



## **M25 North East Residents' Association**



## **Response to Regulation 25 Consultation**

**April 2026**

## **PART TWO – THE DETAILS**

### Detailed Representations

- i. The Council has re-consulted on the Moto application (24/00874) submitted in July 2024.
- ii. **Part One** of our response set out in summary form the three themes that provide clear and independent reasons for refusal.
- iii. This is Part Two where we set out our detailed response on each theme.
- iv. Whilst we summarise our whole case here our representations dated December 2024 and its March 2025 Addendum continue to have relevance and are not superseded.

### The Application and the Re-consultation

- v. It is a challenge for our members to discern the form of the application that is the subject of this consultation. There is no summary of the application that is to be determined from the applicant and it is far from clear what documents are superseded and so forth.
- vi. As the statutory notice cites Regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 it follows that the consultation has been triggered by 'further information' relating to the Environmental Statement (ES).
- vii. An updated ES was submitted in January 2025 but was followed by further visual assessment material in March 2025 and an addendum to ES submitted in May 2025. The Notice cites the addendum as the further information received.
- viii. The position on the application is that there have been revised drawings submitted in August and September 2025 and March 2026 and other documents which post-date the ES addendum and have been submitted without any accompanying explanation. The application has been in a constant state of flux since submission and we hope that the statutory re-consultation has been undertaken now because the Council considers the amendment process to have been completed.

### Contents

- ix. These detailed representations are in three parts: -

**Part Two A: Green Belt**

**Part Two B: Unsustainable location**

**Part Two C: Fundamental procedural flaws**



## GREEN BELT

2 million square feet of urban development in the narrowest part of the Green Belt is unacceptable



### Overview

The proposed motorway service areas conflict with Green Belt policy and would cause substantial harm to the purposes of the Green Belt in this location.

The scale, form and intensity of the development would lead to a significant loss of openness and would undermine the strategic gap between Havering and Brentwood.

The applicant relies on a “grey belt” justification, but the proposal does not meet the policy tests.

Judged objectively, the development is inappropriate and no very special circumstances have been demonstrated.

### Key Consequences

The Green Belt harm arising from the proposal would have clear and important consequences:

- **A substantial loss of openness**, both spatially and visually, arising from the scale of built development, extensive parking areas and associated infrastructure.
- **Erosion of the gap between settlements**, undermining one of the principal purposes of the Green Belt in this location.
- **Conflict with national policy**, which requires inappropriate development in the Green Belt to be refused unless very special circumstances clearly outweigh the harm.
- **Failure of the “grey belt” case**, as the development would undermine Green Belt purposes and is not justified by a sustainable or well-located need.
- **An unsustainable pattern of development**, with poor accessibility by walking, cycling and public transport, contrary to policy requirements for employment locations.

These harms go to the fundamental acceptability of the development in this location.

## Detailed Assessment – Green Belt

### Previous Representations

1. NERA made representations on the original application in December 2024 and in March 2025 following the revised NPPF which covered the Grey Belt policy. These continue to explain our objections in detail.
2. The applicant submitted an addendum following our March 2025 submission which we answer here.

### Response to applicant's 'Grey Belt Assessment' April 2025

3. The applicant's Grey Belt assessment mirrors the approach set out in para 155 of the NPPF, which in turn refers to the criteria in paragraph 143 a) to d) and this response follows that structure in common with our March 2025 note.

### NPPF 143 a) to check the unrestricted sprawl of large built-up areas

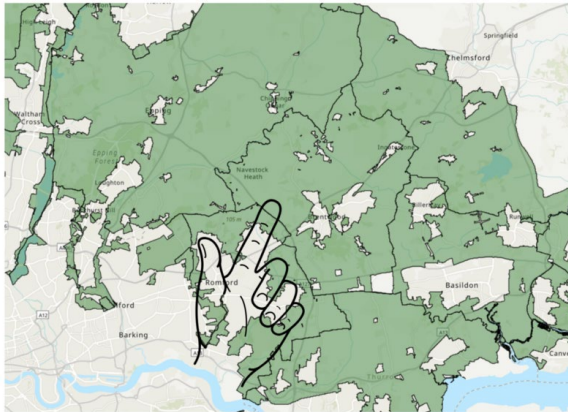
At 3.8 the applicant says :-

*The Site is not adjacent or near to any large built up area, the nearest town being Romford and the nearest part of its urban extent being located approximately 1.4km away from the Site.*

4. The site is in the **Metropolitan** Green Belt and the large built up area that it controls is the London Metropolitan a contiguous urban conurbation 54 kilometres wide west to east. London is the large built-up area in question and in comparison the site is very near its urban edge at Harold Hill.
5. Havering is not geographically distinct from London but even at this local level it is a contiguous built up urban area 16 kilometres wide west to east and it is also not credible to suggest that Havering is not a large urban area or that the site is not near to it.

The applicant's para 3.8 then says :-

*Since it is not contiguous with any large built up area it would not result in an incongruous pattern of development such as an extended finger either but would be a discrete development. Consequently, the Site is considered to make a weak contribution to purpose a).*



6. As we illustrated above in our March 2025 submission Harold Hill was built as a finger of urban development reaching out to Noak Hill and was an urban spreading of the type controlled by the MGB and which is explicitly recognised as being a pattern that should not be allowed and disqualifies sites from the Grey Belt definition. The 'finger' example used by the PPG is a very apt description of the local circumstances.
7. The applicant is wrong to suggest that conflict with purpose (a) is not limited to sites which are contiguous or physically adjacent to a large built-up area, the Inspector in the Lee Castle Farm appeal<sup>1</sup> put this well, below.
  42. The appellant considers that the site falls within the definition of grey belt because it is not adjacent to any large built-up areas and so does not strongly contribute to Green Belt purpose (a). However, if 'sprawl' is to be given its usual meaning, it seems to me that purpose (a) is to restrain the unrestricted straggling expansion of large built-up areas. To fulfil that function the land need not necessarily adjoin such areas. Purpose (a) is referring to curbing unrestricted sprawl. Unrestricted straggling expansion of a large built-up area would not be confined to just the land that was contiguous with the built-up area. Unrestricted sprawl could, given that it would not be restricted, extend beyond land that was adjacent to a large built-up area.
8. The applicant's reliance on the absence of contiguity is therefore incorrect.
9. The site is squarely within the examples in the PPG of land making a strong contribution to preventing sprawl. It lies directly on the axis of outward North easterly urban growth and would introduce 2 million square feet of urban form, activity and character in currently open countryside.
10. The scheme is notably unrestricted because it extends its urban footprint across both sides of the M25, leapfrogging the motorway and filling the narrow strategic gap between London and Brentwood with two very large urban footprints in open countryside. It would clearly represent unrestricted sprawl into the strategic Green Belt gap adding to the existing finger of development which the Green Belt was established to prevent.

<sup>1</sup> Appeal Ref: APP/E1855/W/22/3310099 Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, DY10 3QA

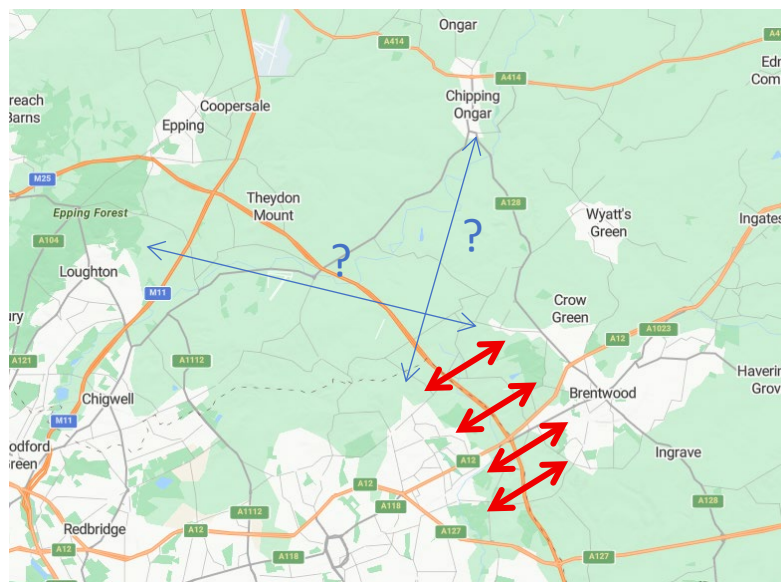
11. **The Site makes a strong contribution to Green Belt purpose (a) and cannot be regarded as Grey Belt. The NPPF requires all four criteria at para 155 to be met and the failure to meet criteria a) is fatal to the applicant’s claim to Grey Belt status.**

