

URGENT ITEM REPORT

TITLE

Update to appeal against non-determination of application for construction of an exploratory well on land at Common Road, Harthill – reference RB2017/0805.

RECOMMENDATION

That the Council's reason for resisting the appeal against non-determination on highways grounds be withdrawn from the appeal process in light of additional information submitted by the appellants.

Background

Members will recall that an appeal against non-determination was submitted by the applicant in December 2017. Following the appeal submission, Members considered the proposals (at that time) at the Planning Board Meeting of 25th January 2018 and endorsed the following reasons for resisting the appeal:

01

The Council considers that vehicular access to/egress from the site is intended to be via country lanes which are considered to be unsuitable to cater for the significant increase in commercial vehicular traffic to be generated by the proposal in terms of their limited width, restricted visibility, adverse alignment and lack of separate pedestrian facilities. The development, if implemented, would therefore increase the risk of vehicular conflict with vulnerable road users and other vehicles to the detriment of road safety, contrary to the National Planning Policy Framework which expects developments to include safe and suitable access for all people.

02

The Council also considers that the supporting ecological information is deficient with no breeding bird survey details submitted, insufficient bat survey details, and a substandard Phase 1 Habitat Survey carried out in January. Accordingly the applicant has not sufficiently demonstrated that the development can satisfactorily mitigate the potential for harm to the ecology of the surrounding rural environment, contrary to paragraph 118 of the National Planning Policy Framework which indicates that if significant harm resulting from a development cannot be avoided then planning permission should be refused.

The application will be determined via a Public Inquiry which is due to commence on Tuesday 24th April.

The appellant submitted a revised Traffic Management Plan (initially received on 23rd March, shortly before submission of Proofs of Evidence). This was then formally submitted to the Planning Inspectorate and circulated to third

parties by the appellant via an email on 10th April 2018. The Council subsequently published this additional data on its website.

Officers are disappointed with the extreme lateness of the initial submission of this additional information (less than 3 working days before the deadline for the submission of Proofs of Evidence). The formal submission on 10th April, within 14 days prior to the start of the Inquiry, has also resulted in an unsatisfactory level of time for full consultation with third parties to take place.

Additional information submitted by appellant

An additional revised Traffic Management Plan (reference AECOM review of Traffic and Transport Matters) was formally submitted to both the Planning Inspectorate and the Council on 10th April 2018. The appellant indicates that the TMP has been enhanced and the main changes and alterations can be summarised as follows:

- *An increased number of passing places which addresses outstanding concerns regarding conflict between traffic, cyclists and pedestrians.*

The TMP submitted with the application included the provision of 6 new formal passing places along Bondhay Lane (5) and Packman Lane (1), combined with the use of a series of existing, unsurfaced informal passing places along Bondhay Lane, Packman Lane and Common Road.

The provision of new formal passing places remained the same in number in TMP Addendum 1 submitted on 15 September 2017 whilst TMP Addendum 2, submitted on 1 December 2017, increased the number from 6 to 7 by the addition of a further surfaced passing place on Packman Lane (increasing the number from 1 to 2).

The Enhanced TMP incorporates the provision of 23 formal passing places along Bondhay Lane (11), Packman Lane (10) and Common Road (2) to the site, as indicated on Curtins Drawing TPMA 1529- 129 REV I. These passing places provide inter-visibility for drivers travelling in opposite directions apart from two sections which will be subject to traffic management control in accordance with Chapter 8 of the Traffic Signs Manual.

There are also a number of additional informal areas along the route of sufficient width for pedestrians to step off the highway. However, these are additional and the, now proposed, number of formal passing places does not require these additional informal areas to provide inter-visibility.

This level of passing place provision also provides betterment and long lasting community benefit.

- *A passing place specification recommendation that accommodates anticipated vehicle use and is visually sympathetic to the rural nature of the route.*

The previous proposal for six passing places was to provide them with a concrete surface finish.

