

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: N P Tovey

No: 1st

Exhibits: "NPT1"- "NPT5"

Date: 26 March 2014

**APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006  
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

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**WITNESS STATEMENT OF NICK PAUL TOVEY**

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I, **NICK PAUL TOVEY**, Director of Wardell Armstrong of Unit 5, Newton Business Centre, Newton Chambers Road, Thorncliffe Park, Chapeltown, Sheffield, S35 2PH, say as follows:

1. This witness statement is made in support of the objection of Axis 1 Limited/ St Paul's to the application of 14 November 2013 pursuant to section 15(1) Commons Act 2006 to register its land as a town or village green.
2. The statements contained in this witness statement are made from my own knowledge except where I specifically state otherwise, in which instances I believe my information to be true. I refer below to various documents or copies of documents which are included in the exhibits to this statement marked "NPT1" to "NT5". To the best of my knowledge and belief, the copies are true copies of their respective originals.
3. I am a Director of Wardell Armstrong LLP, a multidisciplinary engineering, environmental and mining consultancy. I am based in the firm's office in Chapeltown, Sheffield and have had extensive involvement in relation to the Site and surrounding land over the last 21 years. During this time I have worked on behalf of previous landowners, including South Riding Estates, Hampton Trust, Dancastle Properties Limited and the Duke of Norfolk estate. My previous involvement has included; desk study investigations of Smithy Wood and the wider area, general investigations, investigations of the two fires discussed later in this witness statement, consideration of proposals for over 10 years for the remediation of nearby Hesley Wood (adjacent

to the claimed locality) and work in connection with the planning application for the coal recovery and restoration project relating to Hesley Wood.

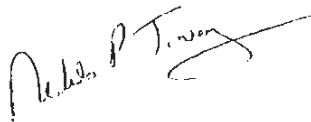
4. More recently, acting on behalf of Extra, the motorway service provider, I have been involved in the preparation of the planning application submitted by Extra on 24 March 2014 for the Sheffield Motorway Service Area to be located on the Site. This included leading the preparation of, and coordinating the consultant team on, the environmental impact assessment and environmental statement that accompanied the planning application.
5. A leaflet summarising the need for and benefits of the Sheffield Motorway Service Area is included at exhibit NPT1. This leaflet was distributed to members of the public following submission of the planning application.
6. Work in connection with the preparation of the planning application commenced on 1 March 2013. Extensive site investigation work, pre-application consultation and engagement with the public and other key stakeholders has been carried out since that time. This included public exhibitions on 6 and 7 September 2013 held at Ecclesfield School, Chapeltown in relation to concept masterplan proposals. In addition, a dedicated website was launched on 19 August 2013 and leaflets were distributed to members of the public inviting comments on the proposals. Pre-application consultation closed on 16 September 2013. A copy of the consultation leaflet is exhibited at NPT2.
7. Extra's consultant team have been carrying out extensive survey and site investigation work on the Site throughout much of 2013 in relation to matters such as ecology and archaeology in preparation of the environmental impact assessment of the Sheffield Motorway Service Area. I have been co-ordinating this work. Survey work commenced in early April 2013, with consultants regularly attending Site between then and late November 2013. Consultants were often on Site for full days at a time and attended the Site on approximately 45 separate days throughout this period. No public access issues were raised by the team. I have checked with and been informed by the consultant team that on the vast majority of days no people at all have been seen using the Site for lawful sports and pastimes and any use witnessed on the Site has been insignificant, limited to individuals on rare occasions. This is consistent with my experience of attending the Site.

