

Appeal Statement

Site: Upper Leigh Solar Farm
Prepared by: John Russell
Date: 17th September 2024

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1.0 Introduction

Preamble

- 1.1 Motion is retained to prepare this Appeal Statement by Lightrock Power in relation to Land North of Bramble Cottage, Greensmiths Lane, Upper Leigh ("the Appeal Site") hereafter referred to as the Upper Leigh Solar Farm. The Site Layout plan can be viewed at CD 1.28.

Author

- 1.1 This Appeal Statement has been authored by Mr John Russell. Mr Russell holds an honours degree in Civil Engineering and is a Chartered Transport Planner, being a Chartered Member of the Institute of Logistics and Transport (CMILT) and a Member of the Chartered Institution of Highways and Transportation (MCIHT). Mr Russell is a Director of Motion Limited, which specialises in transport planning, traffic engineering and highway design with offices in Guildford, London and Reading. He has worked in the field of traffic engineering and transportation planning for over 35 years.
- 1.2 In any one year, Mr Russell is responsible for providing highway design, road safety, transport sustainability and transport impact advice to over 100 new development and redevelopment projects.

Relevant Documents:

- 1.3 This planning application was supported by several documents, comprising:
- 1) Transport Statement & Outline Traffic Management Plan – Dated November 2023 (CD 1.18)
 - 2) Highways Technical Note (TN01) – Dated 02/05/2023 (CD 1.19)
 - 3) Highways Technical Note 02 (TN02) – Dated 21/06/2023 (CD 1.20)
 - 4) Highways Technical Note 03 (TN03) – Dated 29/09/2023 (CD 1.21)

Planning Application History

- 1.4 The Planning Application was registered on the 06th March 2023. A supporting Transport Statement and Outline Traffic Management Plan was submitted with the planning application. Staffordshire County Council engaged in dialogue with the applicant to overcome concerns, these concerns were addressed through a series of technical notes. The Highway Authority reviewed this additional information and as a consequence had no objection to the Development subject to conditions being imposed. This position can be viewed at CD 3.14.
- 1.5 At the committee meeting dated 27th February 2024, it was stated that National Highways had no objection and The Highway Authority had no objection subject to conditions being imposed. The committee meeting documents can be viewed at CD 2.1 and CD 2.3. The determination of the planning application was deferred until further information could be provided regarding alternative field arrangements and further information regarding the safety of the battery storage units.
- 1.6 The next committee meeting was 23rd April 2024 where there was no material changes to the Site layout. Both the Highway Authority and National Highways retain their view that they had no objections to the planning application with respect to highways. This was reinforced to members at the committee meeting by the Principal Solicitor and Deputy Monitoring Officer who stated:

"I think councillors as you don't have any objections from highways we would be in a difficult position trying to defend on the highway point, it is up to you. I would caution that we may find it indefensible"

... "I wouldn't advise including highways... I would expect to receive a costs award at appeal"

- 1.7 Notwithstanding the conclusion of the statutory highway authorities and the officer's recommendation, and their advice to members at the committee meeting members refused the planning application for the following reasons:
- 1) The proposed development by virtue of the scale, form, materials and siting, would significantly harm the character of the landscape individually and cumulatively and it is not considered that the benefits of the proposals outweigh this harm. The proposal is therefore considered to conflict with Policies SP1, SP8, SP24 and SP30 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the NPPF.
 - 2) The proposed development by virtue of the scale, form, materials and siting, would be within close proximity and therefore visually intrusive to the occupants of nearby residential properties and would harm their residential amenities. The proposal is therefore considered to conflict with Policies SP1, SP8, SP24 and DP1 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.
 - 3) The size of vehicles and number of vehicle trips required to implement, operate and decommission the proposed development would result in excessive traffic within the rural highway network to the detriment of highway safety. The proposal is therefore considered to conflict with policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.
- 1.8 The Planning application was refused on highways grounds (refusal reason 3) despite both the local Highway Authority and National Highways maintaining their no objection to the planning application.

