locally initially, would still result in the potential for spending in the locality whilst commuting. The Councils Economic Development Officer has no objection to the proposal and considers that the result would be a significant investment in the district.

9.161 The existing local service centre, Boroughbridge, would still be signposted off the A1(M) and whilst there may be some loss of trade, that would be offset by that arising from the new housing developments. The current principal service provision is limited to 110 hours filling station, 96 hours shopping and 72.5 hours cafe a week, so only offering partial coverage of that the proposed MSA would provide for 168 hours a week.

9.162 A detailed representation addresses perceived economic failings of the proposal; investment being stated as being excessive and the returns highly limited. The matter of whether the development is economically viable to undertake rests with its operator, whether that is the current applicant or not. It is not usual for a different applicant to pursue a proposal subsequent to an outline planning permission being granted. Planning permission, except in exceptional circumstances, which do not exist in this case, goes with the land not the specific applicant.

### **9.163 OTHER MATTERS**

9.164 The comments from representations are noted and largely addressed in the report above. In addition, a number of other comments have been made, which are addressed below.

9.165 Any effect on house prices is not a material planning consideration.

9.166 Whether a Motel would subsequently be proposed is not a reason to refuse this application.

9.167 The proposal has to be assessed in terms of the development that is sought; it would not be a sustainable site for a housing development.

9.168 A brown field redevelopment for a MSA is not considered to be a viable proposition; Dishforth Airfield is not available for redevelopment and even if was the impact of the accesses needed crossing both the A1(M) and A168 in a far more open landscape would be a challenging obstacle to overcome. The northbound Rainton services have been redeveloped for commercial purposes while the site of demolished southbound services largely lies under the A1(M); the site would be too small to accommodate a MSA.

9.169 There is a current application at Junction 50. Each application is considered under its own merits, and the NPPF requires approval without delay where proposals accord with an up-to-date development plan or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, unless specific matters are breached. That other application is still subject to detailed assessments

being made of its impact whereas this application is now at the point where it should be approved without delay.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 The 2012 decision by the Secretary of State to allow a MSA as a brown field redevelopment at Leeming resulted in a 28+ mile section of the A1(M) still not having a MSA on it. A case therefore exists for a further MSA.
- 10.2 The proposal has sought to address and does indeed largely satisfy the issues raised previously; the lack of a southbound dedicated MSA is a significant change, the lack of a dense woodland around most of the site and a substantial mound to the south east are immediate benefits of the proposal now put forward.
- 10.3 This is at the expense of requiring a new bridge over the A1(M) and associated roundabouts and slip roads which are illuminated including abnormal load bays on the south facing slip roads.
- 10.4 The MSA itself is set into the land with some earthworks within the site.
- 10.5 The result is a proposal that is judged to cause less than substantial harm to heritage assets, has mitigation in its layout and the surroundings to largely minimise impacts on the local landscape, and may change outlooks but does not cause substantial harm to local residents amenity.
- 10.6 Given the lack of any substantial harm being caused to interests of acknowledged importance and the public benefits of a MSA in the 28+ mile gap that would provide opportunities for the travelling public stop and take a break in their journey 24 hours a day along with the jobs created, it is considered that the proposal should be supported subject to the completion of a legal agreement covering the matter required by the Local Highway Authority.

## **11.0 RECOMMENDATION**

- 11.1 That the application be **DEFERRED and APPROVED** subject to conditions and a S106 Agreement

11.2 The S106 Agreement to cover the monitoring a Travel Plan monitoring fee of £2,500.

11.3 The conditions are as follows:

1 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters -

(a) access;

(b) appearance

(c) landscaping

(d) layout; and

(e) scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

2 Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

3 The details of access required by condition 1 above shall provide for:

(a) the access from the B6265 shown on drawing 60534927-SKE-C-0300 rev H dated 30-07-2019,

(b) the accesses from and to the A1(M) comprising the dumbbell access roundabout, accommodation structure, and associated slip roads in strict accordance with drawings 60534927-SKE-C-3000 rev G dated 19-8-2019 "Proposed MSA Motorway Access Works (720/720m) 3D model" and

60534927-SKE-C-0202 dated 28-07-2017 “Dumbbell Arrangement with DMRB Roundabout Minimum Radius Bypass - With AIL Tracks”,

(c) the realignment of the A168 and the agricultural access track to the east of that realigned highway shown on drawing AFL-00-00-DR-A-00101 rev P10 dated 22.08.19,

(d) the field access shown on drawings 60534927-SKE-C-3000 rev G dated 19-08-2019 and AFL-00-00-DR-A-00101 rev P10 dated 22.08.19,

(e) internal access roads,

(f) parking areas for 364 cars (of which 17 shall be disabled spaces), 90 HGVs, 20 motorcycles, 18 coaches, 10 staff cars (of which 3 shall be disabled spaces) , 13 caravans (of which 2 shall be disabled spaces) and a staff drop off area,

(g) servicing, turning and manoeuvring areas, and

(h) footways, pedestrian areas and cycling provision

including any modifications arising from the further conditions of this permission.