**NPPF 143 b) to prevent neighbouring towns merging into one another.**

12. At 3.9 the applicant says :-

*With reference to purpose b), the PPG notes that this purpose relates to the merging of towns, not villages. It notes that a strong contribution is likely to exist where a site “forms a substantial part of a gap between towns” and “the development of which would be likely to result in the loss of visual separation of towns”. It further notes that a weak contribution is likely to be found where a site does “form part of a gap between towns, or form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation”. The Site lies to the north of Harrold Hill (which forms a suburb forming part of the urban area of Romford) and to the west of Brentwood and not within the gap separating these two towns which lies further to the southeast. It is therefore clear that it does not form a substantial part of a gap between these towns nor would development of the site result in loss of visual separation. The nearest town heading north from Harrold Hill is Chipping Ongar, with a gap between the two of circa 9km. The nearest town heading west from Brentwood is Loughton with a gap of circa 13km. The widest extent of the Site measures circa 1.6km. It is therefore clear that the Site forms a very small proportion of the gap between these respective towns and does not visually contribute to their separation. Therefore, the Site is considered to make a weak contribution to purpose b).*

13. The MGB was established to preserve the separate identity of the satellite towns that were in danger of being engulfed by the outward sprawl of London. In this area it was the development out along the N Easterly axis of the A12 and Southend railway heading out to Brentwood that was to be arrested.



14. The applicant description of the strategic gaps ignores local geography. It says that the relevant gaps are Brentwood to Loughton, and Harold Hill to Chipping Ongar. As shown above this is obviously not true and is inconsistent with the fact that the purpose of the MGB is to maintain the separateness of Brentwood from London which means that the gap in question is London to Brentwood.

15. Towns merge because of sprawl along roads. The relevant gap is focussed on the route from one urban place to another. The PPG makes it clear that the relevant question is whether land forms part of a gap between towns and contributes to their visual and functional separation. In this case, the application sites are located on local roads that are part of the route between Harold Hill / Noak Hill (Havering) and Brentwood. To make that journey you travel along Horseman Side and Chequers Road and the Green Belt gap is experienced by

- Leaving a defined urban edge;
- Passing through open countryside; and
- Arriving at a different urban edge.

16. This is how the functional and visual separation between London and Brentwood is experienced when travelling between Harold Hill and Brentwood. It is the separation that retains the separate identity of Brentwood, and the proximity of open countryside to Havering, along the roads where incremental ribbon development would result in the two areas merging contrary to policy.

17. The 2 million square feet of urban footprint, which the applicant says is 1.6km in extent, would fundamentally alter the functional and visual relationship. This would be especially noticeable when crossing the M25 on the two local bridges.



18. As shown in our December 2024 representations the view north and south when crossing the Chequers Road or Horseman Side bridges reveals the motorway cutting through continuous open countryside on both sides of the motorway and both sides of the bridge. The traveller's perception of passing through a wide belt of open countryside extending north and south is reinforced by these views. The motorway is seen as a rural motorway at this point.

19. As acknowledged in the applicant's Environmental Statement, the development would introduce a more intensive urban motorway character to the views from both bridges. This would change the perception of the journey which would no longer be through continuous countryside but would be seen to be urban either side of the M25 in complete contrast to its appearance today :

- the currently open and rural character of the gap would be replaced with urban form;
- the sense of leaving one settlement and arriving at another would be materially diminished; and

- the rural separation between Havering and Brentwood would be eroded.
20. The application sites clearly form an important functional and visual part of the gap between Harold Hill and Brentwood along the routes through that gap and their development would result in a loss of the visual and functional separation that 143 b) seeks to protect.
21. **These application sites make a strong contribution to Green Belt purpose (b), and does not meet this Grey Belt criteria. on this basis alone. The NPPF requires all four criteria at para 155 to be met and the failure to meet criteria a) and b) is fatal to the applicant's claim to Grey Belt status.**

**NPPF 143 d) to preserve the setting and special character of historic towns;**

22. As set out in our addendum Brentwood has historic significance dating back to the 12th–14th centuries, but since the sites already fail criteria 143(a) and (b), further assessment under this criterion is unnecessary.

**Applicant's Grey Belt Conclusion**

23. At 3.11 the applicant concludes that the site makes a weak contribution to all three of the relevant Green Belt purposes is considered to constitute grey belt and the assessment moves to the remainder of the para155 criteria. Whilst the Grey Belt status via the 143 assessment is not demonstrated we comment on the rest of the applicant's case as follows.

**NPPF 155a) Effect on remaining Green Belt**

24. Whether paragraph 155(a) arises at all depends on the prior question under paragraph 143(a)–(b), which is in dispute. Those criteria are directed at the core purposes of the Green Belt and operate as a threshold: failure, particularly in relation to gaps and the prevention of coalescence, is inherently liable to undermine the functioning of other land in the Green Belt. Where that is the case, the development cannot properly be treated as Grey Belt and paragraph 155(a) does not arise.
25. In any event, even if (which is not accepted) paragraph 155(a) were engaged, the Applicant's reliance on a quantitative assessment is misconceived. The policy does not turn on the proportion of Green Belt affected, but on whether development would fundamentally undermine the ability of the remaining Green Belt to fulfil its purposes. This is a qualitative judgement, not a statistical calculation.
26. The question of whether the remaining Green Belt can continue to perform its purposes must be assessed by reference to how those purposes operate in this location. The role of the Green Belt to the west of Brentwood is to maintain separation from London; land elsewhere does not perform that function. The site forms part of a narrow and strategically important gap between Havering and Brentwood. Its development would erode that gap and thereby weaken the ability of the remaining Green Belt in this location to prevent sprawl and maintain separation. That is a functional failure of the policy purpose, not a matter of how much Green Belt exists elsewhere.

27. The Applicant's reliance on the small proportion of Green Belt affected (0.3%) therefore fails to engage with the substance of the policy test.

**155 b) Demonstrable Need**

28. The Applicant contends that there is a demonstrable need for the proposed development. That issue does not arise in circumstances where the site fails to meet the threshold requirements of paragraph 143(a) and (b) and therefore does not constitute Grey Belt.
29. In any event, the need relied upon is a generalised need for driver rest across the strategic road network, rather than a need specific to this site. It also conflates two separate needs (HGV's and motorists) in a single site without justification for aggregating these on one site. The existence of wider network needs does not, of itself, justify development in a location that performs an important Green Belt function.
30. The applicant now advances the question of need within the context of 155 b) which requires the prior criteria to have been satisfied. In NERA's view the issue of need only arises in relation to Very Special Circumstances and does not outweigh the site-specific harm to the Green Belt.

**155 c) The development would be in a sustainable location**

31. The Applicant's case on paragraph 155(c) is internally inconsistent. It relies on the proposition that the development is sustainable because it serves existing traffic on the M25 and does not generate new trips on the strategic road network. However, the Transport Assessment makes clear that the development generates employee trips, and that there is no meaningful access to the site by public transport, walking or cycling.
32. Those employee journeys are shown to be overwhelmingly car-based and involving implausibly long round trips using the motorway. The unsustainable nature of the site for an employment development cannot be avoided by focusing only on motorway users and disregarding the trips the development generates. On the Applicant's own evidence, the development depends on car-based access for its workforce and is therefore not in a sustainable location for the purposes of paragraph 155(c).

**The Green Belt decision**

33. The Applicant's case, as now advanced through the Addendum, is that the site constitutes Grey Belt.
34. For the reasons set out above, that conclusion is not made. In particular, the proposal conflicts with the purposes of the Green Belt in paragraph 143(a) and (b), and therefore cannot fall within the Grey Belt provisions. Paragraph 155 does not arise.
35. The application must therefore be determined under the conventional Green Belt policy framework, as set out in NERA's December 2024 representations. On that basis, the development is inappropriate and harmful by definition, gives rise to clear harm to the purposes of the Green Belt, and must be refused unless Very Special Circumstances exist.