8. During 1995 and 1996 there were two major fires causing extensive damage to the Site. Dancastle Properties Limited was the owner of the Site at that time and I liaised with Dancastle's in relation to the fires and any necessary works. I have exhibited at exhibit NT3 a report from 13 October 1995 by Mr Robert Hartley (a site engineer at Wardell Armstrong) in relation to a fire during the summer of 1995 at the Site following a site inspection. This was produced under my general supervision of the matter on behalf of Dancastle Properties Limited. The report records that "very much all of Smithy Wood was subjected to the fire/heat". The report relates to area of interest at that time and appends a plan showing the areas worst affected.
9. There was also a second underground fire towards the north of the Site along the route of the former ropeway which was previously used to transport coal from Smithy Wood to Hesley Wood. I understand that this underground fire was discovered in December 1995. Significant works were carried out during February 1996 by Wardell Armstrong on behalf of Dancastle Properties to extinguish and prevent the spread of the fire. Photos from February 1996 are exhibited at NT4 together with a drawing showing the areas of the fire and works carried out.
10. At exhibit NPT5 is a drawing produced by Wardell Armstrong. This drawing is intended to accurately plot the red line boundary of the village green application and the large extent of the Site regularly used by motorbikes and 4x4 off road vehicles. The drawing also shows the route of the overhead electricity line and location of former bell pits from previous mining activity on the Site.

11. STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed



Dated 26<sup>th</sup> March 2014

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: N P Tovey

No: 1st

Exhibits: "NPT1"- "NPT5"

Date: 26 March 2014

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**LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

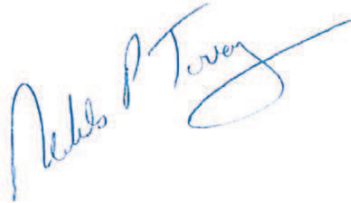
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**EXHIBIT OF NICK PAUL TOVEY**

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This is the exhibit marked "NPT1" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed .



### Economic and employment benefits

The construction of Extra's new Motorway Service Area represents a major capital investment into the economy of the Sheffield City Region. Construction costs are estimated at £36 million and firms from the City Region and Yorkshire will be given the first opportunity to tender for the project.

Once open for business, a typical Extra MSA employs in the range of 250 – 300 full time equivalent staff, including part time opportunities. Extra's typical range of nationally branded leading and popular main tenant operating partners all share a strong track record for training and development of their staff.

Extra will work with the City Council and other Agencies to encourage local people to apply for the jobs available and local suppliers to tender for contracts.

### What happens next?

A planning application has been submitted to Sheffield City who will notify local people and invite views on the proposal. The application documents will be available on the Council's website and it is important that local voices are heard by the Council.

### HS2

The proposed HS2 route currently passes between the MSA and Smithy Wood Business Park. The proposed development will not be affected by HS2 should it go ahead.

### Town and Village Green application

Extra are aware that a Town and Village Green (TVG) application has been submitted in respect of land to the south west of Junction 35. Whilst the outcome is clearly important, the decision on TVG status will be based upon the evidence provided by those involved and is an entirely separate process

[www.sheffieldmotorwayservices.co.uk](http://www.sheffieldmotorwayservices.co.uk)



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**EXTRA**

**EXTRA**

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**Pegasus**  
Group

**NPT 1**

# SHEFFIELD MOTORWAY SERVICE AREA

Junction 35, M1

Following the public consultation in September 2013 relating to proposals for a Motorway Service Area (MSA) at Junction 35 of the M1, significant work has been undertaken to respond to comments received from the local community, local authority, technical specialists and others. Extra want to update you on the progress which has been made and to keep you informed about progress with the planning application.

The safety of our Motorway Network is critical to the national economy. Motorways play an important role in the movement of people, goods and supplies around the country. MSAs are a key part of this infrastructure as they provide places where drivers and passengers can take a break.

Government advice is that drivers should not have to drive for longer than 30 minutes, or more than 28 miles, without the opportunity to stop. There is no minimum distance separation for promotion of a new MSA – this is left to MSA operators to decide on need and viability grounds

[www.sheffieldmotorwayservices.co.uk](http://www.sheffieldmotorwayservices.co.uk)



**There is a significant need for a new MSA on the M1 in the very busy Sheffield area.**

**Government policy and highway safety considerations mean that Junction 35 is the only commercially viable and deliverable location.**

In the 1960s Smithy Wood was dissected by the building of the M1 and construction of Junction 35. Of three possible areas where a MSA could be located at this Junction, only the sites to the south east and south west of the Junction can meet Highways Agency access requirements. Both sites (south east and south west) contain ancient woodland, however land to the south west of the Junction has the least impact on local residents.