Structure of the Appeal Statement

- 1.9 In addition to this section, this Appeal Statement is structured as follows:
- 1) Section 2 outlines the transport planning policies and guidance that are considered to be relevant to this Appeal;
 - 2) Section 3 reviews the submitted highways related documents and the associated highways comments;
- 1.10 Section 4 provides a brief summary of this Appeal Statement and its conclusion which is that the Development:
- 1) meets the requirements of policies SP1 and SP35 of the adopted East Staffordshire Borough Council Local Plan.
 - 2) meets the requirements of NPPF paragraph 115.
 - 3) would not result in an unacceptable impact on road safety.
- 1.11 These are also the conclusions of the local highway authority.
- 1.12 Under these circumstances, it is concluded that in so far as transport matters are concerned the Proposed Development meets the policy requirements of the NPPF and of East Staffordshire's Local Plan. This is also the conclusion of the Highway Authority. There are therefore no transport related reasons why the Proposed Development should be prevented or refused.
- 1.13 There are no transport / highways reasons for refusing the scheme.

2.0 Relevant Statutory Transport Framework, Policy and Guidance

Statutory Framework

- 2.1 It is the statutory duty of the local highway authority (local highway authority is defined within the Highways Act 1980) to manage highways that are maintained at the public expense: including the safe and convenient movement of people using the public highway. Local highway authorities have a number of statutory duties that they must perform which include:

Section 16 of the Traffic Management Act 2004 (TMA)

The network management duty:

(1) It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—

(a) securing the expeditious movement of traffic on the authority's road network; and

(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

(2) The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing—

(a) the more efficient use of their road network; or

(b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority; and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).

Section 122 of the Road Traffic Regulation Act (1984)

- 2.2 Exercise of functions by strategic highways companies or local authorities.

(1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to the strategic highways company or the local authority to be relevant.

- 2.3 Having regard to the above, of particular relevance to this Appeal Statement are the following duties:

1) to secure the expeditious, convenient and safe movement of vehicular and other traffic;

2) to secure the provision of suitable and adequate parking facilities on and off the highway; and

3) to preserve or improve the amenities of the areas through which the roads run.

- 2.4 The Highway Authority, on whom these statutory duties are imposed, raised no objection to the Proposed Development.

Summary of Statutory Transport Framework

- 2.5 The Highway Authority does not consider that the Proposed Development would be detrimental to their statutory duties to:

- 1) secure the expeditious, convenient and safe movement of vehicular and other traffic;
- 2) secure the provision of suitable and adequate parking facilities on and off the highway; and
- 3) preserve or improve the amenities of the areas through which the roads run.

- 2.6 Notwithstanding the Highway Authority's conclusion that the Proposed Development complies with local planning policy and that it would not be detrimental to them carrying out their statutory duties, the Council refers to non-compliance with transport policy for refusing planning permission for the Proposed Development. For reference relevant transport policy and guidance is set out below.

National Planning Policy Framework

- 2.7 The National Planning Policy Framework (NPPF) December 2023 sets out the Government's planning policies for England and how they are expected to be applied. The NPPF presumes in favour of sustainable development and is a material consideration in planning decisions.

- 2.8 Section 9 of the NPPF deals with 'Promoting Sustainable Transport'. Within Section 9 Paragraph 115 states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

National Planning Policy Framework (consultation Draft July 2024)

- 2.9 The proposed reforms to the NPPF were published for consultation on the 30 July 2024 which proposed amendments to 'Chapter 9 Promoting Sustainable Transport'. This makes changes to paragraph 115 (changed to 113 as part of draft document) which is proposed to state:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios."

- 2.10 This draft update to the NPPF changes nothing as to the conclusions of this Appeal Statement.

Local Transport Policies

- 2.11 Refusal Reason 3 refers to two policies within the East Staffordshire Local Plan, these are:

- 2.12 Strategic Policy 1 – East Staffordshire Approach to Sustainable Development states:

"In line with Principle 1, development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to East Staffordshire Borough Council."

In assessing whether a development proposal or allocation is as sustainable as possible, the Council will apply the following principles depending on the type of application or development proposed:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;

- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site."

