

**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.

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**APPLICATION DETAILS:**

Planning Application Number: 22/00537/FUL

Highway Reference Number: 2022/0537/06/H/R2

Application Address: Fields OS 6700 6722 And 5200 Muston Lane Easthorpe.

Application Type: Full

Description of Application:

Re-consultation. Full Planning Application for the Construction of a Solar Farm together with all Associated Work, Equipment and Necessary Infrastructure.

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**GENERAL DETAILS**

Planning Case Officer: Gareth Elliott

Applicant: JBM Solar Projects 10 Ltd:- Mr Conor McAllister

County Councillor: Bryan Lovegrove

Parish: Bottesford

Road Classification: Class A

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

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

**Advice to Local Planning Authority**

**Background**

The Local Highway Authority (LHA) have been consulted on the proposed construction of a Solar Farm together with all associated work, equipment and necessary infrastructure at fields OS 6700, 6722 and 5200, Muston Lane, Easthorpe.

In initial observations dated 26th May 2022, the LHA requested further information with regards to the site access, highway safety, trip generation and internal layout.

## **Site Access**

The site proposes to reconfigure an existing access connecting to Castle View Road. Castle View Road is an unclassified, non-weight restricted road subject to the national speed limit (60mph). Castle View Road measures circa 5.0m in width at the site frontage.

The LHA now understand that the access drawing (Drawing P19-2022 FIGURE 4.1 Rev. A) will be the proposed access post-construction.

The LHA previously noted that the development would require the use of articulated HGVs to access the site during construction and therefore welcomed that swept-path analysis was provided showing access from the Bottesford Bypass (A52) (the direction of travel) and Castle View Road.

The LHA previously noted that a 3m radii had been provided to the south to Castle View Road. The LHA queried this radii as tight particularly if to be used by more standard vehicles when the development is operational. This radii has since been widened to a standard 6m radii which the LHA do not raise concerns about.

The LHA note the access is located in direct proximity to Easthorpe Lane. Within the indicated red line boundary, Easthorpe Lane is a private carriageway connecting to Belvoir Road in the same location as the proposed access and connecting to Muston along the perimeter of the site. Easthorpe Lane becomes an unadopted carriageway in the north eastern-most corner where the road also extends north to cross the Bottesford Bypass (A52). The Applicant has confirmed that Easthorpe Lane will be retained and absorbed in to the proposed access.

As part of any application, the Applicant will need to demonstrate a safe and suitable access to the site can be achieved. Vehicular visibility at the site accesses will need to be in line with Part 3, Table DG4 of the Leicestershire Highway Design Guide (LHDG), available at '[resources.leicestershire.gov.uk/lhdg](https://resources.leicestershire.gov.uk/lhdg)'.

The LHA welcome visibility splays at the site access to Castle View Road of 2.4 x 215.0m south and 2.4 x 114.0m north (to the nearest site junction). The LHA also welcome the provision of 2.4 x 215.0m visibility splays in either direction at the junction of Castle View Road and the Bottesford Bypass (A52).

Any gates at the site access should be set back a distance equivalent to the largest vehicle accessing the site, so as to not prevent the free flow of traffic on the highway. Any gates should open inwards or horizontally only. The LHA would also seek that hardbound surfacing is provided for an equivalent distance to the setback of any gates.

A satisfactory Stage 1 Road Safety Audit (RSA) and Designer's Response have been provided. The LHA note that the RSA raised two issues:

1. Intervisibility along Castle View Road, and
2. Verge hardening and / or localised carriageway widening, between the proposed access and the A52 should be carried out, to allow conflicting vehicles to pass each other safely.

With regards to intervisibility the Applicant has suggested the adjacent hedgerow could be curtailed which is the case. With regards to the localised widening, the Applicant has suggested that temporary surfacing for heavy-duty vehicle types can be placed within the verge to provide additional carriageway width which could accommodate any potential overrun. An additional requirement for a dilapidation survey will be added to a revised CTMP condition.

The LHA would make the Applicant aware of planning application 20/01182/FUL, which proposes passing places on Castle View Road in connection with the sub station for another solar farm development in the area.

The LHA also note the submitted Glint and Glare study which identifies that the panels will be in the primary field of view for vehicle users along a section of the Bottesford Bypass (A52). The LHA would note that the A52 is part of the strategic road network under the purview of National Highways, who should therefore be consulted regarding the impact of the development proposals.

### **Highway Safety**

The LHA note that Personal Injury Collision data was submitted as part of the Construction Traffic Management Plan (CTMP). The LHA note that this data spanned 1st January 2016 and 28th January 2021, and was therefore not up to date.

