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## CHAPTER 3

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## **3.0 ALTERNATIVES**

### **3.1 Introduction**

3.1.1 Schedule 4 of the EIA Regulations identifies the information for inclusion in Environmental Statements. Parts 1 (2) and 2 (4) require the following:

*“An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects”.*

3.1.2 It must be noted that this section of the EIA Regulations places no obligation on applicants to actively assess alternatives or to justify the choices they have made. More specifically, it requires applicants to report any alternatives they have studied, and if indeed they have, to provide an indication as to the main reasons for the choices made from an environmental impact perspective.

3.1.3 In the case of the Proposed Development, and specifically the work undertaken leading up to the application, a number of alternatives have been considered by Applegreen. These are presented under the following headings:

- Alternative Sites;
- Alternative Provision within the MSA; and
- Alternative Design Solutions.

3.1.4 It should be noted that there is no prescribed format as to how main alternatives considered should be described or evaluated in an ES.

### **3.2 Alternative Sites**

3.2.1 As set out in Section 2.0 of the Planning Statement (Part 3 of the PAD), there is a demonstrable need for a new MSA on the A1(M) north of the Wetherby MSA, which is located on junction 46 of the motorway. At present, the spacing of MSAs on the A1(M) includes a gap between the Wetherby and Durham motorway services of over 60 miles.

3.2.2 Even taking into account the Leeming Bar Rest Area, off junction 51 of the A1(M) (which is not an MSA but with planning permission for such a use), the relevant distance from Wetherby Services to Leeming Bar Rest Area is 28.8 miles. As such, it exceeds the recommended maximum distances between MSAs of 28 miles (as set out within DfT Circular 02/2013). In addition, even if an MSA were to be built

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out at the Leeming Bar Rest Area, it would require motorists on the A1(M) to take a 2.6km detour from the motorway in order to visit the services. Accordingly, it is unlikely to be attractive to motorists and thus not fulfil the important road safety function that is a primary purpose of all MSAs.

3.2.3 In light of the identified need for a new MSA on this stretch of the A1(M), Applegreen determined that they would seek a solution. Their key determinants to selecting a site were:

- The Highways Agency's clear preference on-line MSAs, as opposed to those located at existing junctions. This is explicitly referenced in DfT Circular 02/2013 (hereafter referred to as the Circular), which states at paragraphs B13 and B14 that on-line MSAs are considered to be more accessible / attractive to road users and they also avoid the creation of any increase in traffic demand at existing junctions. Therefore in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, the Highways Agency has a preference for new facilities at on-line locations.
- Being able to provide access and egress to / from the A1(M) via new slip roads that would comply with highway standards as defined in the Design Manual for Roads and Bridges. The complexity of this requirement should not be underestimated as the requirements for weaving distances between existing junctions are considerable. Furthermore, existing overbridges along the motorway also present a significant constraint to the development of new slip roads.
- Ensuring there would be reasonable spacing between the new MSA and the existing Wetherby Services and any potential MSA at Leeming Bar.
- Being located south of A1(M) junction 49, where motorway traffic flows are significantly greater than north of that junction. In short, Annual Average Daily Traffic (AADT) flows south of junction 49 are 77,719 vehicles (Highways England on-line published counts for 2 way flows for 2016 between junctions 48 and 49), whereas north of junction 49, the AADT flows drop to 52,050 vehicles (also Highways England on-line published counts for 2 way flows for 2016). This is due to the large volume of traffic leaving the A1(M) at junction 49 and heading along the A168/A19 to Thirsk and particularly Teesside. Thus, being located south of the junction would make the MSA available to significantly more motorists and also clearly be more commercially attractive.
- Finding sufficient land commercially available for a potential new MSA.

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- Avoiding significant environmental constraints such that even if the other site determinants were met, there would be no realistic prospect of securing planning permission for a new MSA.
- 3.2.4 Applegreen recognised that it may not be possible to meet, or fully meet, each determinant. Nevertheless, these were the factors that influenced their site selection.
- 3.2.5 Applegreen was also clearly cognisant of the planning history of MSA proposals on the relevant stretch of the A1(M), most notably that relating to the four competing MSA schemes that resulted in a co-joined appeal and Secretary of State planning determination in October 2012. At this juncture the MSA schemes were proposed to fill the gap between Wetherby MSA and Barton Lorry Park, which had an implemented, but not built out, planning permission for redevelopment as an MSA.
- 3.2.6 As described more fully in Section 3.0 of the Planning Statement (Part 3 of the PAD), in relation to planning history, this appeal process resulted in the grant of planning permission to upgrade the then Motel Leeming Truck Stop to a full MSA. This site is now the aforementioned Leeming Bar Rest Area. Perversely, one of the main reasons for granting consent at Leeming Bar was the speed in which a new MSA could be delivered. However, as noted above, the full MSA has never been built out.
- 3.2.7 The other 3 competing sites, all of which were refused planning permission, were
- Kirby Hill: an on line twin sided MSA between junctions 48 and 49;
  - Ripon Services: a new junction MSA at the junction of the A1 and A61, now junction 50 of the A1(M); and
  - Baldersby Gate: a new MSA also at the junction of the A1 and A61 (junction 50).
- 3.2.8 Whilst the local MSA planning history was relevant, the key to the consideration of these MSA proposals was the then extant Circular 01/2008 (01/08). This set a very different technical / planning context for MSA delivery than the current DfT Circular 02/2013 (which was clearly published in 2013 after the 2012 appeal decision). As such, caution needed to be exercised in the interpretation of these decisions.