36. NERA's December 2024 representations explained why the Applicant's original Green Belt case was not made. In particular, it failed properly to engage with the role of the site in maintaining a critical gap between Brentwood and Havering, understated the risk of coalescence, and did not address the functional purposes of the Green Belt in this location. It also failed to address the inherently unsustainable, car-dependent nature of the development for its workforce.
37. Those deficiencies are carried through into the Addendum. Indeed, the Addendum goes further by denying that the site forms part of a gap at all under paragraph 143(b). That position leads to a fundamental underestimation of Green Belt harm, as it fails to recognise the role of this land in maintaining the separation between Brentwood and Havering.
38. As set out in NERA's December 2024 representations, the asserted benefits, including need for motorway service provision, economic effects and operational considerations, are either generic to such development or overstated in this location. They do not address, and therefore do not outweigh, the specific and substantial harm arising from the erosion of a strategically important gap, the contribution to coalescence, and the introduction of a large-scale, urbanising and inherently car-dependent form of development into the Green Belt.
- No Very Special Circumstances have therefore been demonstrated that clearly outweigh the harm. The conclusion reached in December 2024 remains unchanged.

## UNSUSTAINABLE LOCATION

The jobs are inaccessible and travelling to work via the M25 implausible



### Overview

It is a fundamental objective of planning and transport policy that new employment is located in places that are accessible by public transport, walking and cycling.

This is not such a location and that is acknowledged in the applicant's own evidence.

The site has no meaningful access by public transport, walking or cycling. The Transport Assessment shows that employee trips will be overwhelmingly car-based.

Critically, it also implies journeys to work involving long-distance travel via the M25, including round trips of around 27 miles. For the type of employment proposed, that is neither realistic nor credible.

The development therefore depends on a pattern of travel to work that is unlikely to occur in practice, undermining the credibility of the applicant's case.

### Key Consequences

The location of the development gives rise to the following consequences:

- **jobs that can only realistically be accessed by car, with no viable alternatives.**
- **Employee travel patterns that are not credible in practice, including long-distance motorway commutes for local jobs.**
- **A fundamental conflict with planning and transport policy, which requires employment to be in accessible places.**
- **The claimed economic benefits carry little weight because the jobs rely on an unrealistic and unsustainable pattern of travel.**

These issues go to the credibility of the applicant's case on need and benefits and undermine any reliance on employment impacts as a justification for development.

**DETAILED ASSESSMENT – JOBS IN THE WRONG PLACE****Introduction**

- 1) The applicant's travel case was understood to be made in the Transport Assessment and Travel Plan July 2024 and later in the Response to National Highways December 2024. These being responded to by NERA's paper 'Comments on Alterations to Access Arrangements in January 2025.
- 2) The Applicant also submitted a further note in response to the London Borough of Havering which advances a refreshed case on employee accessibility. This has not been presented as a formal addendum to the Transport Assessment or Travel Plan but this note responds to that further submission.
- 3) The requirement for new employment to be in sustainable locations is found across land use and highway policy statements. The NPPF requires significant development to be focused in locations which are or can be made sustainable with genuine transport choices. National Highways' promotes the need to support sustainable travel and reduce reliance on the private car. At the local level, Brentwood's development plan seeks to direct employment development to accessible locations and to reduce the need to travel, particularly by private car.
- 4) In relation to this case the topic arises in paragraph 155 b) in a Grey Belt assessment (if the prior criteria are met) or, in relation to the planning balance and Very Special Circumstances.

**Underestimation of Car-Based Trips**

- 5) The Applicant's assessment continues to understate the true level of car-based trip generation.
- 6) First, the analysis separates "single occupancy", "car share" and "drop-off" trips without aggregating these as car-based journeys to or from the site. When properly aggregated, the majority of employee trips are predicted to be undertaken by car and the suggestion of a 50:50 modal split is misleading based on the applicant's own figures.
- 7) The true modal split is simple to discern. Given that cycling and walking will be very low, due to the difficult roads and the remoteness from urban areas, and given the absence of a public bus service, the Edisons prediction that 96 FTE employees will use the minibus means that the rest are getting to work by car. The split between car-based trips and non-car based trips will be 304 FTE employees (608 trips) by car, 96 FTE employees (192 trips) by minibus.
- 8) Secondly, the use of a workforce figure expressed as full-time equivalents (FTEs) understates trip generation. In a hospitality-led development, a significant proportion of roles are typically part-time. By way of illustration, if between 35% and 50% of the workforce were part-time at approximately half-time hours, a total of 400 FTEs would equate to approximately 485 to 533 individual employees. Each of these individuals generates their own journeys to and from the site and this would result in a materially higher number of daily trips than assessed in the Applicant's material.
- 9) The journey to work without good public transport is very problematic for part time workers because the time and cost of a car based trip can be disproportionate relative to income. This means that more local and easier to access jobs in their neighbouring urban area will be preferred and new employment would be better located in that urban area.

- 10) The logistics of car sharing with shift work is problematic and is demonstrated by the Reading survey (cited in the note to Havering) where only 8% of trips are in a shared car. If employees share, the trip is still in a car that is parked at the MSA during the shift a journey which arrives and leaves via the M25.
- 11) If some employees are dropped off by car, by someone else at the local access this involves making four trips to and from the access, journeys they might not make otherwise, and as this drop off is required because of the inaccessibility of the chosen site it is encouraging car journeys and not reducing them.
- 12) Eddisons report disaggregates 304 car-based FTE employees across two tables which masks the true measure of the car-based trip generation. There are only two significant categories; the mini-bus and the car-based trips and when the Applicant's tables are aggregated in that way, the position is not a 50:50 split but approximately 76% car-based trips and 24% minibus.
- 13) The travel survey at the M4 Reading Moto service station is claimed to support the 50:50 modal split by showing 40% of respondents in Reading use a bus. Reading is served by two public bus routes<sup>1</sup> whereby a journey from the residential area of Calcot to the north is a 3 minute (4 stop) bus ride with a service roughly every 30 mins. Contrary to what is suggested the survey shows the propensity for employees to use the car because 50% of the Reading journeys were single occupant car trips even though these sites are served by these buses.
- 14) The Reading site is not comparable to the application sites, which have no equivalent bus service, and the minibus is not claimed to replicate the level of service provided by these bus routes. A 76:24 split at Brentwood is therefore consistent with the findings at Reading.
- 15) The plan in appendix 1 to the Havering note includes a map to show the employment catchment for a mini bus journey to work. It is entitled "*20 & 30 minute inbound catchment to start and end of proposed bus route*". The full meaning of this heading is not clear but as the minibus journey is said to be 20 minutes it is only people living within walking distance of the minibus route that would have a journey time inside 30 minutes and that is not represented by the map. If the isochrones on the map show the areas from which it takes 20 and 30 min to get to the minibus these imply a total journey time of 40–50 minutes or more once the bus journey, waiting time and interchange are taken into account.
- 16) Getting the minibus will be risky because if an employee misses the minibus by 5 minutes at Romford or Brentwood Station, it will not return for at least 35 minutes and the journey to work will be another 20 minutes. The employee will be at least 55 minutes late to work as a result of being 5 minutes late. An ordinary bus journeys from Romford station takes about 44 minutes including a 1.2 mile walk at the end to the Hill Farm site and is not possible from Brentwood.
- 17) The low level of minibus take up predicted is appropriate but it is mis-leading to claim that the modal split will be 50:50 when the choice is only between the minibus and the private car and the true modal split is an unsustainable 76:24.