Extensive ecological, archaeological and other surveys have been undertaken and used to help shape the development on land to the south west of the Junction so that it avoids, as far as possible, the better quality areas of ancient woodland. The proposed site (shown in red on the plan) occupies 10.76 hectares of woodland to the south west of the Junction, of which 8.6 hectares is currently designated as ancient woodland. In the light of the survey evidence, Natural England is currently reviewing the extent of this designation.

### New areas of woodland

As a part of the project, 60,000 trees will be planted on 16 hectares of local land close to the site (see plan opposite) creating two significant new areas of woodland.

### Chapelton Community Woodlands Trust

— a conservation and management package

In addition to the new areas of woodland, around 70 hectares of existing local woodland (Thorncliffe, Parkin, Hesley Woods and the remaining areas of Smithy Wood to the south west of Junction 35) which are currently in private ownership, will be opened to the public for community use (see plan opposite).

A Trust (Chapelton Community Woodlands Trust) will be set up to manage and maintain over 85 hectares of woodlands for conservation and recreation. Footpaths will be created through the woods, and educational links developed with local schools. The Trust will be provided with long-term funding by Extra and local groups will be invited to join the Trust Management Board. There may be a future opportunity to extend the area managed by the Trust to include the proposed Hesley Wood Country Park.



[www.sheffieldmotorwayservices.co.uk](http://www.sheffieldmotorwayservices.co.uk)

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

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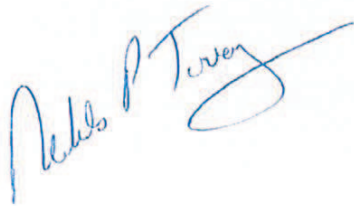
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**EXHIBIT OF NICK PAUL TOVEY**

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This is the exhibit marked "NPT2" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed

A handwritten signature in blue ink, appearing to read 'Nick Paul Tovey', is written over the 'Signed' label.

**Your opinion is important**

Your comments are important to us and form part of the public consultation process for the proposals.

## Comments

[illegible]

Please tick the following relevant group:

**Please indicate your gender:**

Male ☐ Female ☐ Prefer not to say ☐

**Please indicate your age:**

Under 18 ☐ 18-35 ☐ 36-55 ☐ 56-70 ☐

Over 70 + ☐ Prefer not to say ☐

Are you responding as a:

Local resident ☐ Local business ☐

Local councillor ☐ Representative of a group ☐

100%



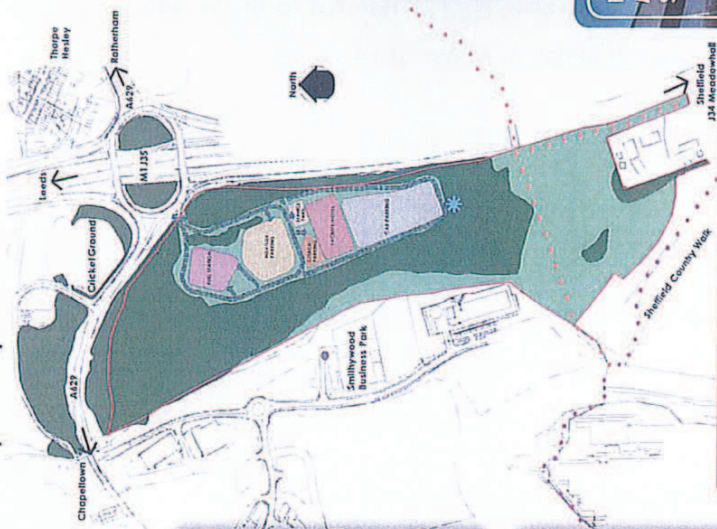
### Access and parking

## New jobs

Beaconsfield Extra  
Motorway  
Service Area



## Concept masterplan



## What is proposed?

## Green Belt

## Woodland

Consultation Team - PPG  
Unit 5 The Priory  
London Road  
Canwell  
Sutton Coldfield  
B75 5SH

Most drivers will have stopped at a Motorway Services at some point in time. Motorway Service Areas (MSAs) are important as they provide the opportunity for drivers (and their passengers) to take a break on long journeys. The ability for drivers to stop on a regular basis is important in terms of road safety, as driver fatigue is a recognised cause of motorway accidents.