2.13 Strategic Policy 35 – Accessibility and Sustainable Travel states:

"The Council is committed to developing a well integrated community connected by a sustainable transport system which connects people to jobs, services and community facilities. This will be achieved encouraging the use of sustainable modes of transport and by taking the following steps:

- *Supporting measures which facilitate the modal shift to public transport, cycling and walking demonstrated in a travel plan;*
- *Promoting and supporting traffic management measures and environmental improvements which increase safety, improve air quality, and make our towns and villages more attractive;*
- *Promoting electronic communications allowing businesses to operate throughout the borough reducing the need to travel;*

- Ensuring development proposals provide appropriate infrastructure measures to mitigate the adverse effects of development traffic and other environmental and safety impacts (individually or cumulatively);
- Securing appropriate provision or contributions towards the cost of any necessary highway improvements, provision of public transport services and facilities, and walking and cycling facilities in line with the most up to date Staffordshire County Council Integrated Transport Strategy;
- Requiring developments which are likely to have an impact on the wider highway infrastructure to be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

The Council's Infrastructure Delivery Plan supports the Local Plan document. It identifies, where possible, the physical, social, community and green infrastructure required to support growth in the Borough.

Rail Network

Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing impact and mitigation measures including assessment of closure as a first principle. The developer is required to fund any qualitative improvements required to the level crossing identified as a direct result of the development proposed.

Network Rail will not allow new level crossings except in exceptional circumstances whereby it may be replacement or relocation."

- 2.14 It is on the basis of the above that the planning authority concluded that it will be an impact on highways safety to such an extent that the Proposed Development is unacceptable in planning terms.

3.0 Submitted Documents Summary

- 3.1 This section will summarise the submitted transport documents and the Highway Authorities response:

Transport Statement & Outline Traffic Management Plan

- 3.2 The Transport Statement & Outline Traffic Management Plan details the following:

- 1) The relevant local and national policy relevant to the development;
- 2) A total of one slight and three serious road traffic collisions occurred within or near to the study area. No trends or hotspots were noted which would indicate the road to be unsafe;
- 3) All construction vehicles will route to the Site by exiting the A50 at the roundabout onto the A522. Construction vehicles will continue along the A522 for approximately 6.75 km until the junction connecting to Leigh Lane. Construction vehicles will turn left onto Leigh Lane and continue along Leigh Lane for approximately 2km until the Site access is reached. Construction vehicles will turn right into the Site. All construction vehicles departing the Site will undertake the same route in reverse;
- 4) The construction traffic associated with the development is set out in table 4.1 of the submitted Transport Statement & Outline Traffic Management Plan, November 2022. Table 4.1 is provided below for ease of reference:

Activity	Month						
	1	2	3	4	5	6	Total
Site Mobilisation	30	-	-	-	-	30	60
Access Track, Hardstanding Construction	840	846	840	-	-	-	2,526
Solar inverters	-	-	2	4	4	-	10
Panel Installation	-	-	100	106	102	-	308
Substation	-	-	116	116	116	116	462
BESS Infrastructure	-	-	56	56	56	56	224
Miscellaneous Delivery	10	20	20	20	20	10	100
Staff	624	624	1,404	1,404	1,404	624	6,084
Fuel	8	8	8	8	8	8	48
Total (All Vehicles)	1,512	1,498	2,546	1,714	1,710	844	9,822
Total (HGV Only)	888	874	1,142	310	306	220	3,738
Average Total Traffic per Day	58	58	98	66	66	32	
Average HGV Traffic per Day	34	34	44	12	12	8	

- 5) Over a 6 month construction period there will be circa 9,822 two-way vehicle movements associated with staff and deliveries. Of this, 3,738 two-way vehicular movements will be associated with HGV deliveries and 6,084 two-way vehicle movements will be associated with staff movements;
- 6) Visibility to the north of the Site is restricted and would require the trimming of the existing hedge. Traffic signage will be put in place for the duration of construction;
- 7) Operational vehicle movements associated with the development will amount to one van or similarly sized vehicle per week;
- 8) Temporary warning signage and directional signage will be installed on the route to Site; and
- 9) A Construction Traffic Management Plan will be prepared and submitted to the council prior to the commencement of construction

Technical Note 01

- 3.3 This Technical Note was produced to review the possible access routes to Site, following comments made by the Highway Authority in relation to the Transport Statement & Outline Traffic Management Plan.
- 3.4 The Technical Note details the following:
 - 1) The two potential construction vehicle access routes to Site via Leigh Lane (Access Route 1) and via Mill Lane/Nobut Road/Parkhall Lane (Access Route 2);