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<sup>1</sup> Lime 2 and lime 2a on Burghfield Road

**Credibility of M25-Based Employee Access**

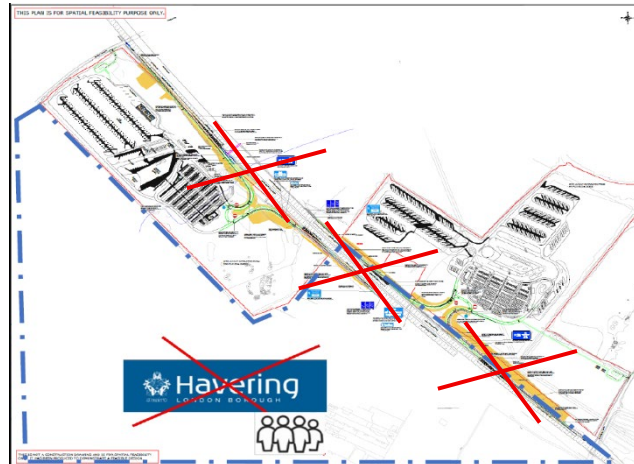
18) Employees driving or car sharing would be required to travel to and from work via the M25



- 19) This journey involves use of both carriageways of the M25 and, in some cases, the M11 and are inherently unattractive as they involve a journey that is 27 miles minimum. It cannot be said to be sustainable to develop an employment site where the site generates this length of motorway journey because it is inaccessible by other means.
- 20) Employees cannot realistically access the site via the M25 for routine shift work and this reinforces the Association’s original conclusion that the employee access strategy is not credible in real-world behavioural terms and will not work.
- 21) The Applicant’s case does not address this fundamental issue: the site is inherently inaccessible other than by private car, and that access involves such long-distance motorway travel that it will be unattractive for all staff and especially part time employees. The minibus offers only a limited and inflexible alternative and the access strategy is not credible and arises directly from the unsustainable location of the site.
- 22) In practical terms, the development depends on a workforce willing to undertake long-distance motorway journeys for routine shift work. That is not a realistic assumption. The access strategy is therefore not just unsustainable - it is unlikely to function as suggested.

## Fundamental procedural flaws

Brentwood is asked to approve the access, but the works are left out of the application. As a result, they are not properly assessed, Havering is excluded, and the access is still not agreed with National Highways



### Overview

This is the fundamental procedural issue with the application.

The proposed development depends on new motorway access to and from the M25. However, those works fall largely outside the application site, are not clearly defined, and are not properly assessed within the Environmental Statement.

As a result, the impacts of the development cannot be properly understood, and the application cannot be lawfully or rationally determined.

The motorway access works have not been left out of most of the other MSA applications and there are serious issues with departing from that best practice here.

### Key Consequences

The way the application has been structured gives rise to these serious consequences:

- **Brentwood is asked to approve access without the access works being before it**, preventing proper assessment of the development as a whole.
- **The London Borough of Havering is excluded from its proper role**, despite part of the access works falling within its area, thereby prejudicing affected residents and stakeholders.
- **National Highways and Essex County Council are left to consider access works in isolation**, without certainty as to the acceptability of the development they are intended to serve.
- **The Environmental Statement does not assess the full development as a single project**, meaning that the environmental effects of the scheme cannot be properly understood.
- **The development relies on future consents and powers to deliver a critical component**, creating uncertainty and procedural risk.

These are not minor issues. They arise directly from the way the application has been structured and prevent a coherent and lawful decision from being made.

## Detailed Assessment – Fundamental procedural flaws

1. NERA's concerns regarding the form of the application are as follows:

- The application seeks approval of access but excludes the motorway access works and associated highway works required to deliver that access from the application boundary.
- Those works are integral to the development but have been artificially subdivided between separate consenting regimes, rather than being treated as a single project for the purposes of Environmental Impact Assessment (EIA).
- As a result:
  - (a) motorway access works within the London Borough of Havering are excluded from the application and EIA, removing that authority from its proper role and prejudicing affected residents; and
  - (b) the motorway access works are neither clearly defined nor properly assessed as part of the EIA project.
- Although the Environmental Statement (ES) acknowledges that these works form part of a single project, it fails to identify their extent with sufficient clarity or assess their environmental effects coherently.
- In those circumstances, the development as a whole is not properly defined or assessed and is not capable of lawful implementation through reliance on subsequent highway authority powers.
- The application is therefore internally inconsistent, procedurally defective, and does not provide a lawful basis for determination.
- These deficiencies arise from the applicant's unexplained departure from established practice (including its own approach elsewhere), which is to include motorway access works within both the planning application and the EIA.

### The Application Boundary and Determination of Access

2. The description of the proposed development on the application form is :-

*'Outline application (with access to be determined, all other matters reserved) for development of a new dual-site Motorway Service Area (MSA) to provide up to 850 car and motorcycle parking spaces (including accessible EV and accessible spaces); up to 450 Heavy Goods Vehicle (HGV) parking spaces; coach and caravan parking; two amenity buildings; two fuel filling stations; two drive-through food and drink establishments; new access slip roads from M25 (clockwise and anticlockwise); and associated landscaping, infrastructure and ancillary works'.*

3. Smith Jenkins covering letter<sup>1</sup> describes the planning application as *'Outline application (with access to be determined, all other matters reserved) .....*' and, *'This planning application seeks outline planning permission with all matters reserved, except access. Access to the site will be achieved by new dedicated slip roads off the M25. The proposed access slips are shown on the Proposed Site Access Plan (dwg no: 4093-F01 rev W)'*
4. The drawing cited in the letter showed the slip road works to be outside the application boundary. The drawings now with the amended application are understood to be those below. They all show the works to be outside the planning application boundary including the new accesses proposed to local roads:-

4093-F20 REV B GENERAL ARRANGEMENT (SITE ACCESS)<sup>2</sup>  
 4093-F13 OVERVIEW NORTHERN DIVERGE  
 4093-F14 OVERVIEW NORTHERN MERGE  
 4093-F15 OVERVIEW SOUTH DIVERGE  
 4093-F16 OVERVIEW SOUTH MERGE  
 4093-F03 E AND F02 E PROPOSED EMERGENCY AREA AND DROP OFF AREA

5. The application seeks outline permission with access to be determined, stating that access will be achieved via new slip roads from the M25. However, the drawings accompanying the application show that the motorway access works and related highway works lie outside the application boundary. The application is therefore contradictory. In effect, the application seeks approval for a development whose most critical component is neither before the decision-maker nor properly assessed.
6. To affected residents, an application that seeks consent for access without including the access itself is inherently illogical.

### Legal Context - Access Works and Planning Permission

7. The motorway access works form part of a single development which is capable of giving rise to significant environmental effects and therefore constitutes EIA development. As such the highway works constitute development under the Planning Act<sup>3</sup>.

<sup>1</sup> 23<sup>rd</sup> July 2024 attached in appendix 1

<sup>2</sup> Attached in appendix 2

<sup>3</sup> Planning Act 1990 s55 (b)



8. While the Highways Act enables highway authorities to approve access and to undertake works (including through section 278 agreements), those provisions do not remove the need for planning permission where the works constitute development.
9. The application states<sup>4</sup> that:- *The Proposed Development will be designed to have access directly from the M25 by new slip roads that will be delivered through an agreement under Section 278 of the Highways Act and permitted Schedule 2 Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
10. Even if the new slip roads fall within the scope of permitted development rights under Schedule 2 Part 9 of the GPDO, that does not displace the requirement for environmental assessment and Regulation 3(1) of the 2017 Regulations prohibits the grant of planning permission for EIA development unless an environmental impact assessment has been carried out in respect of that development.

#### Established Practice for Motorway Service Areas

11. For all these reasons planning authorities routinely require a planning application that relies on a new access to include that access land within the application boundary because it avoids uncertainty as to what is proposed, or has been approved, and enables clear and enforceable decision making. It avoids convoluted reliance on future consents or third party actions on a critical element of the scheme.
12. Motorway access works are routinely included in the application boundary for motorway service stations as shown by the 7 comparable schemes below :-

Site	M/way	Developer / operator	Council	App No	Date Decision	Access for determination?	EIA ?	Access in red line?	Access related issues in ES?	Appeal
Kirby Hill, Boroughbridge	A1M	Applegreen	Nth Yorks	18/00123	2021	yes - but then reserved at appeal	yes	yes	yes	APP/E2734/W/20/3245778
Hutton Conyers	A1M	Moto	Nth Yorks	18/02713	2021	yes	yes	yes	yes	ditto
Colne Valley Services	M25	Welcome Break	Bucks	20/4332	current	no all reserved	yes	yes	yes	
Chalfont St Peter	M25	Extra MSA Grp	Bucks	22/1411	current	yes	yes	yes	yes	previous
Tatton	M56	Tatton Estates	Cheshire East	22/0872	2025 /106 26	yes full app	yes	yes	yes	APP/R0660/V/24/3345318
Wrotham	A20 - M20	Moto	Tonbridge and Malling	23/00681	Feb-25	yes	yes	yes	yes	APP/H2265/W/24/3347410
Swindon Jnct 16	M4	Moto	Wiltshire	23/09142	resolved to grant feb 26	yes	yes	yes	yes	

13. This demonstrates that it is established practice generally to submit applications for the whole development when submitting applications for motorway service stations and the approach of this applicant elsewhere.
14. Standard practice is followed because it ensures that:
  - the development is clearly defined,
  - environmental effects are properly assessed, and

<sup>4</sup> Para 2.3.6 of ES Non-technical Summary Updated Jan 2025 and elsewhere

- decision-making is coherent and enforceable.

