

From: Andrew Watton <andrew.watton@bournevalley.co.uk>
Sent: 26 May 2020 08:35
To: Jenman, Rebecca <Rebecca.Jenman@herefordshire.gov.uk>
Subject: FW: Re: Application Number 192795 - Land adj to A4137 and A40 Marstow

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Dear Rebecca,

Please see below comments from our highways consultant, could you please include them within our planning submission and request Highways England comment further?

Kind Regards

Andrew Watton

Bourne Valley Associates Ltd

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From: [Nick Culhane](#)
Sent: 25 May 2020 12:20
To: andrew.watton@bournevalley.co.uk
Cc: [Anna Hebard](#)
Subject: Re: Application Number 192795 - Land adj to A4137 and A40 Marstow

Hi Andrew

I have re-read HE's holding objection, and they appear to be diressing into the responsibility of Herefordshire as Highway Authority, rather than just concentrating on the Strategic Road Network. HE are responsible for the A40 and its associated junctions, this site is located on the A4137, some distance from the A40. The use of the access into the site from the A4137 will have no bearing on the A40 whatsoever.

The application is for a Solar PV use, which when completed will not give rise to anything like the traffic generated by the existing permitted use. The Technical Note sets down the existing use of the site and the associated traffic that it generates. Once completed there will be very little traffic which can all be contained with Mr Lowthers factory across the road.

The construction phase will generate just 20 HGV's over a 6 week period, whilst a further 4 small vans will be generated per day also for a 6 week period.

The fundamental issue with this though is the objection based on the impact of the construction traffic associated with the development rather than the likely traffic that will be generated once the planning consent has been implemented. In Planning Law, it is highly irregular for an objection to be raised on the impact of construction traffic. This is usually considered to be a non material consideration. We have tried to mitigate the construction traffic impact as well as we can. We

recognise that visibility at the site access does not meet standards, but we would have no problem in convincing an Appeal Inspector that the traffic associated with the use that we are applying for i.e. the Solar PV use, will generate less traffic than the existing permitted agricultural use.

There is therefore a legal fall back situation which has not been taken into account.

We have offered a Lorry Routeing Agreement, which we are happy to be covered by a S106. On site, Mr Lowther offered to provide a banksman to assist vehicles exiting the site. This is something that we can still offer. The other suggestion is that we could provide temporary traffic signals and advanced warning signs on the A4137 for the duration of the construction period, which will be for just 6 weeks.

S106 Lorry Routing Agreements are used through out the planning system and I attach some examples. Hampshire County Council even has a pro forma Agreement for applicants to complete.