All shall be maintained for the lifetime of the development.

4 The details of landscaping to be submitted under condition 1 above shall include full details of;

- a) excavations;
- b) ground modelling (including existing and proposed contours);
- c) any retaining walls and structures;
- d) means of enclosure;
- e) all hard landscaping;
- f) minor artefacts and structures;

g) the extent of the existing trees and hedgerows on the land and details of those to be retained; and

h) soft landscaping, including the types and species, a programme of planting, and cultivation proposals.

Thereafter the development shall be carried out in accordance with the approved details.

5 The details of appearance to be submitted under condition 1 above shall provide for a "green roof" on the main amenity building.

6 The details to be submitted under condition 1 above shall provide for full details of waste storage facilities and undercover secure cycle parking facilities. The facilities shall be provided in strict accordance with the approved details prior to the first occupation of any of the buildings of the motorway service area hereby approved and thereafter maintained free of obstruction.

7 The details to be submitted under condition 1 above shall accord within the parameters identified on the Parameters Plan (AFL-00-00-DR-A-00120 rev P07 dated 22.08.19) and the ground levels and the heights and internal floorspaces of the proposed buildings shall not exceed those specified.

8 The details of layout to be submitted under condition 1 above shall include an external lighting scheme. The lighting scheme shall:-

(a) Provide detailed specification of the luminaires to be used including location of the luminaires,

(b) Detail the levels of average maintained illuminance that will be provided to different areas of the site, which should be generally in

accordance with table 4.1 Indicative Lighting Criteria detailed in Appendix 4.1 of the submitted Environmental Statement dated July 2017.

(c) Detail the environmental impact of the proposed lighting (i.e. light trespass and source intensity at residential receptors) which shall not exceed the criteria for ILP Environmental Zone E2 (post curfew) as detailed in part 2.3 of Appendix 4 of the submitted Environmental Statement dated July 2017.

(d) Take into account up to date advice from Natural England (and/or equivalent bodies) on the siting and illuminance of lights.

The lighting shall be installed in accordance with the approved scheme and retained thereafter.

9 No more than one room within the MSA shall be made available for public use for the purposes of holding conferences or undertaking training. The room set aside for this purposes shall have a capacity for no more than 15 persons to train at any one time.

10 The amenity building shall contain no more than 500m<sup>2</sup> of retail floor space as defined by Class A1 of the Town and Country Planning (Use Classes) Order 1987 and not more than 100m<sup>2</sup> of games/leisure floorspace shall be made available to the public.

11 No construction for any phase of the development hereby approved nor any site preparation or access works shall commence until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. Development shall be undertaken in strict accordance with the approved Construction Management Plan and a copy or copies shall be retained on site for access by site operatives at all times.

The Plan must:

(i) Include a Construction Traffic Management Plan based upon the submitted Draft Construction Management Plan.

(ii) Highlight environmental impacts resulting from the development and identify sensitive receptors within the development Site to the construction team.

(iii) Reduce and manage environmental impacts through appropriate construction methods and by implementing environmental best practice during the construction period, for example with regard to dust mitigation.

(iv) Undertake on-going monitoring and assessment during construction to ensure environmental objectives are achieved.

(v) Provide emergency procedures to protect against environmental damage.

(vi) Provide an environmental management structure for the construction stage.

(vii) Recommend mechanisms to reduce risks of environmental damage occurring.

(viii) Provide for consultation and liaison with relevant bodies throughout the works as required including, as appropriate the Environment Agency, Natural England, North Yorkshire County Council, Harrogate Borough Council Officers and other stakeholders including the public.