### **Consequences of Excluding the Access Works**

15. The applicant has departed from that established approach without explanation.
16. The result is an application which decouples the service area development from its essential access.
17. The application therefore misdescribes what is to be approved. Although it purports to seek determination of access, it does not include the works necessary to provide that access and instead relies on the future exercise of separate powers by highway authorities.
18. This creates a fundamental inconsistency:
  - Brentwood Council is asked to approve development dependent on access works that are not before it;
  - National Highways and Essex County Council are left to consider access works without certainty as to the acceptability of the development they serve.
19. This “cart and horse” problem arises solely from the way the application has been structured. It would not arise if the motorway access works were included within the application.

### **Exclusion of the London Borough of Havering**

20. A substantial part of the motorway access works lies within the London Borough of Havering. Their exclusion from the application removes Havering from its role as local planning authority in respect of development within its area.
21. This is not an incidental consequence. It is a direct result of the applicant’s decision to exclude the motorway access works from the application boundary and the effect is to:
  - prevent Havering from exercising its statutory functions, and
  - limit participation by affected residents and stakeholders within that authority’s area.

Given the cross-boundary nature of the development, this represents a clear procedural deficiency and results in prejudice to affected communities.

### **The Development is a Single Project for EIA Purposes**

22. The motorway service areas and the motorway access works are functionally interdependent:
  - the development cannot operate without the access;
  - the access has no independent purpose without the development.

They therefore form a single project for the purposes of EIA and must be assessed as such.

### Treatment in the Environmental Statement

23. The ES acknowledges (at paragraphs 2.2.2 and 3.3.4) that the motorway access works form part of the project for the purposes of environmental assessment.
24. However, it fails to follow that acknowledgement through and, in particular:
- The defined geographic scope of the EIA is limited to the red line boundary of the application site<sup>5</sup>, which excludes the motorway access works.
  - No clear or consistent description is provided of the extent, form, or engineering characteristics of those motorway works.
  - The plans said to define the development (paragraph 3.3.6) do not include the motorway access works in any meaningful or up-to-date way<sup>6</sup>.
  - As a result, consultees and the EIA topic authors are not provided with a clear or stable definition of the works being assessed.
25. The ES therefore recognises that the motorway access works form part of the project but fails to define or assess them with the clarity and completeness required.
26. As the precedents cited above demonstrate, where the planning application includes the details of the motorway access works it follows that the definition of the extent of the EIA project starts with the works in the application. In all those cases the motorway access works are included in the definition of the EIA project and in all cases those works are assessed in the various topics and a traffic and transport section included within the ES<sup>7</sup>.
27. As the ES acknowledges that the scope of the EIA should be wider than the planning application boundary it should include the London Borough of Havering in the EIA process but has not done so.

### National Highways Scoping Advice

At the EIA scoping stage, National Highways advised that:

*“As a dual-site MSA, the site is located on both sides of the M25 and will have separate facilities for each side. Dedicated slip roads will be required from the M25 in both directions. Three of these will be located wholly within the area covered by Brentwood Borough Council as the Local Planning Authority, however the anti-clockwise MSA entry slip will be partially located within the London Borough of Havering. The applicant nonetheless intends to submit a single application to Brentwood Borough Council only, with a S278 agreed with NH for the slip roads. National Highways have already advised the proposers that we do not agree with this course of action and have advised that, at the very least, a dual Environmental Opinion should be sought from London Borough of Havering.”*

*And :- Whilst it is for the Local Planning Authority to determine the scope of the EIA, we do not necessarily agree with traffic & transport being scoped out and would prefer that it is included in the EIA.*

28. This advice from National Highways is entirely consistent with the approach taken to all the precedent MSA applications and if followed would have addressed the procedural defects that are now in the application. The applicant and Brentwood Council were made fully aware of

<sup>5</sup> ES figure 1.1

<sup>6</sup> The slip road arrangements are not yet agreed and current versions postdate the ES

<sup>7</sup> Often with a Transport Assessment and Travel Plan as additional planning application documents

National Highways preference for the correct approach and the need to recognise the involvement of the London Borough of Havering.

29. DoT Circular 01/2022 confirms that *'Environmental Assessments must be comprehensive enough to establish the likely impacts on air quality, light pollution and noise arising from traffic generated by a development, **along with the impacts from any proposed works to the SRN and identify measures to mitigate these impacts**'*.
30. National Highways pre-application advice reflects established practice and the need to assess the development as a whole. However, it was not followed. The motorway access works were excluded from the application, and the ES does not provide a coherent assessment of those works or their effects.

### **Implications for Reliance on Highway Authority Powers**

31. The ES accepts that the motorway access works form part of a single EIA project. However:
- they are not included within the application; and
  - they are not clearly defined or properly assessed within the ES.

In those circumstances, the development has not been subject to an EIA in respect of the project as a whole.

32. It would therefore not be lawful to rely on the subsequent exercise of permitted development or other statutory powers to deliver those works and any such reliance would give rise to clear procedural risk.

### **Inability to Compare Competing Proposals**

33. In the absence of a strategic land use and highway planning process for locating motorway services through a plan-led system, current experience is that competing ad hoc motorway service area proposals come forward in the same area. This is demonstrated by the precedents we have cited where there are two proposals in single locations and by the fact that Welcome Break have publicised and consulted on additional proposals here.
34. Experience elsewhere on the M25 in Buckinghamshire demonstrates that, where there are competing MSA schemes and the background circumstances are very similar, it can be the relative performance of schemes in terms of; motorway access, safety and network efficiency, that becomes central to decision-making between competing sites. That comparison is made possible where each proposal defines and assesses its motorway works as part of the application and Environmental Statement. The present application does not do so and therefore cannot be properly compared with alternative proposals should they arise as forecast.

### **Conclusion**

35. The applicant has chosen to exclude the motorway access works from the planning application, contrary to established practice and without explanation.
36. That decision has led to a series of fundamental and interrelated defects:

- the application seeks approval of access whilst excluding the works required to deliver it;
- the development has been artificially subdivided and is not assessed as a single project;
- the London Borough of Havering has been excluded from its proper role; and
- the Environmental Statement fails to define and assess the full extent of the development.

37. These are not minor omissions capable of being addressed through condition or later agreement. They go to the way in which the development has been defined, assessed and presented for determination.

38. As a result, the application does not provide a lawful or complete basis for decision-making and should be refused.

## **Detailed Assessment – Addenda**

39. There are two further topics related to our procedural objections; the first is the issue we raised in 2024 regarding the failure of the ES to properly describe the scope of the development proposed. The applicant made alterations in response and we comment on those changes here.