#### So why a Motorway Service Area here?

The government is committed to providing and encouraging greater choice and facilities for customers at Service Areas on motorways. Its current guidance also indicates that for safety, drivers should have an opportunity to stop on a motorway journey every 30 minutes, or between 12-28 miles travel (whichever is the shorter). There is a need for new services in the locality of Junction 35 of the M1 to fill a number of gaps in existing Service Area provision, which occur for:

- Those travelling on the M1 between the existing Woodall MSA (between Junctions 30 & 31) and Woolley Edge MSA (between Junctions 38 & 39), where there is a gap of 27.5 miles.
  - Drivers using the A1 (M) between Blyth MSA and Woolley Edge MSA on the M1 (via M18), where there is a gap of 37.5 miles.
  - Those drivers travelling on the route between Doncaster MSA on the M18 and Woolley Edge MSA on the M1, where there is a gap of approximately 42 miles.
- A search of possible MSA sites has shown that the best location to fill the 'gaps' mentioned above is at Junction 35 of the M1.

#### How do I find out more and make my views known?

You are invited to visit a public exhibition which will be held on:

Friday 6th September from 6.30pm to 9.30pm  
and  
Saturday 7th September from 10.00am to 3.30pm  
at  
Ecclesfield School Chapelawn Road,  
Sheffield S35 9WD

If you are unable to attend the public exhibition, but want to share your thoughts about the project, you can return the Freepost tear-off slip on this leaflet or you can visit the project website where you can leave comments online. The website will be launched on Monday 19th August 2013. The web address is:

[www.sheffieldmotorwayservices.co.uk](http://www.sheffieldmotorwayservices.co.uk)

Consultation will close on  
Monday 16th September 2013.

#### What happens next?

We see this consultation as the start of an ongoing process to develop strong and positive links with local people. All thoughts and suggestions received as part of this consultation will be carefully considered and used to shape the proposals for Sheffield Motorway Service Area before a planning application is prepared and submitted to the Council.



**St. Pauls**  
Architects & Planners  
[www.st-pauls.co.uk](http://www.st-pauls.co.uk)

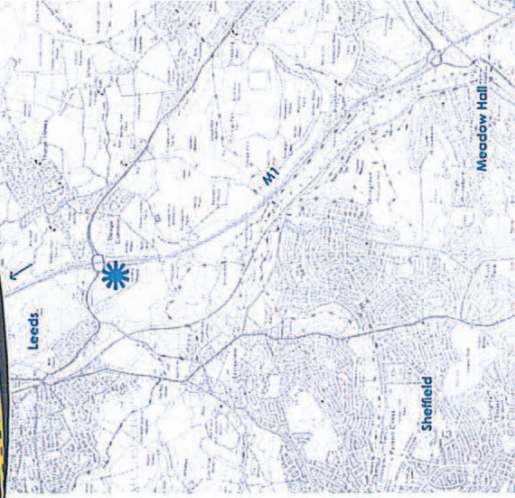
**ENTRA**

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PUBLIC CONSULTATION

# SHEFFIELD MOTORWAY SERVICE AREA

Junction 35, M1



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**Pegasus**  
Group

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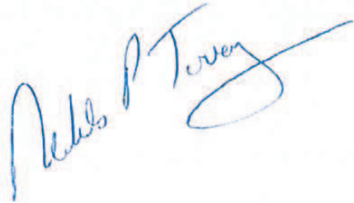
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**EXHIBIT OF NICK PAUL TOVEY**

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This is the exhibit marked "NPT3" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed



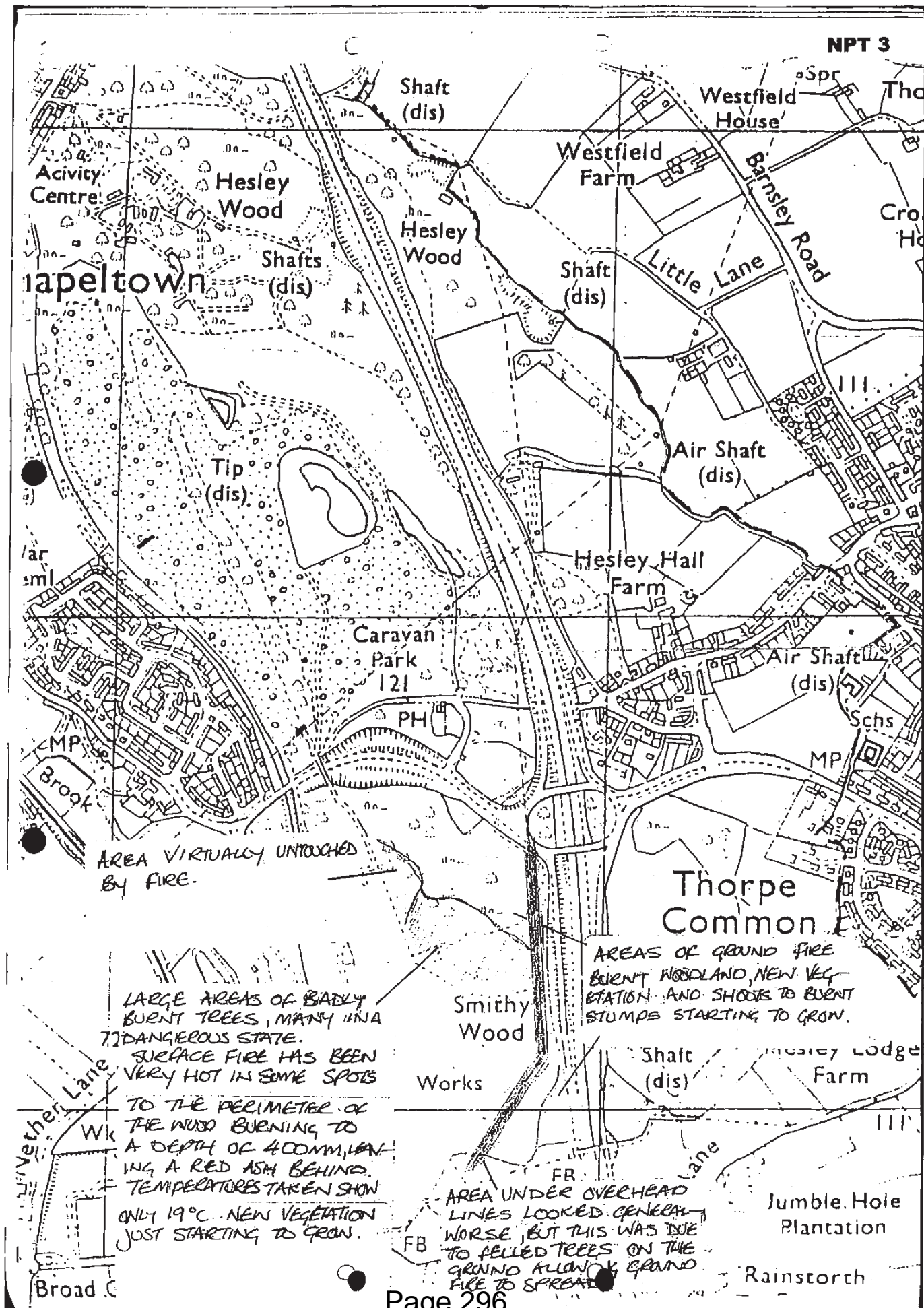
FRIDAY 13TH OCTOBER 95.

RE :- INSPECTION OF SMITHY WOOD.

ON INSPECTION OF SMITHY WOOD IT WAS IDENTIFIED THAT ALTHOUGH THE WOODS HAD SUFFERED A DRAMATIC GROUND FIRE, THE ACTUAL INTENSITY OF THE FIRE SEEMS TO HAVE VARIED ACROSS THE SITE. ADJACENT TO THE M1 MOTORWAY (BOTTOM OF EMBANKMENT) UNDER THE OVERHEAD CABLES SEEMS TO BE QUITE BADLY SCARRED, BUT ON CLOSER INSPECTION THIS WAS MORE DUE TO THE TREES HAD BEEN Felled THUS ALLOWING THE GROUND FIRE TO SPREAD QUITE RAPIDLY. THE HEART OF THE FIRE SEEMS TO HAVE BEEN MORE TO THE WESTERN PERIMETER OF THE WOODS WHERE RED ASH IS VISIBLE.