- 2) Access route 1 via Leigh Lane measures a length of 1.9km and whilst it is narrower than 4.8m at some points, there are suitable passing places that would facilitate a car passing an HGV
- 3) Access route 2 via Mill Lane/Nobut Road/Parkhall Lane measures a length of 5.2km. The route has a long section (500m) where the road narrows to 3.2m, not wide enough for a car to pass a car.
- 4) It is concluded that Access Route 1 is more direct and has passing places to allow a car to pass an HGV

Highways Comments – Dated 04/05/2023

3.5 The Highways Authority reviewed the submitted Transport Statement & Outline Traffic Management Plan and TN01 and raised the following queries:

- 1) The applicant should prepare a plan detailing the proposed route to Site and properly survey the route to identify points along the route where the introduction of significant numbers of HGVs would be hazardous. Measures to overcome the highway dangers created need to be identified and the issues addressed;
- 2) In order to assist with the quantification of the potential hazards created by the proposed development a 7-day ATC survey should be carried out at agreed points along the route and a survey of pedestrian and cycle movements at various points should also be carried out;
- 3) The location of passing bays need to be identified;
- 4) An autotrack assessment of the junction between Leigh Lane and the A522 is needed;
- 5) A photographic survey will be needed of the proposed construction access route to enable the developer to properly and fairly repair damage

Technical Note 02

3.6 In response to the queries raised by the Highway Authority in relation to TN01, Technical Note 02 was produced. This Technical Note (TN02) details the following:

- 1) A swept path analysis of a 16.5m articulated vehicle travelling northbound on Leigh Lane and a car travelling southbound on Leigh Lane. This showed that on 70% of Leigh Lane an HGV can pass a car;
- 2) The location and design of 4 proposed passing places was included based on OS Mapping along Leigh Lane. The locations where a passing place was deemed necessary were at the locations where suitable forward visibility to oncoming vehicles could not be achieved;
- 3) Three ATCs and 2 NMU surveys were conducted on Leigh Lane, the locations of these surveys were agreed with the Highway Authority. The average speed of vehicles on Leigh Lane ranged from 29.2 – 33.4mph at the ATCs. The average volume of traffic ranged from 339 vehicles to 745 vehicles. The NMU surveys found an average of 1.5 pedestrians and 0.83 cyclists per hour at the southern NMU and 0.42 pedestrians and 0.5 cyclists per hour at the northern NMU. It is concluded that there is a low likelihood of an HGV meeting a pedestrian/cyclist and in the event that they do meet there is sufficient width of Leigh Lane to allow them to pass.
- 4) It is agreed that a pre and post commencement condition survey will be undertaken with the Highway Authority;

Highways Comments (Meeting) – Dated 10/07/2023

3.7 Following on from the information provided within TN01 and TN02, a meeting between the Highway Authority and the Applicant was held. At the meeting on the 10th July 2023 it was agreed that the following additional analysis would be undertaken:

- 1) Information regarding the proposed 3-way temporary traffic light arrangement at the junction between Uttoxeter Road and Leigh Lane;

- 2) Confirmation that the previously proposed passing places are feasible;
- 3) A statement from Lightrock Power confirming that all proposed passing places and road widening will be permanent and become adopted highway;
- 4) Information regarding the proposed 3-way temporary traffic lights between Leigh Lane and the Site access;
- 5) A section of Hey bridge on Leigh Lane, confirming that the proposed construction traffic will not ground and;
- 6) Confirmation from Lightrock Power relating to the 40 year lifespan of the development

Technical Note 03

3.8 In response to the queries raised by the Highway Authority at a meeting held on the 10th July 2023 Technical Note 03 was produced. This Technical Note (TN03) detailed the following:

- 1) Three way temporary traffic lights at the junction between Leigh Lane and Uttoxeter Road would be in operation for the duration of construction. The location of the signal heads and associated signage is detailed
- 2) A topographical survey was undertaken of the 4 proposed passing places. Three of the previously proposed 4 passing places were deemed feasible whilst one was deemed unfeasible due to the inability to widen the road sufficiently. In this location it was proposed to install three way temporary traffic lights between Leigh Lane and the Site access
- 3) The applicant confirmed that all road widening and passing places proposed will be permanent feature and will become adopted highway;
- 4) It was confirmed that there was no structural weight limit on Hey Bridge and that a 16.5m articulated vehicle would not ground;
- 5) The applicant confirms that the development will operate for a period of 40 years;
- 6) It is proposed that the access track and temporary construction compound will use a Cellular Confinement System to reduce the amount of aggregate needed by up to 30% number which in turn reduced the number of construction vehicles.