40. The second relates to the fundamental problem of the scale of HGV overnight parking and the slip road constraints.

## ENVIRONMENTAL STATEMENT CHAPTER 3 DESCRIPTION OF THE DEVELOPMENT ASSESSED

### Introduction

1. This re-consultation cites regulation 25<sup>8</sup> which relates to ‘further information’ having been received regarding an Environmental Statement.
2. It is not clear from the Council’s website precisely what constitutes the ‘further information’ for the purposes of Regulation 25.
3. Our understanding is that the ES now consists of:-

#### **Environmental Statement**

**Published 7<sup>th</sup> July 2025**

TECHNICAL NOTE ECOLOGY INTERPRETATION OF AIR QUALITY ASSESSMENT

**Published 9<sup>th</sup> June 2025**

APPLICANT RESPONSE TO ES OBJECTORS COMMENTS REGARDING HARDSTANDING

**Published 30<sup>th</sup> May 2025**

ENVIRONMENTAL STATEMENT ADDENDUM

**Published 10<sup>th</sup> March 2025**

SUPPLEMENTARY EIA/LVIA INFORMATION with visuals number figure 1 to 40

**Published 22<sup>nd</sup> January 2025**

ENVIRONMENTAL STATEMENT NON TECHNICAL SUMMARY UPDATED

ENVIRONMENTAL STATEMENT VOL 2 PART 1 to 15

**Published 21<sup>st</sup> January 2025**

ENVIRONMENTAL STATEMENT VOL 1 PART 1 2 & 3

**Published 29<sup>th</sup> July 2024**

ENVIRONMENTAL STATEMENT - VOL 2 PART 16 TO 24

#### **The ES subject to the Reg 25 Consultation**

4. The Non-technical summary in the ES addendum May 2025 says that :-

*‘The ES Addendum is informed by the January 2025 Updated ES and should be read in conjunction with that document. The purpose of the ES Addendum is to only highlight anything that has changed or been updated within technical assessments for the topics listed above, as a result of the FRR’.*

5. This indicates that all the ES material published in July 2024 is superseded by later submissions.

#### **Description of the urban footprint and scope of the EIA**

6. In December 2024 NERA made representations regarding the failure of the description of the development in the ES to explain the full extent of the urban footprint of the development. This was set out in Part Three of our representations which explained that the Environmental Statement as submitted did not clearly describe or quantify the full extent of the proposed urban footprint, particularly the extent of hardstanding across the site.

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<sup>8</sup> The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

7. The central requirement of Regulation 18 is that the ES must include a full and accurate description of the development. That description must be clear, internally consistent, and capable of being relied upon by consultees and decision-makers. It also has a key role in describing the development that is being assessed by the ES team and confirming the base information that they have been briefed to assess.
8. In the updated ES Chapter 3 there are very limited amendments. The title of Tables 3.1 and 3.2 have been amended so that whereas they were titled 'Land Use Area Schedule' that are now titled 'Land Use Area Schedule (Built Form)'
9. An extra paragraph is then added stating '*3.3.8 The estimated total area of developed land (comprising building footprint, pavements and parking areas) in PGC will cover approximately 86,658 sqm*'. And; '*3.3.9 The estimated total area of developed land (comprising building footprint, pavements and parking areas) in Hill Farm will cover approximately 91,992sqm*'.
10. The purpose of these tables was to set out a 'land use area schedule'. The inclusion of a land use area schedule in the Regulation 18 description is essential because it describes the land use change proposed and quantifies the various uses that are to be assessed. It is the land uses that generate the potential environmental effects and their mix and quantity is material to the assessment.
11. Given that the application is in outline, its purpose is to secure permission for a change of land use. The Regulation 18 requirement cannot be met without a clear schedule of those land uses
12. The effect of the amendment is to remove a schedule of the land uses and replace it with a schedule of 'built form'. There is now no land use area schedule at all (this applies to the planning application as whole and not just the ES).
13. This is not a minor matter, the areas of land use change from golf course or farm to parking is the main part of the EIA project and is fundamental to its character and potential impact.
14. The addition of paragraphs 3.3.8 and 3.3.9 does not reveal the land uses that the EIA project includes. A consultee or assessor is not told how much land cited in the parameter plans is used for lorry parking or car parking and it is not possible to discern how large these areas are from the ES. This compounds the position that these matters are also not declared in the planning application itself.
15. Paradoxically the amended ES now contains no land use schedule at all, only a schedule of built form and given that hardstanding, vehicle circulation and parking comprise the substantial majority of the developed area, their continued omission from the formal description means that the ES still does not properly describe the development being assessed.
16. The failings in the description of the project are compounded by the failure to properly describe and assess the motorway works covered in our companion note.
17. The January 2025 amendments to the ES do not remedy the defect previously identified. Instead, they have in effect removed a Land Use Area Schedule which is essential. Accordingly, the ES still fails to provide a single, clear and accurate description of the development, as required by Regulation 18.

18. In these circumstances, it remains the case that the environmental effects of the development have not been assessed on a properly defined and consistently described basis.

#### **Supporting Letters - Post Hoc Justification**

19. In May 2025 a clarification note was published which cited the NERA December 2024 comments and appended a series of letters from ES topic authors (noise, heritage, landscape, drainage and ecology), each asserting in general terms that the “full extent of the development” (including hardstanding) was considered. These supporting letters place weight on the fact that the various topic authors were aware of, and took account of, the full extent of the development, including hardstanding, but that is beside the point.

20. The requirement under Regulation 18 is not that the authors of the ES internally understood the nature or extent of the development. Rather, it is that the Environmental Statement itself must:

- clearly and accurately describe the development; and
- do so in a way that enables consultees, the public and the decision-maker to understand what is being assessed.

21. The duty is an external one, directed to transparency and public participation, not an internal assurance as to what consultants may have had in mind.

22. In that context, the need for the authors of individual chapters to write separately to confirm that they “considered the full extent of the development” is telling. It demonstrates a recognition by the consultant team that the ES did not make those matters clear on its face.

23. The issue is not whether the authors internally understood the development, but whether the ES communicated that information in a clear and transparent way to third parties. The requirement of Regulation 18 is directed to the latter.

24. Far from resolving the issue, these letters amount to a post hoc attempt to explain what the ES should have made clear. In doing so, they underline that the ES, as submitted, failed to provide an adequate and transparent description of the development being assessed.

#### **Standard Practice and Precedents**

25. In our companion note on procedure we cited 7 motorway application in which the motorway works are included in the application boundary and where traffic and transport impacts are within the ES. It is instructive to note that it is also commonplace for these ES’s to include the parking in land use areas as shown in the examples below.

- 3.2.27 In addition to the above the study area includes a wide network of public rights of way (PRoW). The closest (Kent County Council ref MR245) emerges near the A20 roundabout, approximately 50m east of the proposed development site.
- 3.2.28 There are no scheduled monuments within or adjacent to the site. Within the study area, a Bowl barrow south of Mount Mead is located c1.3km to the northeast near Taylor's Lane south of Trottscliffe.
- 3.2.29 There are no listed buildings within or immediately adjacent to the site. There are many listed buildings throughout the study area, the closest of which are: Moat Cottage (grade II listed) c.40m to northeast, Moat Restaurant (grade II listed) c.80m to north, Nopcar House (grade II listed), cottage (grade II listed) and outbuildings (grade II listed) c.160m to the south east and Nopcar Lodge (grade II listed) c.270m to the south east.
- Ecology/Biodiversity
- 3.2.30 The proposed development site consists of a single field of semi-improved grassland which is set to pasture and is grazed by livestock. There is an intact hedgerow along the western boundary, a defunct hedgerow and a ditch along the south-western boundary and a planted tree line, associated with the embankment of the A20 and M26 motorway, adjacent to the south-east boundary.
- 3.2.31 There is a second field to the south-west which is referred to as the mitigation area which was also subject to surveys. This field is also set to pasture and is grazed by live-stock.
- 3.2.32 The Halling to Trottscliffe Escarpment SSSI is approximately 1.14km to the north of the site. The site falls within the Impact Risk Zone of the SSSI. Also nearby is Bourne Alder Carr SSSI some 1.3km to the south-west.
- 3.2.33 A Roadside Nature Reserve is located beyond the south-eastern boundary of the site around the London Road roundabout.
- Surface, Groundwater and Water Resources
- 3.2.34 The Flood Map for Planning published by the Environment Agency and available online confirms the site is in Flood Zone 1 (Low Probability) and is at low risk of flooding from rivers and the sea. The Risk of Flooding from Surface Water mapping and data provided by the Environment Agency suggests large areas of the site are potentially at risk of surface water flooding especially in the south and east.
- 3.2.35 The unnamed watercourse on site comprises a dominant topographical feature in the landscaping running through the southern part of the site. There is a series of smaller, engineered watercourses present around the site, serving a predominant land drainage function.
- 3.2.36 The unnamed Ordinary Watercourse on the proposed development site flows eastward out of the site and discharges away from the site via a culverted watercourse underneath Junction 2a of the M26 and re-emerges on the other side where it flows northward. These watercourses may be affected due to the hydrological connectivity and relatively short distance from the site boundary.
- 3.2.37 Geological mapping produced by the British Geological Survey suggests there are no superficial deposits reported beneath the proposed development site, and bedrock comprises Gault Formation – Mudstone. Therefore, both the underlying bedrock and superficial deposits are classified as 'unproductive' aquifers meaning there are no significant aquifer reserves designated beneath the site. These typologies would not be conducive to infiltration or substantial upward movement of groundwater reserves.
- Ground Conditions and Soils
- 3.2.38 The site is wholly underlain by a bedrock geology of Gault Formation – mudstone. With mudstone mostly being fine clay particles, this suggests a reduced possibility for infiltration and restriction in the movement of groundwater through the strata.
- 3.2.39 Aquifer designations for the underlying strata identify the superficial drift and bedrock classifications both to be 'unproductive' strata. The site also partially falls within a groundwater Source Protection Zone 1, attributed to abstraction point just to the north beyond the A20.
- 3.2.40 The Site is not designated for minerals safeguarding within the Kent Minerals and Waste Local Plan 2013-2030.

