



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Catherine Brookes (Divisional Director)
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To: **Herefordshire Council FAO Rebecca Jenman**

CC: transportplanning@dft.gsi.gov.uk
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Council's Reference: **P192795/F**

Referring to the planning application referenced above, consultation dated 14 August 2019, proposed installation of ground mounted solar PV panels to include ancillary equipment, inverters, substation, perimeter fencing, CCTV cameras, access track, and associated landscaping, land adjacent A4137 and A40 junction to Burnthouse Green, Marstow, Herefordshire, notice is hereby given that Highways England's formal recommendation is that we:

- ~~a) offer no objection;~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is not relevant to this application.¹

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature: *A.Chadha*

Date: 01 June 2020

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Position: Assistant Spatial Planner

Highways England:

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¹ Where relevant, further information will be provided within Annex A.

Annex A Highways England recommended further assessment required

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to P192795/F and has been prepared by Adrian Chadha.

Highways England previously responded to this application in December 2019 and March 2020 where we recommended that permission should not be granted for a period of up to three months in order that the applicant could submit further detail to satisfy our outstanding concerns. Whilst further detail has been submitted, it has not addressed all of the concerns raised. As such, the below has been prepared to summarise the remaining outstanding concerns:

Vehicular Access

The site has an existing vehicular access to the A4137 which is the responsibility Herefordshire Council as the Local Highway Authority. The site access is located on the western side of the grade separated junction of the A4137/B4229 and A40 Trunk Road and north of the junction of the A40 off-slip and A4137 link to the overbridge and A40 southbound on-slip. The site access is also noted as incorporating a Public Right of Way.

The existing speed limit on the A4137 at the site access is 60mph. Visibility from the site access to the north-west appears to be severely restricted by the boundary of the adjacent property which is outside of the applicant’s ownership or control. The geometry of the junction at the position of the site access is such that vehicles approaching from the north-west may not have to significantly reduce speed to access the A4137/A40 southbound slip-road. For vehicles leaving the A40 Trunk Road (A4137 northbound exit) the site access / junction is approximately 120 metres away. However, consideration should be given to any site-bound construction traffic turning right directly into the access as traffic would normally be expected to turn at the preceding link which forms part of the current junction layout.

Whilst the use of the existing vehicular access and implications for users of the Public Right of Way are matters for consideration and response by Herefordshire Council as the Local Highway Authority, the proximity of the access to the A40 Trunk Road is a

matter of interest for Highways England, particularly if during the period of construction delays to through traffic are caused on the A4137.

Whilst the applicant has proposed a construction traffic route that would avoid the need to turn right from A40, the route proposed is not considered to be practical. In addition, it does not address the concerns raised regarding the potential impact of delays to through traffic on A4137 during construction.

Glint / Glare

The submitted Detailed Glint and Glare Report identifies two potential conditions, based upon the orientation of the proposed solar panels, which could reflect light towards the A40 Trunk Road. The report cites the existing boundary screening (hedges/trees) as mitigation and it is noted that for the A40 Trunk Road boundary, the submitted Landscape Plan shows this boundary as receiving additional planting (see comments concerning the application site boundary below).

Application site (red and blue-line) boundaries

The current application site (red-line) boundary appears to exclude the additional planting/screening shown on the submitted Landscape Plan. While this is still within the wider (blue-line) application land, the screening identified in the Glint/Glare report requires certainty of implementation through a valid planning condition if the development is approved by the Local Planning Authority and should, therefore, be within the red-line application boundary.

The application red-line appears to extend beneath the A40 Trunk Road to the factory premises. No explanation of the precise route, method or extent of these works appears to have been provided within the submitted documentation. The A40 Trunk Road (Garren Brook - Bridge and Large Culvert) is identified as an SRN asset on Highways Agency Geotechnical Data Management System (HAGDMS). It is assumed from the limited information provided that this would be a new connection from the Solar PV site to the existing factory building. As this is the stated purpose of the development, it is considered that an Approval in Principle to any connection which is intended to either utilise the existing bridge/culvert structure or have other implications for the A40 Trunk Road should be secured prior to the determination of the application.

The applicant should be advised that any works to an SRN structure will need to be subject to the relevant Design Manual for Roads and Bridges (DMRB) standards. Reference should be made to BD 2/12 Technical Approval of Highway Structures (Scope - paragraph 1.8 "Subject to any exclusions expressly stated in this document TA procedures must be applied to all Proposals, including private development, to construct, widen, assess, improve, repair (where structural integrity may be implicated)

or demolish a structure within the highway boundary”). DMRB standard HD 22/08 (superseded by CD 622) may also be relevant.

Conclusion

Further information is required as highlighted above, and is summarised below:

1. Further details of the expected traffic movements required for construction of the Solar PV site with due consideration to the implications of the site access and local junction configuration and the potential delays affecting the A40 Trunk Road.
2. A change to the application red-line boundary is required to include all of the mitigation planting / screening shown on the submitted Landscape Plan and as related to the Detailed Glint and Glare Report as far as the implications for the A40 Trunk Road are concerned.
3. Further details are required of the precise route, method and extent of the works required for the connection of the Solar PV site to the A J Lowther & Son Ltd., factory as appears to be indicated on the submitted Location Plan.
4. Subject to “3” above confirming the proposed use of the Garren Brook (Bridge and Large Culvert) structure, securing an Approval in Principle under DMRB standard BD 2/12 and any other relevant standards / guidance / notes prior to the determination of the application to demonstrate that the connection will not affect the structural integrity of the Trunk Road or structural assets.

It is noted from the Herefordshire Council planning website that the response from the Council’s Transportation Department requests a drawing showing the visibility splay from the access along with a schedule of vehicle movements per day. It is considered appropriate to await Herefordshire Council’s assessment of the construction traffic route proposal affecting their network, along with the adequacy of the visibility splay, upon receipt of the requested drawing.

Based on the above, it is recommended that this application should not be granted permission for a further period of up to 3 months from the date of this response. This is in order to allow the applicant the necessary time to submit the detail requested.