VERY MUCH ALL OF SMITHY WOOD WAS SUBJECTED TO THE FIRE/HEAT, BUT IT IS OF MY OPINION THAT THE FIRE HAS NOW EXTINGUISHED WITH NO EVIDENCE OF ANY UNDERGROUND FIRE AS ALL TEST TEMPERATURES, EXCAVATED TO 400 MM BELOW GL, WERE IN THE REGION OF 18-20°C, EQUIVALENT OR LESS THAN THAT OF TODAY'S AIR TEMPERATURE OF 20°C. THERE WERE ALSO INSECTS AND EARTH WORMS PRESENT IN THE EXCAVATED SOIL AND FUNGUS, VEGETATION AND NEW SHOOTS FROM THE BOTTOM OF BADLY BURNT STUMPS AND GRASS STARTING TO GROW BACK, ALL OF WHICH GIVE A GOOD INDICATION THAT THE WOODS ARE NO LONGER ON FIRE.

R. HARTLEY 13/10/95.



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

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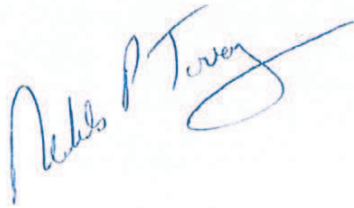
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**EXHIBIT OF NICK PAUL TOVEY**

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This is the exhibit marked "NPT4" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed

A handwritten signature in blue ink, appearing to read 'Nick Paul Tovey', is written over the 'Signed' label.

NPT 4

photographs taken during Shallow  
Spill fire at Smiley Wood/ February 1996.



NPT 4



**NPT 4**



**NPT 4**



**NPT 4**



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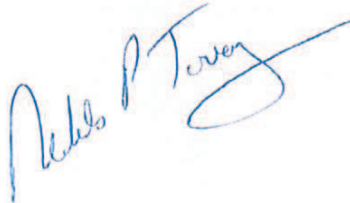
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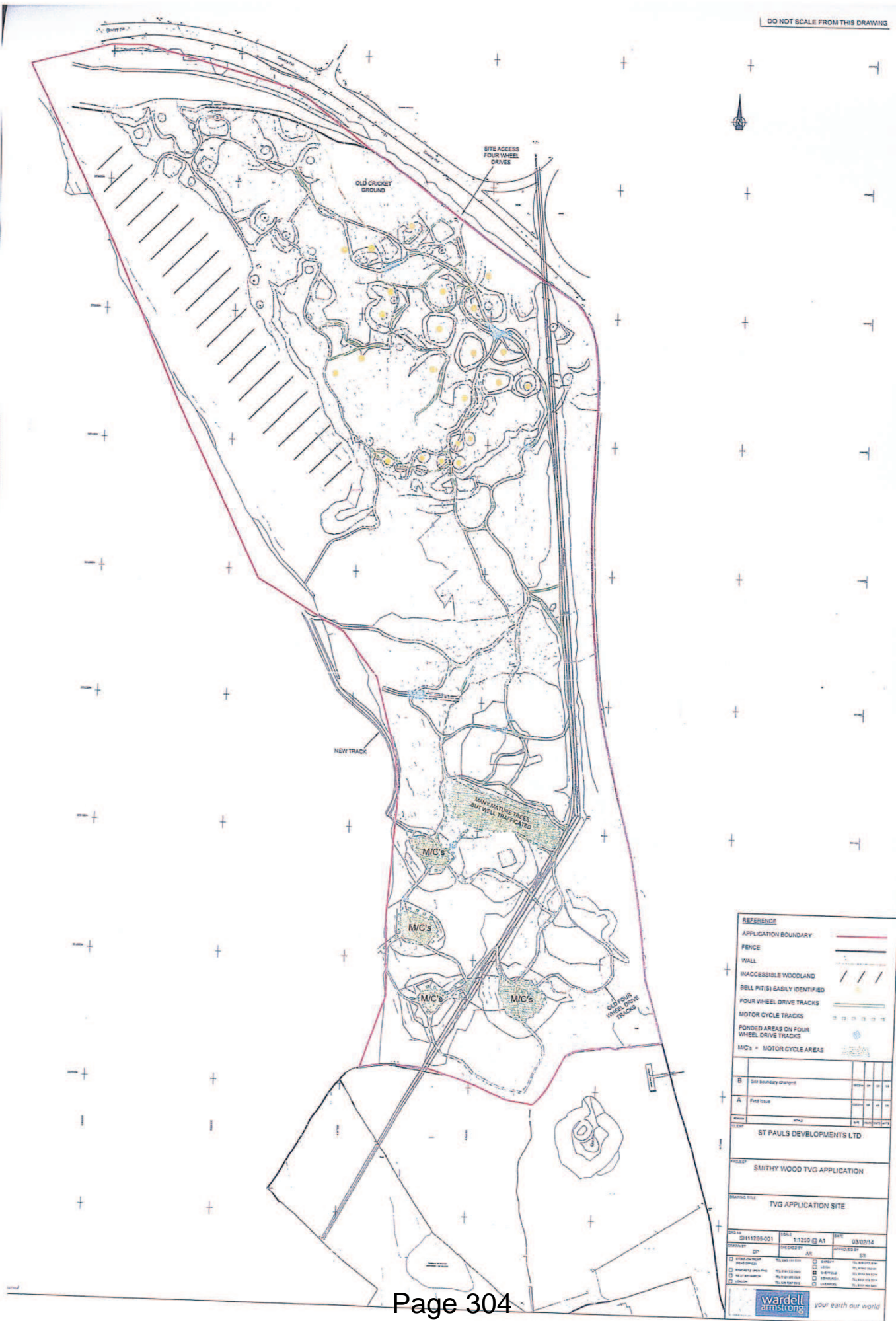
**EXHIBIT OF NICK PAUL TOVEY**