**3.3 DEVELOPMENT PROPOSALS**

- 3.3.1 For the purposes of the ES, the development proposal section identifies both the construction and operational design features which effect the environment or contribute to the overall environmental impact of the scheme. Given the nature of the development to provide long term housing and other facilities, the effects of decommissioning have not been considered.
- Schedule of Development Proposed**
- 3.3.2 The proposals are for outline application seeking permission for:  
*'Outline planning application (all matters reserved except access) for construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station, amenity building of up to 1100 sqm, creation of new access to A20 via roundabout; landscaping and other associated works.'*
- 3.3.3 The site red line boundary is shown on Figure 1.1. The planning application boundary for the site, covers a total of 6.5 ha (16.06acres).
- 3.3.4 The parameters for the proposed development on which the ES assessments are based is shown in Figure 3.1 which also shows the proposed land use and the proposed locations of the relevant elements of the scheme. The proposed layout plan is provided in Figure 3.2 and landscaping plan shown in Figure 3.3 are for indicative purposes only and to demonstrate how the scheme will be achieved.
- 3.3.5 The schedule of development is provided in Table 3.1 below.

**Table 3.1 Land Use Areas Schedule**

Development Type	Area (m <sup>2</sup> )	Hectares
Carparking	794	0.0794
Truck Stop	21,732	2.1732
Fuel Station	3,516	0.3516
Internal Roads and Infrastructure	3,315	0.3315
Open Space around staff parking area	3,092	0.3092
Amenity Building	1,060	0.1060
Landscaping/Ecology Areas	23,400	2.34
Existing area of highways and infrastructure	8,090	0.809
<b>Total</b>	<b>64,999</b>	<b>6.499</b>

- 3.3.6 This ES forms part of an outline planning application and a reserved matters application will therefore be submitted at a later date. Given that design information is generally limited at the outline planning stage, and to allow some flexibility for the detailed proposals to evolve, the EIA has been undertaken on the basis of certain design parameters. The parameters relate specifically to aspects of the design proposals where there is potential for likely significant effects on the environment to arise. The schedule and Figure 3.1 provides the indicative areas and locations of the various aspects of the development for which permission

## 6.0 The Proposed Development

6.1 The planning application seeks detailed (full) permission for:

"Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures, Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works."

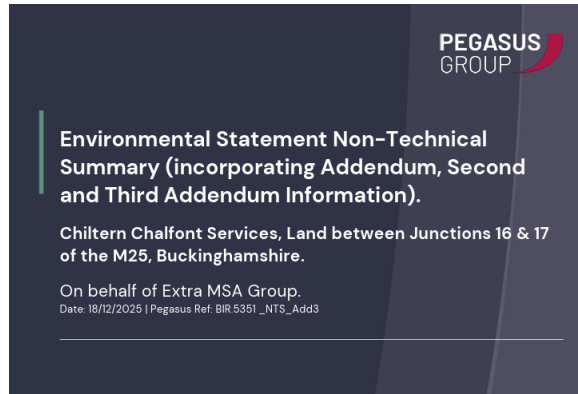
6.2 Whilst there are a number of detailed plans submitted with the planning application which are seeking formal planning permission, this ES has set appropriate development parameters, of which the detail seeking permission lies within. The parameters are illustrated within Figure 6 Parameters Assessment Plan overleaf. It is this plan which has been assessed against the baseline conditions within each environmental discipline.

6.3 In summary the MSA seeks to provide the following facilities over various 'building zones' which are identified on the Parameters Plan:

- Amenity building with adjoining outside amenity space (known as kitchen garden);
  - Hotel across two storeys incorporating up to 100 bedrooms;
  - Fuel Barn including fuel filling station (FFS), drive thru and HGV amenity;
  - Parking areas for all vehicles, including staff parking;
  - Vehicular access from the existing South Bowden roundabout;
  - Extensive green and blue infrastructure, including proposed
- and enhanced planting, open space and drainage features so to ensure a biodiversity netgain of at least 20%; and
- Associated infrastructure e.g. photovoltaics, utilities, substations, cycle store and service yards.
  - It is also proposed to retain the existing Farmhouse and part of the Eastern Barn; the other surrounding outbuildings will be removed to accommodate the Kitchen Garden/buildings. A cycle store structure is proposed on part of the footprint of the demolished Western Barn, re-using it's materials.

### Built Form Quantum

Land Use	Maximum land coverage (ha)	Maximum Footprint (m2) Or number of spaces	Maximum height of built form (m)
Building Zone 1 and Service Yard/Staff Car Parking	1.7ha	The Amenity Building: 4600m2 (without canopy) 5850m2 (with canopy) MSA Hotel: 2000m2 (without canopy) 2200m2 (with canopy)	12m
Building Zone 2	0.9ha	Fuel Barn (incl FFS, drive thru HGV amenity) 840 m2 (without canopy) 1500m2 (with canopy)	9m
Areas for parking for all vehicles	3.1ha (excluding parking within Zone 2 and Staff parking)	622 car spaces (incl for MSA hotel); 33 disabled car spaces (in addition to above) 58 HGV spaces; 13 coach spaces; 18 caravan / motor homes / trailer spaces; 18 motorcycle spaces; 1 abnormal load space 83 staff parking (in addition to above)	N/A



Land Use	Approx Land coverage (ha) as identified on PAP	Maximum Footprint (m <sup>2</sup> ) Or number of spaces	Maximum height of built form (m)
Area for facilities building including servicing and detailed landscaping, including SuDS	0.9ha	Facilities Building: 4,700m <sup>2</sup>	Facilities Building: 9.5m
Fuel Filling Station, including landscaping and SuDS	0.9ha	Shop Kiosk: 480m <sup>2</sup>	Forecourt canopies: 7m Kiosk: 6m
Landscaped Parking for all vehicles, including SuDS	5.0ha	<ul style="list-style-type: none"> <li>• up to 759 light vehicle spaces (including 38 disabled spaces);</li> <li>• up to 38 staff parking spaces;</li> <li>• up to 142 HGV spaces;</li> <li>• up to 19 coach spaces;</li> <li>• up to 23 caravan/motor homes/vehicle and trailer spaces (including 1 disabled space);</li> <li>• up to 23 motorcycle spaces; and</li> <li>• up to 1 abnormal load space</li> </ul>	N/A
Wider Green Infrastructure, including SuDS and a controlled staff only pedestrian link	20.5 ha	N/A	N/A
Principal Access	N/A	N/A	Bridge Structure: 10m from bridge deck

## HGV Motorway Slip Road Access

### Introduction

1. The published material demonstrates a consistent and unresolved failure to establish that a safe and compliant motorway access can be delivered. Despite repeated requests from National Highways, the design of the slip roads remains incomplete, non-compliant with DMRB, and incapable of proper assessment. There is a fatal lack of consideration of the impact of HGVs leaving the sites.
2. From the published material the chronology of the attempts to secure an acceptable motorway access arrangement is as follows:-

**Initial consultation responses (2024)** identified that the proposed slip roads could have significant impacts on the safety and free flow of traffic on the M25, with design and impacts not yet established.

