

Your Ref: S62A/22/0006  
Our Ref: HT/SD/RMc/54229  
Date: 03/01/2024



**Essex County Council**

Highways and Transportation  
County Hall  
Chelmsford  
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CM1 1QH

CC (by email): [REDACTED]  
Essex Highways DM  
Public Rights of Way team  
Uttlesford District Council

To: Inquiries and Major Casework Team  
The Planning Inspectorate  
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Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

### Consultation response

Application No.	S62A/22/0006
Applicant	Berden Solar Limited
Site Location	Berden Hall Farm, Ginns Road, Berden
Proposal	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping

This S62A planning application is to be re-determined following a High Court decision. We, as highway authority, previously advised PINS, in correspondence dated 8<sup>th</sup> March 2023, that from a highway and transportation perspective, the impact of the proposal would be acceptable subject to conditions. As the application remains as previously presented, our response remains unchanged and the necessary conditions are copied below for ease of reference.

The Highway Authority has assessed the revised Construction Traffic Management Plan revision 3 and associated information which has been submitted with the planning application. While there will be a period of impact on the local highway network during construction, it is for a relatively short period of time and the robust implementation of the CTMP will manage this, therefore the highway authority does not consider the impact on the highway network will be severe. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2023, in particular, paragraphs 114 – 116, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

### **From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:**

1. **Access:** prior to commencement of the development, the access as shown in principle on submitted drawing number 21120-GA01 Rev A shall be provided, including clear to ground visibility splays with dimensions of 2.4 metres by 181 metres in both directions, as measured from and along the nearside edge of the carriageway. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 17 metres from the back edge of the carriageway. No unbound material shall be used in the surface treatment of the vehicular access within 17 metres of the highway boundary. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

**Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public

highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. **Construction Traffic Management Plan:** no development shall take place until a detailed Construction Traffic Management Plan (CTMP) incorporating the principles of the submitted CTMP Version 3 and a programme of actions for delivery has been submitted and agreed in writing with the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.

**Reason:** to ensure the impact of the construction including parking, loose materials on the highway, impact on public rights of way and traffic on the network is managed on the highway network in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

3. **Route Mitigation Plan:** no development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles in the submitted Construction Traffic Management Plan Version 3 has been submitted to, and approved in writing by, the local planning authority and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be adhered to throughout the construction period.

**Reason:** to ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

4. **Highway condition survey:** prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles shall be carried out by the applicant and the highway authority, the scope and methodology shall be agreed in advance with the highway authority and include photographic evidence. The route should then be inspected again every 3 months during construction and finally on completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired within 3 months of detection to an acceptable standard and at no cost to the Highway Authority.

**Reason:** to preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance with Policy DM1 of the Highway Authority's Development Management Policies February 2011.

5. **Public Rights of Way protection:** prior to construction, a plan for the protection of the public rights of way and users affected by the development (within the site and adjacent to it) shall be submitted to the highway authority for approval. The plan shall address the treatment of the public rights of way during construction and operation of the solar farm. The approved plan shall be implemented thereafter. The plan will contain but not be limited to the following:

- i. Details of any temporary diversions required during construction
- ii. Details of the method of the protection of users during construction, such as fencing, use of banksmen
- iii. A before and after condition survey of the PROW network within the vicinity of the site and where necessary ensure repairs are undertaken at the developer expense where identified as being caused by developer
- iv. Details of the method of protection of the PROW network during operation phase – ensuring vehicle maintenance routes avoid the network or appropriate crossing points and protection are provided
- v. Details of planting and fencing adjacent to public rights of way, ensuring appropriate buffer zones within the site and at the edges of the site
- vi. A maintenance regime for any screen planting adjacent to a public right of way
- vii. Any signing required

**Reason:** to ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Highway Authority's Development Management Policies February 2011

6. **Public Rights of Way:** no new screening planting shall be located within 3m of a public right of way, any new planting shall be regularly maintained and cutback to ensure clear passage for users of the public right of way throughout the period of occupation of the site.

**Reason:** to ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Highway Authority's Development Management Policies February 2011.

**The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

**Informatives:**

- (i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (ii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (iii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (iv) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the public rights of way within the site (FP5/26, FP5/21) and adjacent to the site (FP5/27, FP5/25 and FP5/22), shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.



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