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This is the exhibit marked "NPT5" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed

A handwritten signature in blue ink, appearing to read 'Nick Paul Tovey', is written over a faint circular stamp.



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J P Rhodes

No: 1st

Exhibits: "JPR1"

Date: 26 March 2014

**LAND AT SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

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**WITNESS STATEMENT OF JONATHAN PAUL RHODES**

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I, **JONATHAN PAUL RHODES**, Farmer, of Upper Butterthwaite Farm, Butterthwaite Lane, Ecclesfield, Sheffield, S35 9WA, say as follows:

1. The statements contained in this witness statement are made from my own knowledge except where I specifically state otherwise, in which instances I believe my information to be true. I refer below to a copy document included as an exhibit to this statement marked "JPR1". To the best of my knowledge and belief, the copy is a true copy of the original.
2. My family has farmed land adjoining Smithy Wood (shown edged red on the exhibited plan JPR1) for approximately 50 years. This land has mainly been used for grazing cattle. I personally have farmed this land for approximately 32 years and lived at Upper Butterthwaite Farm close to Smithy Wood for 48 years.
3. For around the last 15 years I have had significant problems of people crossing my land on moto-cross bikes and in off-road vehicles in order to gain access to and drive around Smithy Wood. The number of people doing this and using Smithy Wood for this purpose has got progressively worse, particularly in the last few years.
4. I've reported this unlawful activity on numerous occasions to the Police and erected various barriers and fences in an attempt to stop people gaining access through my land to Smithy Wood on motorbikes and off-road vehicles. However these have been repeatedly

broken down and the use of Smithy Wood by people on motorbikes and off-road vehicles has continued to increase.

5. Weekends, holidays and periods of good weather are particularly busy for motorbike and off-road vehicle use of Smithy Wood. The noise of the large number of vehicles using Smithy Wood is loud and can be heard on my land nearby. Whilst I have seen some people walking on a nearby path outside the wood connecting to the Trans Pennine Trail, I've seen very few use the wood itself. Having seen and heard the motorbikes and off-road vehicles on Smithy Wood I believe people do not walk on foot in Smithy Wood whilst this is taking place as it would simply be too dangerous to members of the public.

6. STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed G. Moxley Dated 26.3.14

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J P Rhodes

No: 1st

Exhibits: "JPR1"

Date: 26 March 2014

**APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006**

**LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

---

**EXHIBIT OF JONATHAN PAUL RHODES**

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This is the exhibit marked "JPR1" referred to in the witness statement of Jonathan Paul Rhodes dated this 26th day of March 2014.

Signed J. Rhodes