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3.2.9 Based on the aforementioned determinants and factors, Applegreen focussed its attention on land alongside the A1(M) close to Kirby Hill, lying between junctions 48 and 49. In effect, the location of the historic Kirby Hill MSA proposal. The main reasons for doing so were:

- 1) It provided the potential to deliver an on-line MSA.
- 2) The land was located south of junction 49 and thus on a part of the A1(M) where traffic flows were circa 50% greater than north of that junction.
- 3) The historic Kirby Hill MSA proposal (refused in October 2012) had demonstrated that new slip roads necessary to serve an MSA could be provided in accordance with the requirements of the Design Manual for Roads and Bridges.
- 4) The land was located circa 13 miles north of Wetherby MSA and 16 miles south of Leeming Bar Rest Area, and thus was well located to fill the gap between these services.
- 5) It was not possible to site an MSA further north than this location and still be south of junction 49 due to firstly the proximity of the junction 49 slip roads.
- 6) The principal planning constraints on the land (in terms of delivering an MSA, as evidenced in the 2012 planning decision) were adverse effects on the landscape character of the area and the loss of best and most versatile agricultural land. The former probably presented the greatest constraint and the latter was not determinative in its own right, being a material factor to be weighed in the planning balance. As described subsequently (sub-section 3.4 below), Applegreen determined that they could promote an MSA proposal that materially mitigated these effects. Their determination on this matter included a detailed review of previous MSA proposals on the Site, which Applegreen believed had material shortcomings.
- 7) There was no evidence of any other insuperable planning / environmental constraints on the land, such that there would be no realistic prospect of securing planning permission for a new MSA.
- 8) Their initial enquiries indicated that sufficient land was likely to be commercially available for the delivery of an MSA.

3.2.10 Having placed its focus on the land near Kirby Hill, due to the fact it met the main site selection determinants, Applegreen did not study further sites in great detail as other locations self-evidently did not / could not meet the same determinants. However, as part of its site selection process, broad consideration was given to other locations and these were dismissed for the following reasons:

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- 1) Land along the A1(M) to the south of Kirby Hill becomes constrained by: the River Ure and its flood plain; the town of Boroughbridge; and junction 48, including its slip roads.
  - 2) Beyond this, to the south, any prospective MSA would be sited closer than is desirable to the existing Wetherby MSA.
  - 3) Land along the A1(M) to the north of Kirby Hill becomes constrained by the presence of Dishforth Airfield and junction 49, including its slip roads.
  - 4) North of junction 49 traffic flows on the A1(M) drop significantly and the close proximity of junction 50 (and its slip roads) create a weaving distance issue.
  - 5) As referenced previously, two sites have previously been promoted for an MSA at junction 50 (referred to as the Ripon and Baldersby Gate sites). The following factors are relevant to both of these sites:
    - i. They would result in a junction MSA, not an on-line scheme which is the clearly stated preference in Circular 02/2013.
    - ii. This stretch of the A1(M) near Kirby Hill has significantly greater (circa 50% more) traffic flows than at the approach to junction 50.
    - iii. Both were refused planning permission for an MSA by Harrogate Borough Council and were dismissed at appeal by the Secretary of State.
    - iv. Both sites are located within the open countryside and fall within the same landscape character area<sup>1</sup> as the land near Kirby Hill, and thus face similar landscape and visual challenges. Any MSA proposal at these sites would result in a degree of landscape harm.
    - v. Both sites comprise best and most versatile agricultural land.
  - 6) North of junction 50, the A1(M) continues to run in the same landscape character area as the Kirby Hill area throughout Harrogate District and approaching Leeming.
  - 7) The relevant stretch of the A1(M) runs entirely through Open Countryside / Designated Rural Area in the extant and emerging Local Plans. The only exception is through Boroughbridge, where some land parcels close to the motorway benefit from development allocations. However, none of the allocations could accommodate an MSA. Accordingly, Applegreen determined that any MSA meeting the identified need was going to result in new development within the Open Countryside / Designated Rural Area.