It must also include, but not be limited, to arrangements for the following in respect of each phase of the works:

(a) details of any temporary construction access to the site including measures for removal following completion of construction works;

(b) any temporary or permanent restrictions on the use of accesses for construction purposes;

(c) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

(d) the parking of contractors' site operatives and visitor's vehicles;

(e) areas for storage of plant and materials used in constructing the development clear of the highway;

(f) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;

(g) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;

(h) protection of carriageway and footway users at all times during construction;

(i) protection of contractors working adjacent to the highway;

(j) details of site working hours;

(k) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;

(l) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;

(m) measures to control and monitor construction noise;

(n) an undertaking that there must be no burning of materials on site at any time during construction;

(o) removal of materials from site including a scheme for recycling / disposing of waste resulting from demolition and construction works;

(p) details of the precautions that are to be taken to avoid harm to nesting birds, terrestrial mammals and amphibians;

(q) details of the measures to be taken for the protection of trees in accordance with the recommendations of the JCA Tree Report ref 13543a/SR including a protective barrier in accordance with BS5387:2012 to Root Protection Areas;

(r) the implementation of the protective barrier around all trees and shrubs that are to be retained and for the entire area as specified in accordance with BS 5837:2012 together with ground protection detail (no dig) before any development, site preparations or access works commence on site;

(s) the level of land within the areas contained by the protective barriers not being altered;

(t) details of all construction related external lighting equipment;

(u) details of ditches to be piped during the construction phases;

(v) detailed drawings showing how surface water will be managed during the construction phases;

(w) a detailed method statement and programme for the building works; and

(x) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

12 No development shall take place until a both;

(a) a scheme of Archaeological Investigation, and

(b) a Written Scheme of Investigation for archaeological mitigation

have been submitted to and approved by the Local Planning Authority in writing.

13 The scheme of archaeological investigation required by condition 12(a) shall provide for:

(a) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area, and

(b) an assessment of the impact of the proposed development on the archaeological significance of the remains.

14 The Written Scheme of Investigation scheme required under condition 12(b) shall be prepared subsequent to the implementation of the approved scheme of archaeological investigation in accordance with conditions 12(a) and 13 and shall include:

(a) an assessment of significance and research questions;

(b) the programme and methodology of site investigation and recording;

(c) community involvement and/or outreach proposals;

(d) the programme for post investigation assessment;

(e) provision to be made for analysis of the site investigation and recording;

(f) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(g) provision to be made for archive deposition of the analysis and records of the site investigation; and

(h) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Development shall take place in strict accordance with the approved Written Scheme of Investigation approved.

15 No development shall take place until a Design Stage Certificate issued by BRE has been submitted to and approved in writing by the Local Planning Authority. The development shall meet BREEAM "excellent" or higher. Thereafter the development shall be carried out in accordance with the approved details.

16 There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the construction of the 'rear access' to a standard appropriate for all uses including construction traffic has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 1.

17 There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until

(a) the design and construction details of the method by which the proposed development interfaces with the existing A1(M) highway alignment, carriageway markings and lane destinations; the carriageway widening, together with any modifications to existing or proposed structures, with supporting analysis; traffic signing, highway lighting and alterations and modifications to motorway communications and traffic data collection equipment, and the provision of written confirmation of full compliance with current Departmental standards (DMRB) and policies,

(b) a programme for the completion of the proposed works, and

(c) an independent Stage 2 Safety Audit has been carried out in accordance with GG119 – Road Safety Audit or any superseding regulations and the design amended in accordance with the findings of the Audit,

have been submitted to and approved in writing by the Local Planning Authority and the reserved matters application for access has been approved in respect of the details of

(i) the realignment of the A168 north of the B6265 roundabout including the realignment of the roundabout entry and exit;

(ii) the construction of the 'rear access' to a standard appropriate for all uses including construction traffic based upon indicative design on drawing 60534927-SKE-C-0300 rev H dated 30-07-2019; and

(iii) the extension of the existing footway in Kirby Hill from its northernmost point to connect to the rear access including all necessary crossings works to provide a continuous footway cycleway link at the roundabout based upon the indicative design on drawing 60534927-SKE-C-0300 rev H dated 30-07-2019.

18 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The foul water pumped rate shall not exceed 6 litres a second.

