

**Substantive response of the Local Highway
Authority to a planning consultation received
under The Development Management Order.**

Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS:

Planning Application Number: 24/00120/CONDIT

Highway Reference Number: 2024/0120/04/H

Application Address: Church Farm Washpit Lane Barlestone Nuneaton Leicestershire CV13 0EH

Application Type: Variation of Condition (s73)

Description of Application:

Variation of conditions 2,4,12,21,22 and 23 to planning permission 21/01395/FUL.

Amendment to the access, required management and maintenance, construction traffic management plan, construction access improvements and vehicular visibility splays.

GENERAL DETAILS

Planning Case Officer: Laura Ashton

Applicant: Mr Daniel Corcoran

County Councillor: Bertie Harrison-Rushton

Parish: Newbold Verdon

Road Classification: Class B

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

No objection

No objection to Discharge of Condition 4, 21, 22 and 23.

No comments

Conditions 2 and 12 were not advised by the Local Highway Authority (LHA) who therefore have no comments to make on these details.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) have been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on an application for the variation of conditions 2, 4, 12, 21, 22 and 23 to planning permission 21/01395/FUL at Church Farm, Washpit Lane, Barlestone, Nuneaton, Leicestershire.

Condition 4

For the avoidance of doubt, Condition 4 reads as follows:

The planning permission hereby granted is temporary for a period of 40 years from the date of the first export of electricity to the National Grid from the solar farm hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 5 with exception of the electric substation and its direct ancillary equipment hereby approved which shall be retained as permanent infrastructure.

The Applicant proposed to vary Condition 4 to:

*The planning permission hereby granted is temporary for a period of 40 years from the date of the first export of electricity to the National Grid from the solar farm hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 5 with exception of the electric substation, **the associated access** and its direct ancillary equipment hereby approved which shall be retained as permanent infrastructure.*

Highways Comments:

The LHA advise it would have no objection to the variation of Condition 4 on the basis that should the accesses remain in place, they would serve a field. On this basis it is unlikely there would be a severe intensification in use in comparison to the solar farm.

Condition 21

For the avoidance of doubt, Condition 21 reads as follows:

The construction of the development shall be carried out in accordance with the Construction Traffic Management Plan dated 20 May 2022.

The Applicant proposed to vary Condition 21 to:

*The construction of the development shall be carried out in accordance with the Construction Traffic Management Plan dated ~~20 May 2022~~ **2 February 2024**.*

Highways Comments:

The LHA has reviewed the submitted Construction Management Plan dated 2nd February 2024, which has been amended to reflect the new arrangements for the Parcel C access, as detailed further below in respect of the highways comments to the variation of Conditions 22 and 23. The LHA has no objection to the variation of Condition 21.

Condition 22

For the avoidance of doubt, Condition 22 reads as follows:

The construction access improvements shown on RPS drawing numbers JNY11137-02 Rev B (Access 2), JNY11137-04 Rev A (Access 3) and JNY11137-06 Rev A (Access 5), shall be implemented in full prior to commencement of main construction works to the site which the access serves.

The Applicant proposed to vary Condition 22 to:

*The construction access improvements shown on RPS drawing numbers JNY11137-02 Rev B (Access 2), JNY11137-04 Rev A (Access 3) and JNY11137-06 Rev **A B** (Access 5), shall be implemented in full prior to commencement of main construction works to the site which the access serves.*

Condition 23

For the avoidance of doubt, Condition 23 reads as follows:

Vehicular visibility splays of 2.4m x 160m (west) and 2.4m x 215m (east) at Access 2, drawing number JNY11137-02 Rev B, 2.4m x 47m (south) and 2.4m x 120m (east) at Access 3, drawing number JNY11137-04 Rev A and 2.4m x 215m at Access 5 drawing number JNY11137-06 Rev A shall be provided prior to commencement of main construction works to the site which the access serves. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6m above the level of the adjacent footway/verge/highway.

The Applicant proposed to vary Condition 23 to:

*Vehicular visibility splays of 2.4m x 160m (west) and 2.4m x 215m (east) at Access 2, drawing number JNY11137-02 Rev B, 2.4m x 47m (south) and 2.4m x 120m (east) at Access 3, drawing number JNY11137-04 Rev A and 2.4m x 215m at Access 5 drawing number JNY11137-06 Rev **A B** shall be provided prior to commencement of main construction works to the site which the access serves. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6m above the level of the adjacent footway/verge/highway.*

Highways Comments for the variation of Conditions 22 and 23:

As part of application 21/01395/FUL, the Applicant advised that access to Parcel C off Bagworth Road (B585) would be subject to a separate planning application and it would be the responsibility of the Distribution Network Operator (DNO) to operate the substation and thus gain access to it.

As part of that application, within the LHA's observations dated 29th June 2022 it was advised the LHA could only assume that in the absence of any other planning application, access to the sub-station would be taken from the construction access detailed on RPS drawing number JNY11137-05. The LHA also advised any new access to the site would need to be considered safe and suitable and that the Applicant should consider appropriate access rights to the sub-station in the event that any new access is not granted planning permission by the LPA.

As part of this application, the Applicant has submitted a Technical Note dated 2nd February 2024 which states that rather than taking the above route, they would like to retain the temporary construction access permanently, removing the need to apply for planning consent for the previously shown maintenance access. RPS drawing number JNY11137-06 Rev. B has also been submitted, which removes reference to the new maintenance access.

The LHA have no objection to the retention of the construction access for maintenance purposes and therefore advise it has no objection to the variation of Conditions 22 and 23.

Informatives

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time

for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Date Received
15 February 2024

Case Officer
Ben Dutton

Reviewer
DH

Date issued
7 March 2024