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<sup>1</sup> Harrogate District Landscape Character Assessment (Harrogate Borough Council - Feb 2004)

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8) Reference to the National Agricultural Land Map series for the Yorkshire and the Humber Region, indicates that the entire route of the A1(M), from Wetherby up to Leeming, runs through best and most versatile agricultural land. The exception to this is within the floodplains of the Rivers Ure and Nidd, where the development of an MSA would not be appropriate. In these floodplains the Map shows land in undifferentiated Grade 3, which may or may not be best and most versatile agricultural land. Accordingly, Applegreen determined that any MSA meeting the identified need was almost certainly going to result in the loss of some best and most versatile agricultural land.

3.2.11 Based on the foregoing, Applegreen determined that the optimum site for an MSA would be on land alongside the A1(M), near Kirby Hill, between junctions 48 and 49 i.e. the Site which is the subject of this planning application.

### **3.3 Alternative Provision within the MSA**

3.3.1 DfT Circular 02/2013: Annex B is the fundamental driver behind the proposed Vale of York MSA. It identifies (at paragraph B4) that MSAs perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. In order to fulfil this function, Table B1 sets out the minimum requirements for the various types of roadside facility that may be eligible for signing from the strategic road network and that all facilities accessed from the motorway must be signed for safety reasons. Finally, Schedule 1 of the Circular sets out the basis of establishing the mandatory parking requirements.

3.3.2 The Vale of York MSA proposal would meet the mandatory provision requirements, which comprise:

- To be open 24 hours a day 365 days a year;
- Free parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility, with the parking numbers meeting the Schedule 1 requirements;
- Free toilets / hand washing facilities with no need to make a purchase;
- Shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area;
- Fuel;

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- Hot drinks and hot food available at all opening hours for consumption on the premises; and
  - Access to a cash operated telephone.

3.3.3 Consideration was also given to the provision of a hotel at the Vale of York MSA. However, hotels are not a mandatory MSA requirement and the Circular states at paragraph B30, such development will be a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. Furthermore, separate parking must be provided to service a hotel so as to avoid any reduction in the general parking provision available to other road users (paragraph B32).

3.3.4 Given this position and the Site's location within the open countryside, with acknowledged landscape sensitivities, Applegreen elected not to provide a hotel. Clearly a hotel would have the potential to increase the effect of the overall MSA development on the countryside.

### **3.4 Alternative Design Solutions**

3.4.1 The Design and Access Statement submitted in support of the Vale of York MSA planning application describes and illustrates the design evolution process and the alternative schemes that were considered. It also compares the MSA proposed in the current application to the scheme dismissed at appeal in 2012. The ES does not repeat that work. However, the environmental reasons why the current scheme design was adopted, and the alternative options rejected, have been summarised below.

3.4.2 The main environmental and technical factors influencing the final design solution were:

- i. The objective of reducing the effects, or perceived effects, of the proposal on the village of Kirby Hill. This was firstly delivered by located all of the MSA facilities on the western side of the motorway (on the northbound side) with access from the southbound side facilitated by a new overbridge. The benefits of this arrangement (over a full 2-sided scheme) are considered to be:

- a. The MSA would move materially away from the settlement of Kirby Hill and there would be less visual impact on properties at Church



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- Lane (noted as slight adverse harm by the first Inspector in the 2012 decision).
- b. There would only be a single Amenity Building with one (joined) fuel filling station for cars and light goods vehicles. Whilst there would be a separate Fuel Filling Station for HGVs and a small Drive through Coffee Shop, the overall number of buildings within the MSA would be less than previously proposed.
  - c. There would be less loss of agricultural land and a smaller development footprint generally, resulting in a decreased incursion into the countryside.
  - d. There would be greater separation distance from the Grade I listed All Saints' Church in Kirby Hill.
- ii. The aforementioned Harrogate District Landscape Character Assessment (HDLCA) Supplementary Planning Guidance was heavily used to influence the design for the current scheme and ensure that important local landscape characteristics are maintained. Table 5.3 of Chapter 5.0, Landscape and Visual Impact Assessment, provides a summary as to how the Vale of York MSA proposal responds to the key points contained within the HDLCA.
  - iii. The integration of the Fuel Filling Station (FFS) with the Amenity Building also helps contain two of the larger elements of the development within a small area. The Amenity Building / FFS is located at the lowest point of the Site, adjacent to the existing, heavily planted, embankment of the B6265 along the Site's southern boundary. The ground would be lowered at this point to sink the building into the Site, and therefore reduce the visual impact it would have when viewed from the surrounding area. The blending of the building within the landscape would be further enhanced by the utilisation of a grass roof that acts as a modern version of a traditional Ha-ha, in order to minimise the impact of the built form has on sensitive local views.
  - iv. An interpretation of the traditional Ha-ha has been used, both at the sensitive western edge of the Site and within the Site itself, to help shield some of the more prominent elements, such as the HGV and coach parking, from the sensitive surrounding views, while maintaining the appearance of open fields that is prevalent in the area. In this way, key views across and beyond the Site would be maintained with minimal

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impact from the development, either by way of the development itself, or from the introduced landscape features.

- v. Various car park configurations were considered in order to minimise the perceived expanse of car parking.