

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 Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 26/00099/CONDIT

Highway Reference Number: 2026/0099/04/H

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

Application Type: Variation of Condition (s73)

Description of Application: Variation of condition 2 (Approved Plans), 7 (Archaeological Investigation), 11 (Landscape and Ecological Management Plan), 14 (Noise) and 16 (Drainage) of planning permission 24/00120/CONDIT . Amendments to the approved Site Layout, Landscape Strategy Plan and wording of the conditions.

GENERAL DETAILS

Planning Case Officer: Laura Ashton

Applicant: Mr Robin Johnson

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Nailstone

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:

Objection

Objection to Variation of Condition 2 (Approved Plans).

No comments

Conditions 7 (Archaeological Investigation), 11 (Landscape and Ecological Management Plan), 14 (Noise) and 16 (Drainage) 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) has been consulted by the Local Planning Authority (LPA) of an application to vary conditions 2 (Approved Plans), 7 (Archaeological Investigation), 11 (Landscape and Ecological Management Plan), 14 (Noise) and 16 (Drainage) of planning permission 24/00120/CONDIT. Amendments to the approved Site Layout, Landscape Strategy

Plan and wording of the conditions. The site is located at Church Farm, Washpit Lane, Barlestone, Nuneaton, Leicestershire, CV13 0EH.

24/00120/CONDIT sought the 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. The LPA allowed the variation of conditions on 23 May 2024

21/01395/FUL sought the installation and operation a of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, point of connection mast, switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements. The LPA granted planning permission on 16 August 2022.

Condition 2

For the avoidance of doubt, condition 2 has been replicated below:

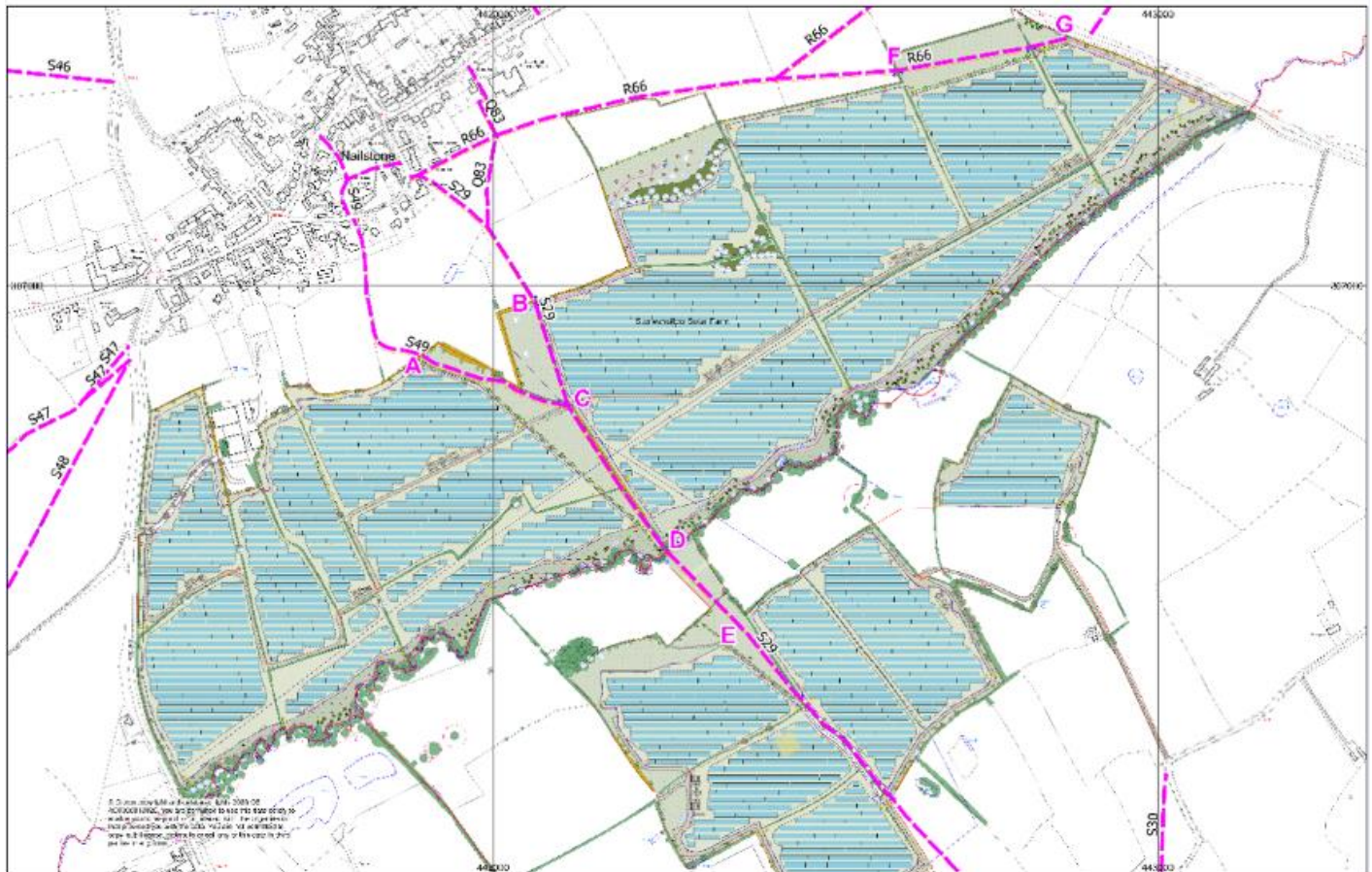
'The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- *Block plan 1 (received 22 November 2021)*
- *Site Layout Plan P23-0657-EN-00-03 (Received 5th February 2024)*
- *Detailed Soft Landscaping Plan P23-0657-EN-00-01 Rev H (Received 5th February 2024)*
- *Fence, track and cctv details revision A (received 22 November 2021)*
- *Inverter station details revision A (received 22 November 2021)*
- *Custom switchgear details revision A (received 22 November 2021)*
- *Battery station details revision A (received 22 November 2021)*
- *Comms and weather station mast revision A (received 22 November 2021)*