19 Prior to the commencement of any soil stripping or foundation works to any of the buildings, except for investigative works, drawings showing details of the proposed surface water drainage strategy shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall not discharge to the existing local public sewerage and will include:

(a) a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 40% to account for climate change can be stored on the site without risk to people or property and without increasing flood risk off site. Due to the relatively low percolation figures a further factor of safety should be incorporated into the on-site attenuation requirements;

(b) full hydraulic calculations for the proposed surface water drainage design;

(c) proposed control measures to manage pollution from all areas of vehicle parking and hard standing areas, including from the forecourt of filling stations, areas used for the delivery of fuel, areas used for and immediately adjacent vehicle washing facilities and/or other similar areas where detergents or likely to be used;

(d) an exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site; and

(e) details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

No piped discharge of surface water from the application site shall take place until the approved works to provide a satisfactory outfall has been completed.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified;

(a) a report in writing shall be made immediately to the Local Planning Authority, and

(b) an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority.

Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority.

Any such approved remediation scheme must be carried out in strict accordance with the written approval of the Local Planning Authority the recommencement of development, other than that required to carry out remediation, and two weeks written notification of commencement of the remediation scheme works shall be given to the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried shall be submitted to and approved in writing by the Local Planning Authority.

21 Construction of the A1(M) dumbbell access roundabout, accommodation structure, and associated slip roads solely (and no other development indicated therein) shall be carried out in strict accordance with drawings 60534927-SKE-C-3000 rev G dated 19-8-2019 "Proposed MSA Motorway Access Works (720/720m) 3D model" and 60534927-SKE-C-0202 dated 28-07-2017 "Dumbbell Arrangement with DMRB Roundabout Minimum Radius Bypass - With AIL Tracks" as replicated in the details of access required by condition 1.

22 Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

23 No operations shall commence on site in relation to the landscaping plan approved in accordance with condition 1 until a detailed scheme, for sustainable tree planting, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as footways, highways, car park areas and structures including garages (if

there is hardstanding on more than one side of proposed tree planting then underground systems are to be implemented).

24 All planting, seeding or turfing comprised in the approved details of landscaping under condition 1 shall be carried out not later than the first planting and seeding seasons following occupation of the buildings or completion of the development whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

25 The development comprising of the motorway service area accessed from the slip roads from the A1(M) hereby approved shall not be brought into use prior to the completion and opening for public use of all the highway works referenced in conditions 17 and 21 above together with the provision of the agricultural access from the A168 / B6265 roundabout and the agricultural track parallel to the realigned A168.

26 The development comprising of the motorway service area accessed from the slip roads from the A1(M) hereby approved shall not be brought into use prior to the completion off the site investigation and post investigation assessment in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12(b) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

27 The development comprising of the motorway service area accessed from the slip roads from the A1(M) hereby approved shall not be brought into use until a secure boundary fence has been erected in accordance with a scheme submitted to, and approved in writing by, the Local Planning Authority.

28 The development comprising of the motorway service area accessed from the slip roads from the A1(M) hereby approved shall not be brought into

use until measures to restrict the rear access to the site from the B6265 to use only by staff, prearranged deliveries and the emergency services has been submitted to and approved in writing by the Local Planning Authority and implemented. The measures shall be retained operational and in full in working order for the duration of the use of the site.

29 A Post Construction Stage Certificate issued by BRE for the development shall be submitted for the approval in writing of the Local Planning Authority prior to the first occupation of the development.

30 The development comprising of the motorway service area accessed from the slip roads from the A1(M) hereby approved shall not be brought into use until:

a) a signing agreement with Highways England for the A1(M) motorway is in place and direction signing for the motorway service area from and to the A1(M) has been provided in accordance. At any time a signing agreement is not in place no part of the development shall be open for use by users of the A1(M) motorway, and

b) a Stage 3 (completion of construction) Road Safety Audit has been carried out in accordance with DMRB HD19/15, and submitted to and approved by the Local Planning Authority.

31 No part of the development shall be open for public use until the related areas of access to be used in connection with that part are available for use. Once constructed, these areas of access shall be maintained clear of any obstruction and retained for their intended purpose at all times.

32 Prior to the first occupation of any building of the motorway service area hereby approved a Travel Plan in general accordance with details set out in the submitted Framework Travel Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall managed by a pre-appointed Travel Plan Co-Ordinator and provide specific, measurable, achievable, relevant, and time-bound targets against

which its effectiveness of can be monitored and will include the provision of a staff shuttle bus, which shall commence operation no later than the opening day of the development, and other measures to discourage the unnecessary use of the private car. Should monitoring show that targets have not been met, an action plan for additional travel plan measures is to be agreed in writing by the Local Planning Authority within six months of the date of the monitoring report.

33 Prior to the first occupation of any building of the motorway service area hereby approved an electric vehicle charging scheme shall have been installed in strict accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be maintained.

