

**Land East Of Jericho Covert Jericho Lane Barkestone Le Vale**

**Case Officer:**  
Andrew Cunningham

**Sent by email 4<sup>th</sup> July 2024 to:**

- Cllr Thwaites (Chair)
- Cllr J. Mason (Vice-Chair)
- Cllr P. Allnatt I. Atherton
- Cllr S. Atherton
- Cllr R. Browne
- Cllr P. Cumbers
- Cllr M. Glancy
- Cllr M. Gordon
- Cllr L. Higgins
- Cllr D. Pritchett

**Background**

On 19<sup>th</sup> August 2022 the Council granted planning consent for:

***Installation of a solar farm comprising ground mounted solar PV panels with a net generating capacity (AC) of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.***

This application 23/00164/DIS seeks approval of information submitted to discharge the following Conditions:

- Condition 4 - Written Scheme of Investigation (WSI)
- Condition 5 - Construction Method Statement
- Condition 11 - Passing Bay Details on Castle View Road
- Condition 22 - Construction Traffic Management Plan (CTMP)

This note addresses the subject matter of the objections received.

**Objections**

These will be addressed in relation to each condition in turn:

**Condition 4 - Written Scheme of Investigation (WSI)**

The County Archaeologist has confirmed that the submitted WSI *“proposes a satisfactory programme of archaeological work which, upon completion, will meet the requirements for the investigation of the development site.”*

A request was made to be kept informed of the timetable for the archaeological investigation and any significant results, which we agree to do.

**Condition 5 - Construction Method Statement**

Nottinghamshire Highways Authority: *“The Highway Authority considers that the information contained in the Construction Traffic Management Plan is satisfactory to discharge the condition.”*

Leicestershire County Council Director of Environment and Transport initially objected to the discharge of this condition on the basis that there are inconsistencies between the submitted CTMP which accompanies the original/parent application and the Construction Phase Plan which accompanied the application to discharge this condition. However, having subsequently engaged with the LHA and submitted additional information in support of this application that objection was withdrawn.

The reason for the inconsistencies was that the traffic numbers set out in the original CTMP were lower than the total numbers which are now projected, and a longer construction period has now been assumed. The effect is that the more condensed construction period which was modelled in the work supporting the original application demonstrated a ‘worst case scenario’ for construction traffic movements on a per day basis. This is a common approach and helps ensure that the mitigation and management measures proposed are adequate to manage the highest adverse impact scenario in terms of daily traffic movements and related highway impacts. While further

detailed modelling has revealed an increase in total vehicle numbers over the construction period, a longer construction period has been proposed which results in lower daily vehicle movements and as such a lesser impact.

The Highways Authority has reviewed the CPP submitted with this discharge of condition application and are satisfied with the plan. The effect of the changes being made is that the impact of construction on the highway network would be less severe than originally proposed. As such the change is not material – had these amended construction vehicle numbers and the construction period been submitted with the original application, it would not have been material to the decision to grant consent, because the effect is that highways impacts are less severe. Indeed, the conditional regime is in place, precisely to allow for this sort of variation which is common in the construction of large development projects of this kind.

#### Condition 11 - Passing Bay Details on Castle View Road

The LHA does not object to the discharge of Condition 11. However, in carrying out the work required to design the passing bays required by this condition, it became apparent that the number of vehicle movements that would be created by the construction of the passing bays, would significantly increase the total construction vehicle movements along Castle View Road. In other words, the construction of the passing bays would create additional traffic along the same road – vehicle movements that would not have the use of passing bays which would not yet be completed.

The construction of passing bays had not been accounted for in the Transport Assessment which accompanied the planning application, nor were such additional traffic impacts considered in the report which accompanied the decision to approve the development. The increase of construction traffic movements resulting from Condition 11 was clearly not intended when this condition was included, and the increase can be avoided by using other traffic management techniques – specifically Banksmen – to manage traffic and avoid the need for vehicles to pass on Castle View Road.

For this reason, a separate Non-Material Amendment application to remove Condition 11 (Ref: 24/001611/NONMAT) has been submitted to the LPA for consideration. In summary, the assertion made in that application is that: the spirit of the condition will be maintained in that the planning policy requirements which formed the reason for the condition will still be met; the total substation traffic numbers will be fewer if the passing bays are not built; there are acceptable alternative construction traffic management techniques which can be used to manage vehicles on Castle View Road; the legality of an NMA as a tool to amend this consent has been confirmed by independent legal advice – the change being sought is not material to the development which has been granted i.e. removing Condition 11 will not have a material impact and will in fact avoid an unforeseen material impact that would otherwise result from implementing the passing bays.

#### Condition 22 - Construction Traffic Management Plan (CTMP)

On the following key points the LHA made these comments:

- Routing of construction traffic: the LHA is content with the revised approach
- Dilapidation surveys: The LHA is content with the revised wording.
- Vehicular Visibility Splays: The LHA is content with the approach to the provision of vehicular visibility splays identified.
- Arrangements for Banksmen: The LHA is content with the arrangements for banksmen proposed.
- Vehicle Parking Construction Trip Generation: The LHA is content with the construction vehicle parking facilities proposed.
- Wheel Cleansing Facilities: The LHA is content with the wheel washing facilities proposed.
- Public Rights of Way (PROW) – Solar Farm Construction and Cable Installation: The LHA has reviewed the revised submission and is content with the management of PROWs during construction of the solar farm and installation of cable and is content with the proposed management of PROWs during construction

#### Other

The Local Authority Ecologist had “*no objection to discharging any of the conditions from an ecology perspective.*”