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).'

Highways Comments:

The Stoneshollow Solar Farm site under application 21/01395/FUL etc. crosses public rights of way Footpaths R66, S29, and S49. The changes that are the main focus of this application do not directly impinge upon the public rights of way. However, when the revised Site Layout P23-0657_EN_04C was overlaid with the Definitive Map of public rights of way (the official record that legally 'fixes' the exact location of any public footpaths etc.) this identified various concerns, outlined below. Included below is a snapshot of the Site Layout and Definitive Map overlay (a larger pdf version is available on request).



If a physical route on the ground is different, the Definitive Map is legally conclusive and takes precedence. Planning applications should match the Definitive Map otherwise it may lead to problems. This has already been an issue with the 21/01395/FUL etc. applications. Previous LHA responses to 21/01395/FUL etc. highlighted where Planning conflicted with the footpath where a Landscape Proposals Plan showed part of Footpath S29 on top of a hedge rather than along the east side of it. Also Proposed planting was too close to the footpath which was subsequently addressed by Public Rights of Way Strategy Revision A.

Analysis of this overlay highlights various errors on the Site Layout:

- i) Between points 'A' and 'C' Footpath S49 is shown 5 or 6 metres too far south.
- ii) Between points 'B' and 'C' the legal alignment of Footpath S29 is 1 or 2 metres further east than shown; so sideways outgrowth from the proposed hedgerow and hedgerow trees will cause obstruction which the landholder is responsible for addressing but will also create an added regulatory burden for the LHA.
- iii) Between points 'C' and 'D' the legal alignment of Footpath S29 is 2 or 3 metres further east than shown. Towards the southern end of this section a series of proposed trees are too close, so sideways outgrowth will cause obstructions.

- iv) Between point 'D' and point 'E', midway along there appears to be a proposed hedge across the alignment of Footpath S29. However, from point 'E' southwards the route of Footpath S29 is shown close to or on the legally defined alignment.
- v) Between points 'F' and 'G' Footpath R66 is 4 or 5 metres too far south, though the existing stiles on the ground may already be inaccurately located.

The Applicant should amend their Site Layout so that, as far as is practicable, it accurately reflects the Definitive Map rather than being at variance with it. The LHA would then be in a position to support this application.

For the reasons set out above, the LHA objects to the variation of condition 2 (Approved Plans) at this time.

Date Received
2 June 2026

Case Officer
Emma Peacock

Reviewer
BD

Date issued
19 June 2026