The LHA recommended that the Applicant conducts an up-to-date assessment of Personal Injury Collisions (PICs), based on data provided by Leicestershire County Council (LCC), for the most recent five year period available.

For the most recently available five-year time period (January 2017 – April 2022), a total of 17 PICs occurred.

The LHA welcome the summary of up-to-date PIC data within the revised CTMP. Whilst the LHA note the volume of PICs recorded within the study area, it is not considered that the proposed development which will see the majority of its trips associated with delivery, with operational trips likely to take place outside of the network peak. As such, it is not considered that the proposed development would exacerbate any known highway safety concerns.

### **Trip Generation**

The LHA understand that the majority of trips to the site will be during the build-out phase. Post construction, the LHA understand that security and maintenance staff will undertake infrequent movements to the site.

The LHA do not consider that the post-construction trip generation of the solar field will therefore have a significant impact upon the highway.

The LHA note the site layout makes provision for a community orchard and picnic area at the southern-most point of the site which is considered will be lightly trafficked.

## **Internal Layout**

The LHA note that the site is proposing to provide an internal access road to enable agricultural access to fields south of the site.

Consideration should also be given to access for emergency service vehicles in accordance with BS5906 as repeated within the LHDG.

The Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27th June 2022) shows a 4.0m wide access in accordance with Standard Drawing 119 regarding agricultural movements and in excess of 3.7m for emergency vehicles as per BS5906.

The LHA consider that the given the site's size, parking and turning provision for the minimal security and maintenance staff can be provided within the site's internal layout.

## **Public Rights of Way (PRoW)**

The LHA note that Public Footpaths F74, F82, F90 and Byway F85b all run alongside or through the proposed development site. The applicant has correctly identified the Footpaths in their documentation and have now correctly referred to Byway Open to all Traffic F85b only as a Bridleway.

The LHA note that the Applicant has provided details on the following aspects:

- The Rights of Way will all be retained on their existing lines and fall within 10m wide (minimum width) green corridors with enhanced environmental features and interpretation. This is welcomed;
- A new permissive footpath will be provided to run between Byway F85b and Footpath F90. This is welcomed and will increase the opportunities for circular walks around the site; and
- The Rights of Way will be kept open throughout the period of construction using banksmen to regulate traffic when needed.

The LHA requested further information on the following elements:

- Whether the statement that rights of way will be, 'improved and extended refers to the ecological enhancements and provision of a permissive footpath only or whether there are other intentions to create new Public Footpaths and for example improve the surfacing of the existing routes - This has now been confirmed to related to the ecological enhancements and provision of a permissive footpath only.
- Since none of the land will be grazed or cultivated, whether plans in place for maintenance of public rights of way within the corridors for example annual strimming - Maintenance of the PRoW corridors have been confirmed to be maintained by the operator. This will take place biannually.
- PROW note that there are proposals at the southern end of the site for a community orchard and picnic facilities directly adjacent to the Byway. The Byway does not run along the field

boundary in the vicinity of point C (shown on the Definitive Map extract) and a minimum 5m wide route, with minimum 1m wide buffers must be kept clear of any new tree planting and retained as suitable for vehicle use - The Applicant anticipates that all PRowS within the site will typically have a six metre wide mowed grass path with two metre wildflower margins either side.

### **Construction Traffic Management Plan (CTMP)**

The LHA welcome the provision of a Construction Traffic Management Plan (CTMP) early in the planning process. The LHA ordinarily condition the provision of a CTMP.

The LHA would expect to see the following details within a CTMP which would then be adhered to throughout the construction of the development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- e) hours of construction work, including deliveries and removal of materials;
- f) full details of any piling technique to be employed, if relevant;
- g) location of temporary buildings and associated generators, compounds, structures and enclosures;
- h) routing of construction traffic;
- i) full details of any floodlighting to be installed associated with the construction of the development;
- j) a timetable for the above measures.

Following the Designer's response, the LHA would also seek to ensure that a dilapidation survey is undertaken pre and post delivery to ensure that the highway is not damaged by the vehicles associated with the proposed development.

### **Conditions**

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27th June 2022) have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 215.0 metres south and 2.4 x 114.0 metres north (to the nearest site junction) have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

3. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, arrangements for banksmen and temporary signage, arrangements for dilapidation surveys at Castle View Road, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

4. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).

### **Informative**

- A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001).
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to

networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.
- 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>
- It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

**Date Received**  
**6 October 2022**

**Case Officer**  
**Dan Green**

**Reviewer**  
**DH**

**Date issued**  
**3 November 2022**