34 Prior to the first occupation of any building of the motorway service area hereby approved an Ecological Mitigation and Enhancement Scheme including details of native tree, shrub and wildflower planting, and provision of bat bricks and bird boxes bricks shall be submitted to and agreed by the Local Planning Authority. The scheme shall include arrangements for the provision for long term management and maintenance of biodiversity on the site. The Ecological Mitigation and Enhancement Scheme shall be implemented in strict accordance with approved timescales and thereafter maintained.

35 Prior to the first occupation of any building of the motorway service area hereby approved evidence shall be submitted to the Local Planning Authority that on-site and off-site works to ensure an adequate water supply for the development, that will not cause detriment to existing properties within the area, has been implemented.

36 A Stage 4 monitoring Road Safety Audit shall be carried out using 12 months and 36 months of accident data from the time the relevant schemes of works set out in Conditions 3, 17 and 21 become operational. The Audits shall be carried out in accordance with DMRB HD19/15 and shall be submitted to and approved in writing by the Local Planning Authority.

37 In the event that the implemented Motorway Service Area development hereby approved ceases to operate, the site shall not be used for any other purpose. All accesses to the A1(M) shall be removed and the former A1(M) features and highway boundaries restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reasons for Conditions:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt and to safeguard the rights of control of the Local Planning Authority.
- 4 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 6 In the interests of amenity and security.
- 7 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 8 In the interests of amenity and wildlife.
- 9 To safeguard the rights of control by the Local Planning Authority.
- 10 To ensure the facility is not dominated by a specific provision.

- 11 To protect and maintain the functionality, operation, and safety of the A1(M) during the construction of the development, in the interest of public safety, amenity and flood prevention and to ensure that harm to protected species and to retained vegetation and habitats is avoided during site preparation and construction.
- 12 to 14. The site is of archaeological interest.
- 15 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
- 16 In the interests of the safety and convenience of highway users.
- 17 To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
- 18 In the interest of satisfactory and sustainable drainage.
- 19 To ensure that the site is properly drained for the lifetime of the development and in order to prevent overloading.
- 20 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 21 To protect and maintain the functionality, operation and safety of the A1(M) once the development is operational.
- 22 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 23 To ensure adequate growing space.
- 24 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 25 In the interests of the safety and convenience of highway users.

- 26 The site is of archaeological interest.
- 27 To ensure a secure environment and to maintain the integrity and the safe and efficient operation of the strategic road network.
- 28 In the interests of the safety and convenience of highway users.
- 29 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
- 30 To ensure the facility is adequately sign posted.
- 31 In the interests of amenity and public safety.
- 32 To encourage alternative means of transport.
- 33 To ensure provision is made for alternative means of transport.
- 34 To provide ecological mitigation and improvements.
- 35 In the interest of public health and to protect the strategic water supply.
- 36 In the interests of highway safety.
- 37 To safeguard the rights of control by the Local Planning Authority and to maintain the integrity and the safe and efficient operation of the strategic road network.

## INFORMATIVES

- 1 In respect of conditions 3 and 21 Drawing 60534927-SKE-C-0202 dated 28-07-2017 "Dumbbell Arrangement with DMRB Roundabout Minimum Radius Bypass - With ALL Tracks" is contained within the Transport Assessment - version Revision 7, dated August 2018.

2 There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Local Highway Authority.

3 Secured by Design (SBD) is an initiative promoted by the National Police Chiefs Council and has been shown through independent analysis that it can reduce the chances of a development becoming a victim to crime by up to 70%. Once a development obtains the award, the SBD logo can be used to promote the development. Even if not applying for SBD accreditation the developer should consider using doors and windows to the relevant SBD standards. There is no cost for an application for accreditation. For more information on SBD visit the web site at [www.securedbydesign.com](http://www.securedbydesign.com)

4 The fuel filling stations, which will require an Environmental Permit. For more information contact the Technical Officer (Scientific) (Environmental Protection), Safer Communities, Harrogate Borough Council, PO Box 787, Harrogate, HG1 9RW.

5 In respect of condition 23 appropriate systems are Rootcell, Stratacell, Silva cell or similar products. Such systems are used to protect underground services and above ground surfaces while providing long term and sustainable tree cover.

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***In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Chief Planner has delegated authority to do so in consultation with the Chairman of the Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.***

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Case Officer: Mike Parkes

Expiry Date: 30 November 2019