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Your Ref.
Our Ref. PRW/jh

Please ask for: Paul Watson
Date 15th November 2004

Dear Mr Moseley

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000
APPEAL BY:
BLUE BOAR MOTORWAYS LTD/EXEC. OF SIR JOHN GOOCH
MOTORWAY SERVICE AREAS (MSAs) – BETWEEN JUNCTION 3a AND JUNCTION 6 OF
THE M42, SOLIHULL, WEST MIDLANDS

I refer to your letters dated 21 October 2004 and 9 November 2004 inviting further representations on certain matters relating to the above Appeal.

The position of Solihull Metropolitan Borough Council (SMBC) on these matters is as follows:-

Matter 1 – the extent to which the proposal for an MSA at Catherine de Barnes may conflict with expansion proposals at Birmingham International Airport in line with the Government White Paper "The Future of Airport Transport" and/or may prejudice in Regional Spatial Strategy, as published in Regional Planning Guidance for the West Midlands.

SMBC position

It is clear that the Public Safety Zones (PSZs) that would be associated with the White Paper's indicative proposals for an additional runway at BIA (within which there would be a general presumption against new or replacement development) impinge on the site of the proposed MSA at Catherine de Barnes. Therefore there is substantial conflict between the two proposals.

It is equally clear that the proposed MSA would have impacts on the capacity of M42 between Junctions 3 and 7, a key concern in considering any expansion of BIA.

These are not peripheral but fundamental matters which could limit the capacity of BIA and so, at the strategic level, prejudice a future review of airport policy in the West Midlands Regional Spatial Strategy.

Matter 2 - whether the appeal proposals (for an MSA at Catherine de Barres) should be regarded as prejudicial to the completion of the Master Planning process of Birmingham International Airport.

SMBC position

The issues of conflict between the MSA and the PSZs associated with the White Paper's indicative proposals for a second runway at BIA, and the potential impacts of an MSA on the capacity of M42 between Junctions 3 and 7, would fundamentally and unreasonably constrain and prejudice the preparation of the Master Plan which is currently being prepared by BIA for publication and comment in 2005.

It should be stressed that in making these points, no explicit support should be construed for any particular policy or proposal in respect of the future development of BIA. The issues raised seek only to ensure a proper, open, comprehensive and co-ordinated approach to policy development and decision making in the area.

Matter 3 – the revised proposals for the reuse of Walford Hall Farmhouse and its outbuildings for residential use.

SMBC position

Whilst concerns remain for the impact of the proposed MSA on the setting of Walford Hall Farmhouse, the revised proposals should at least ensure that these important listed buildings are retained and have a viable and appropriate use.

Matter 4 – the extent to which any change to the auxiliary lanes proposal made during the course of completing the additional Highways Act procedures or necessitated by the Active Traffic Management (ATM) project and any additional environmental impact which may result, materially changes the proposal considered at the original inquiry.

SMBC position

This is primarily a matter for the Highways Agency. However it should be noted that highway design in this area cannot be finalised until the results of the ATM project are known and so, at this stage, consideration of this matter is premature.

Matter 5 - the extent to which draft conditions 23 and 27 are in accordance with the Government's MSA Policy Statement of July 1998 that shops or shops catering for those using the motorway should have a total floor area not exceeding 5,000 square feet (464.5 square metres approx).

SMBC position

It is important that MSAs or other shops on motorways do not become destinations in their own right. This would prejudice the viability and vitality of nearby town or local centres contrary to the provisions of national planning policy set out in PPG6 "Town Centres and Retail Development" and would unnecessarily add local traffic onto the national motorway network. Therefore a limitation on the amount of retail floorspace allowed at an MSA is both reasonable and appropriate. In the absence of other national or local policy on this point, the provisions of the 1998 Policy Statement should be respected.

Your letter dated 21 October 2004 also raises the prospect of re-opening the Public Inquiry. Solihull Metropolitan Borough Council is of the view that this would be a waste of time, money and effort for all concerned. The facts of the matter are clear and do not need further debate. They point to a refusal of planning permission on the grounds that approval of an MSA at Catherine de Barnes or anywhere else on the stretch of M42 between Junctions 3 and 7 would be premature pending the preparation of a Master Plan for Birmingham International Airport and its incorporation into the development plan for the area.

SMBC would also wish to point out that refusal of planning permission on these grounds would be consistent with the provisions of national planning policy PPG1 "Policy and Principles" which at para 47 states"it may be justifiable to refuse planning permission in respect of development proposals which are individually so substantial, or whose cumulative impact would be so significant, that to grant permission would prejudice the outcome of the plan process by pre-determining decisions about the scale, location or phasing of new development which ought properly to be taken in a development plan context ..."

I would be grateful if you could acknowledge receipt of these representations.

I look forward to hearing the results of the Secretary of State's consideration of the views he receives in due course.

Yours sincerely

PAUL WATSON
Head of Planning Services
Physical and Economic Regeneration