Highway Comments – Dated 17/11/2023

1.2 Following the submission of additional information contained within TN03 the Highway Authority concluded that the previously proposed temporary traffic lights at the junction between Leigh Lane and Uttoxeter Road and the junction between Leigh Lane and the Site access were not necessary. The Highway Authority removed their objection to the development conditionally. The four conditions the Highway Authority suggested are:

- 1) Before the proposed development is commenced, the passing bays detailed in highways Technical Note 03 dated 29th September 2023 shall be provided generally in accordance with the details within that document but subject to technical approval. The passing bays shall thereafter be provided available for use from the start of construction in accordance with the technically approved details.
- 2) No development shall take place, until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) a site compound with associated temporary buildings;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;

- iv) storage of plant and materials used in constructing the development; v) wheel wash facilities including means of dealing with water runoff;
 - v) wheel wash facilities including means of dealing with water runoff;
 - vi) mechanical road sweeper for existing carriageway;
 - 3) Before the proposed development is commenced, the access off Leigh Lane shall be surfaced in a bound material in accordance with details to be first submitted to and approved in writing by the local planning authority. The access shall thereafter be provided in accordance with the approved details before the development commences.
 - 4) The development hereby permitted shall not be commenced until details of the maximum achievable visibility splays in both directions at the Site access onto Leigh Lane have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development commencing.
- 3.9 The recommendation of the Highway Authority to East Staffordshire Borough Council can be viewed at CD 3.14. It should be noted that the Highway Authority, the statutory body overseeing highway safety specifically state:
- "Current records show that there were no Personal Injury Collisions on Leigh Lane between Uttoxeter Road and the Site access or within 50m either side of the Leigh Lane junction with Uttoxeter Road in the previous five years."
- 3.10 The Highway Authority agree with the assessment that there is no highways safety concerns at the Site access. It is therefore unthinkable as to how the Council concluded that there would be a highways safety concern.

4.0 Summary and Conclusion

Context

- 4.1 This Appeal Statement has been written on behalf of Lightrock Power in relation to the installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure ("The development") on land North of Bramble Cottage, Greensmiths Lane, Upper Leigh, Staffordshire, ST10 4NY ("The Site").

Reason for Refusal

- 4.2 Planning Permission for the Proposed Development was refused by East Staffordshire Borough Council on the 27th February 2024. There were three reasons for refusal stated in the decision notice of which refusal reason 3 related to transport and highways. Refusal reason 3 is provided below:

"The size of vehicles and number of vehicle trips required to implement, operate and decommission the proposed development would result in excessive traffic within the rural highway network to the detriment of highway safety. The proposal is therefore considered to conflict with policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework."

Highway Authority Response

- 4.3 Statutory duties of the highway authority of particular relevance to this Appeal Statement are the following duties:
- 1) to secure the expeditious, convenient and safe movement of vehicular and other traffic;
 - 2) to secure the provision of suitable and adequate parking facilities on and off the highway; and

3) to preserve or improve the amenities of the areas through which the roads run.

- 4.4 The HA, on whom these statutory duties are imposed, raises no objection to the Proposed Development and concludes that in terms of highways safety the proposal is acceptable and would comply with policies SP1 and SP35.

Policy considerations

- 4.5 Notwithstanding that the Highway Authority has no objection (including having regard to its duties to preserve or improve highway safety), the reason given by the Council for refusing to grant planning permission for the Proposed Development set out in refusal reason 3 refer to policies SP1, SP35 and NPPF of the adopted East Staffordshire Borough Council Local Plan and the National Planning Policy Framework.
- 4.6 No other transport related policies, highway design standards or highway / transport assessment guidance is referred to in order to support the reason for refusal.