**February 2025:** National Highways confirmed that it *“does not currently consent to the formation of an access onto the M25”*, pending demonstration that the design complies with DMRB and would not adversely affect the Strategic Road Network.

Throughout early 2025, **National Highways required:** further design detail and revisions; clarification of traffic impacts (including at Junction 28); and resolution of operational and construction access issues.

**May 2025 re-consultation** confirmed that: the slip road design remains under discussion; further information (including updated CAD drawings) is still required; and compliance with DMRB has not yet been demonstrated.

A **Stage 1 Road Safety Audit has not been completed**, and cannot be undertaken until a DMRB-compliant design is agreed.

3. As a result, National Highways concluded that it is not possible to determine whether the proposal would have an unacceptable impact on the safety or operation of the Strategic Road Network, and recommends that the application should not be determined (other than refusal) until these matters are resolved.

### The HGVs

4. The HGV parking is the predominant use proposed in the planning application; on the Golf Course it covers 4.125 ha, and on Hill Farm 4.7771 has with at least 200 HGV spaces on each site. From the applicants statements in combination the HGV facility will be the largest on the M25, possibly on the SRN, and is expected to be used to the maximum.
5. Clearly by their large nature the practicality of HGVs entering and leaving the site is of critical importance and distinguishes this proposal from an ‘ordinary’ MSA’s without 200 trucks.
6. This application must demonstrate that it is safe and practical for the largest concentration of HGVs on the M25 to enter and leave the M25 and this must be an absolute requirement. Our members would expect the access arrangement to be perfect and nothing less but they are far from perfect as the history of the application to date shows.



7. This application depends fundamentally on the ability of large numbers of HGVs to leave the site safely and efficiently onto the M25 but that issue has not been properly assessed.
8. 200 HGVs staying overnight are going to lead to a significant number leaving the site in the early morning at the time that the M25 here is extremely busy. There is bound to be more than one HGV leaving the site in those peak times, HGVs take time to get up to speed, on the anti-clockwise side they are going uphill and if there are more than one it a very problematic exercise especially when interspersed with motorists leaving the MSA as well.
9. If this is to be done safely we would expect that, as occurs in other situations, the slip road is either longer than the norm or leads to an extra lane for a period to avoid the need to merge immediately. Instead we have a situation where the bridges limit the slip road length and it is admitted to be sub-standard.
10. This demonstrates that this is the wrong site and insufficient attention has been paid to the practicalities of the operation of the motorway in the site selection.
11. The exit of HGVs is a critical aspect of this application and it is something that we would expect to have been thoroughly explored but is not covered at all in the published material.

#### **HGV Departure Patterns Not Assessed**

12. The assessment is fundamentally misdirected. It focuses on inbound “turn-in” rates, which are relatively benign, and fails to assess outbound HGV movements, which represent the most demanding and safety-critical operation of the site.
13. The Transport Assessment treats the proposed development as an attractor of existing motorway traffic and relies on averaged hourly “turn-in rates” derived from the Cobham Motorway Service Area. It is said this produces a smoothed distribution of arrivals and departures across the day.
14. There is no discussion of the fact that truck rests are known to generate concentrated periods of departure, particularly in the early morning, resulting in multiple heavy goods vehicles entering the exit slip roads in close succession.
15. This approach fails to assess a realistic worst-case scenario, in which multiple HGVs attempt to access the motorway via constrained slip roads within short time periods. This is particularly significant given that the slip road geometry has not been demonstrated to be compliant with DMRB standards. What happens when the slip road becomes congested with HGVs and motorists in the early peak.
16. No evidence is provided that Cobham Motorway Service Area is comparable in terms of HGV provision or behaviour. The assessment does not identify the scale of HGV parking at Cobham, nor does it analyse HGV arrival or departure patterns.

#### **The Wrotham / Rothwell data**

17. The applicant and its consultant team have recently secured permission for an HGV facility at Wrotham in Kent. In making that application and appeal the same consultants referred to survey data of the operation of a truck stop at Rothwell.



18. That survey data records HGV movements and demonstrates that departures are not evenly distributed across the day. Instead, it shows a pronounced early morning build-up in outbound HGV movements, with departures increasing rapidly from approximately 04:00 onwards. Thereafter, departures fall away with significantly lower levels in the PM peak. This confirms the obvious fact that the highest level of HGV departure activity occurs in the early morning period.

		HGV's leave	parked end of hr	M25 4681A clockwise flow yearly ave 5 day week
	parked at start		201	
00:00:00	01:00:00	4	200	623
01:00:00	02:00:00	7	202	464
02:00:00	03:00:00	11	195	390
03:00:00	04:00:00	15	190	456
04:00:00	05:00:00	37	166	871
05:00:00	06:00:00	75	123	2325
06:00:00	07:00:00	77	96	5363
07:00:00	08:00:00	86	57	4950
08:00:00	09:00:00	50	38	4604
09:00:00	10:00:00	41	49	4651
10:00:00	11:00:00	69	42	4701
11:00:00	12:00:00	58	45	4505
12:00:00	13:00:00	59	40	4272
13:00:00	14:00:00	65	38	4253
14:00:00	15:00:00	50	46	4332
15:00:00	16:00:00	51	48	4594
16:00:00	17:00:00	37	79	4783
17:00:00	18:00:00	42	103	4376
18:00:00	19:00:00	21	132	3693
19:00:00	20:00:00	11	174	2995
20:00:00	21:00:00	9	195	2279
21:00:00	22:00:00	7	204	1627
22:00:00	23:00:00	8	207	1190
23:00:00	00:00:00	9	207	846

19. For reasons that are not clear the applicants Assessment refers to the effects on AM and PM peak which bears little relationship to the M25 peaks in this area or the HGV data that they have.

20. Left is a table of the applicant's data from Rothwell as used at Wrotham set against the anti-clockwise flows on the M25 here from the applicant's TA appendix.

21. This shows that the peak departures coincide with the M25 peak. This is not third-party evidence but the applicant's own survey data, relied upon in other applications. Its omission from the present assessment is therefore conspicuous and unexplained.

22. There are in excess of 200 overnight HGV parking spaces proposed at each site. Facilities of this nature are not governed by commuter travel patterns but by driver hours regulations, ferry schedules and delivery requirements. As a result, they are inherently capable of generating concentrated periods of activity, particularly in

the early morning, when multiple HGVs may seek to leave within a short period.

23. The assessment does not identify or analyse the timing of HGV departures, nor does it test whether peak HGV activity coincides with the standard AM and PM peak hours which it does. Instead, HGV movements are subsumed within averaged hourly flows, which smooth demand over time and do not capture short-term clustering or "platooning" of vehicles.

24. In practice, even modest numbers of HGV departures can have a disproportionate effect on slip road performance. Heavy goods vehicles accelerate more slowly than general traffic and require greater distances to achieve merging speeds. Where multiple HGVs enter a slip road in succession, they constrain following vehicles and reduce effective capacity. This effect is compounded where general traffic attempts to merge alongside or around slower-moving HGVs, resulting in uneven speeds, reduced gap acceptance and increased reliance on mainline traffic to adjust.

25. The applicant's "Slip Road Constraints Technical Note" identifies a series of physical and geometric constraints which restrict their ability to produce a completely compliant design. The



note admits that the available motorway frontage cannot meet the minimum requirement because the site is constrained by the bridges, gantry infrastructure highway boundary constraints and lack of sufficient land ownership. It is said that the slip road layout has been “optimised within constraints”, which means that it has been designed to fit the site and not the minimum requirements.

26. A design that is constrained by the site rather than compliant with standards is, by definition, not shown to be safe.
27. This is not acceptable. The combination of the failure to analyse the departure patterns of HGVs and to recognise the obvious, which is that anything less than an ideal slip road arrangement (and possibly extra lane) is acceptable for the largest truck facility on the M25.
28. National Highways has absented itself from the site finding for MSA’s leaving it to the private sector. In this case it has resulted in these MSA’s and truck rests being proposed where options happen to have been available to acquire land. This is not a substitute for proper planning of these facilities which requires coordinated and plan-led highway and land use planning.