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GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS

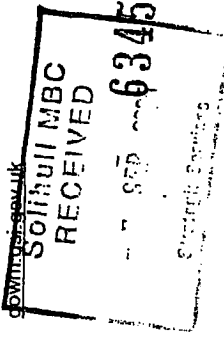
Mr Paul Watson  
Head of Planning Services  
Physical & Economic Regeneration  
Solihull Metropolitan Borough Council  
Planning Services PO Box 11652  
SOLIHULL B91 3YA

South Eastern Division,  
Planning Team

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Colmore Row  
Birmingham  
B3 2PW

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Your Ref: PRW/jjh  
Our Ref: APP/Q4625/A/98/1013084  
Date: 6 September 2005



Dear Mr Watson,

**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 AREA (MSA) BETWEEN JUNCTION 3a AND JUNCTION 6  
OF THE M42, SOLIHULL, WEST MIDLANDS**

I refer to the decision of 6 March 2001 by the Secretary of State which indicated that he was minded to approve the development of a motorway service area on the M42 at Catherine de Barnes. The decision not only addressed the Catherine de Barnes proposal, but also dismissed two other separate proposals for motorway service area schemes at Junction 5 and Junction 4 of the M42. The letter of 6 March 2001 explained that, on the basis of all the evidence before him, the Secretary of State was minded to grant outline planning permission for an MSA at Catherine de Barnes subject to conditions.

As you know, on 21 October 2004 this Government Office wrote to you in accordance with rule 17(5) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 inviting you to make further representations on a number of issues in respect of the above appeal. A similar letter was sent to the appellant and the other persons entitled to appear at the inquiry who appeared at it and to other interested parties. The period for receiving representations was extended to 26 November 2004.

Having carefully considered the comments made in your letter of 15 November 2004 together with all the other representations made, the Secretary of State has decided that, in the light of the material changes in circumstances since the original public inquiry, that a fair way of proceeding to a decision in order to serve the requirements of natural justice would be to re-open the inquiry. The Secretary of State has taken into account that consideration of further evidence arising from the material changes in

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circumstances are sufficiently wide ranging and complex that it would not be appropriate to proceed to a decision without that evidence being tested at an inquiry, rather than by written representations. In accordance with rule 17(7) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, I hereby give notice that the Inquiry shall be re-opened and for the purposes of the 2000 Rules this letter is the "relevant notice" that an inquiry is to be held.

All the arrangements for holding the inquiry will be made by the Planning Inspectorate in Bristol. They will write to you within the next few days to let you know the name and telephone number of the case officer who will handle these matters. Meanwhile, further correspondence should now be sent to the following address –

The Planning Inspectorate  
Room 3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

(For the attention of Mrs Hazel Conibere)

Mrs Conibere can be contacted on telephone number 0117 372 8918 (Fax 0117 372 8181)

The Secretary of State particularly wishes to be informed of the following matters in the light of material changes in circumstances since the earlier public inquiry: -

Development Plan

- i. The extent to which the proposed development is consistent with West Midlands Regional Planning Guidance 11 (published on 15 June 2004 and which now forms the Regional Spatial Strategy).
- ii. The extent to which the proposed development is consistent with the emerging Solihull Unitary Development Plan, including consideration of the weight to be attached to it.

Air Transport White Paper

- iii. the extent to which development of a motorway service area on the appeal site would conflict with national policies, as set out in the White Paper 'The Future of Air Transport', published on 16 December 2003, on the development of Birmingham International Airport as the West Midlands' principal international airport;
- iv. to what extent would development of a motorway service area on the appeal site be regarded as prejudicial to the review of the Airports policies set out in Regional Planning



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Guidance for the West Midlands (published on 15 June 2004 and which now forms the Regional Spatial Strategy) to be undertaken against the framework set out in the Government White Paper, "The Future of Air Transport";

v. to what extent should proposals for a motorway service area at Catherine de Barnes be regarded as prejudicial to the completion of the Master Planning of Birmingham International Airport currently being undertaken in accordance with the Government White Paper, "The Future of Air Transport", having particular regard to the Master Plan's role to inform the regional and local planning process, facilitate engagement with a wide range of stakeholders, identify long-term land requirements and any consequential revisions to safety surfaces and public safety zones so that relevant areas within and outside the airport boundary can be shown on an updated safeguarding map.

July 1998 MSA Policy Statement

vi. An up-dated assessment, in the light of any changed circumstances since the earlier inquiry, on the extent to which the proposed development is consistent with the policies in the MSA Policy Statement.

No Vii

PPS6 – Planning for Town Centres

viii. The extent to which the proposed development would be consistent with paragraph 3.30 of PPS6 in respect of any retail proposed.

PPG 15 - Planning and the Historic Environment

ix. The extent to which the revised proposals for Walford Hall Farmhouse and its outbuildings as set out in the new Deed of Planning Obligation by Undertaking dated 27 August 2004 and entered into by the new developer, Roadchef CdB Limited, and the owners of the land and off-site land, are consistent with advice in Planning Policy Guidance Note 15: Planning and the Historic Environment.

Planning Obligations

x. In the light of the tests in ODPM Circular 05/2005 (Planning Obligations), whether the new Deed of Planning Obligation by Undertaking dated 27 August 2004 and entered into by the new developer, Roadchef CdB Limited, and the owners of the land and off-site land, is necessary, relevant to planning and directly related to the development proposed and whether the obligations set out in it are fairly and reasonably related in scale and kind to the proposed development, and that it is reasonable in all other respects.

Environmental Statement



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xi. In the light of any changed circumstances since the earlier inquiry, the extent to which the Environmental Statement produced in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, as amended, remains adequate for the purposes of giving proper consideration to any likely significant environmental effects of the proposed development.

Any Other Matters

xii. Any other significant changes in circumstances since the earlier inquiry that are material to consideration of this appeal.

This is to be taken as the Secretary of State's statement under rule 17(7)(a) of the 2000 Rules.

Whilst it is appreciated that you are not obliged under the 2000 Rules to provide further statements of case and proofs of evidence, in the spirit of rule 6(1) and (2), you are requested to provide the Secretary of State with two copies of a statement of case and one copy for any statutory party as defined in rule 2.

The statement of case should contain the full particulars of the case that you propose to put forward at the inquiry and a list of documents which you intend to refer to or put in as evidence. If you are proposing to give, or call a person to give evidence at the inquiry by reading a written statement (ie proof of evidence) your attention is drawn to rule 13.

Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by the Secretary of State and that any statutory party receives a copy of it not less than 4 weeks before the inquiry opens.

A similar letter is being sent to the appellant's agent.

Yours sincerely,



DAVE MOSELEY