Summary of Analysis

- 4.7 This Appeal Statement reiterates information previously submitted as part of the planning application and is summarised below:
- 1) The Development will be constructed over a 6 month period;
 - 2) A total of one slight and three serious road traffic collisions occurred within or near to the study area. No trends or hotspots were noted which would indicate the road to be unsafe. There is no existing history of collisions at the Site access;
 - 3) All construction vehicles will route to Site by exiting the A50 at the roundabout onto the A522. Construction vehicles will continue along the A522 for approximately 6.75 km until the junction connecting to Leigh Lane. Construction vehicles will turn left onto Leigh Lane and continue along Leigh Lane for approximately 2km until the Site access is reached. Construction vehicles will turn right into the Site. All construction vehicles departing the Site will undertake the same route in reverse;
 - 4) Temporary warning signage and directional signage will be installed on the route to Site;
 - 5) There are proposed to be 3 passing bays installed on Leigh Lane to allow an HGV to pass a car. The design of these passing bays are based on a topographical survey and accompanying swept path analysis;
 - 6) There are anticipated to be a maximum of 98 two way vehicle movements at the peak period of construction. On average across the 6 month construction period there will be 63 two way vehicle movements of which 24 would be HGVs;
 - 7) It has been confirmed that a 16.5m articulated vehicle will not ground over the bridge on Leigh Lane;
 - 8) Operational vehicle movements associated with the development will amount to one van or similarly sized vehicle per week; and
 - 9) A Construction Traffic Management Plan will be prepared and submitted to the council prior to the commencement of construction

Comparison with Refusal Reason 3

- 1.3 Notwithstanding that the Highway Authority raises no objections to the size or volume of traffic associated with the construction, operation and decommissioning of the Development. The Council nonetheless raises these aspects as grounds for refusing planning permission in refusal reason 3. The table below provides a breakdown of refusal reason 3 into specific elements together with the Appellant's response.

Refusal Reason 3 element	Appellant's Response	Highway Authority Position
The size of vehicles and number of vehicle trips required to "implement" (we infer that implement refers to construction) ...	The Development will be constructed over a 6 month period. The increase in traffic associated with the construction vehicles are temporary. The swept path analysis confirms that the largest vehicle expected at the Site (a 16.5m articulated vehicle) can reach the Site via the proposed construction vehicle access route The ATC's placed on Leigh Lane recorded an average of 339 vehicle movement on the southern extent of Leigh Lane and 745 vehicle movements on the northern extent of Leigh Lane. At its peak there will be 98 two way daily vehicle movements associated with the Site. On average across the 6 month construction period there will be 63 two way vehicle movements of which 24 would be HGVs.	No concerns raised. No objection raised.
Operate ...	The operational traffic associated with the development amounts to 8 two-way vehicle movements per month. The council's assertion regarding the impact of operational traffic is simply not true.	No concerns raised. No objection raised.
And decommission the proposed development ...	The effects of decommissioning the Development are the same as that throughout construction.	No concerns raised. No objection raised.
Would result in excessive traffic within the rural highway network to the detriment of highway safety	The average speed of vehicles on Leigh Lane ranged from 29.2 – 33.4mph at the ATCs. A total of one slight and three serious road traffic collisions occurred within or near to the study area. No trends or hotspots were noted which would indicate the road to be unsafe. The swept path analyses undertaken and associated 3 proposed passing paces will provide sufficient width for an HGV to pass a car. The above points demonstrate how Leigh Lane can accommodate the type and volume of traffic associated with the Appeal Site without having an unacceptable impact on highways safety.	No concerns raised. No objection raised.

Conclusion

- 4.8 Based on the analysis set out in this Appeal Statement and summarised above, it is concluded that the Proposed Development:
- 1) meets the requirements of policies SP1 and SP35 of the adopted East Staffordshire Borough Council Local Plan.
 - 2) meets the requirements of NPPF paragraph 115.
 - 3) would not result in an unacceptable impact on road safety.
- 4.9 These are also the conclusions of the local highway authority.
- 4.10 Under these circumstances, it is concluded that in so far as transport matters are concerned the Proposed Development meets the policy requirements the of the NPPF and of East Staffordshire's Local Plan. This is also the conclusion of the Highway Authority. There are therefore no transport related reasons why planning permission for the Development should be prevented or refused.
- 4.11 There are no transport / highways reasons for refusing the scheme.