AECOM has undertaken similar works at numerous locations using a grass reinforcement technique and specification which provides for required vehicle loading and is much more visually sympathetic, considering the rural location.

The system uses an interlocking ground reinforcement system which is filled with top soil and seed which overlays a layer of Type1 unbound sub-base material. Grass reinforcement blends in well with surrounding verge whilst providing vehicle loading. Areas could be identified by signage. The specification to be adopted would be the subject of discussion with RMBC officials. Options include concrete, 'grasscrete' or grass reinforcement. AECOM would recommend grass reinforcement.

All of the above options for the 23 proposed passing places ensure that their use in damp or wet weather conditions will enable the carriageway surface to remain free of mud being potentially deposited which could create a hazard for other road users, particularly cyclists, motorcyclists and pedestrians.

All of the above options would be suitable for pedestrians to use as a refuge. Curtins Drawing TPMA 1529-129 REV I and the swept path analysis drawings in Appendix G indicate the requirement for carriageway widening within the highway boundary to cater for construction traffic. The widening could be either using grass reinforcement or tarmac surfacing. This would be a matter for discussion with RMBC officials.

- *Compliance with Chapter 8 of the Traffic Signs Manual in relation to temporary traffic control*

The enhanced provision of inter-visible passing places significantly reduces potential conflict along the access route. However, inter-visibility of passing places is not possible at two locations along the access route such that temporary traffic control in accordance with Chapter 8 of The Traffic Signs Manual (Chapter 8) is required as follows:

1. *Curtins Drawing TPMA 1529-129 REV I provides chainage details measured from the A619/Bondhay Lane junction. Temporary traffic control, using "STOP/GO" signs, is proposed between the passing places at chainage 2000 and chainage 2475 – a distance of 475m. This location is the northern most part of Bondhay Lane and the most southern part of Packman Lane and is a 475m length of carriageway which is a combination of horizontal and vertical curves followed by tall hedges. Vehicles passing through this section do not have satisfactory forward visibility.*

A Curtins letter to RMBC dated 1 December 2017 indicates an average two way background traffic daily flow at this location of 221 vehicles equating to potentially 18 two way vehicles/hour and 1 two way vehicles/3 min. Background traffic levels are, therefore, nominal in

scale compared with the level of traffic that is capable of being temporarily controlled over this length.

Anticipated speeds of HGVs and abnormal loads are 20 mph (32 kph) and 5 mph (8 kph) respectively. The times taken to pass through the controlled length would, therefore, be approximately 0.9 minutes and 3.6 minutes respectively. One way background traffic can be expected to be 1-2 vehicles on Bondhay Lane and 1 vehicle on Packman Lane in the time period associated with an abnormal load movement. A layby length of 12m (excluding tapers) is proposed at the Bondhay Lane end (chainage 1975) and a layby length of 12m (excluding tapers) at the Packman Lane end (chainage 2500). An additional layby of 12m length has been provided in the middle of the section adjacent to Harthill Field Road to assist road users from Harthill Field Road during convoy movements.

2. Temporary traffic control, using "STOP/GO" signs, is also proposed between 12m passing places at chainage 2600 and chainage 2830 – a distance of 230m. This location is in the southernmost part of Packman Lane immediately after Harthill Field Road and is a 230m length of carriageway with tall hedges present on both sides of the carriageway and a hill brow in the vicinity of the farm. Vehicles passing through this section do not have satisfactory forward visibility.

A Curtins letter to RMBC dated 1 December 2017 (Appendix F) indicates an average two way background traffic daily flow at this location of 221 vehicles equating to potentially 18 two way vehicles/hour and 1 two way vehicles/3 min. Background traffic levels are, therefore, nominal in scale compared with the level of traffic that is capable of being temporarily controlled over this length.

The times taken to pass through the 230m controlled length would, therefore, be approximately 25 seconds and 1 minute 43 seconds respectively. One way background traffic can be expected to be 1 vehicle in such time periods. The layby length of 12m (excluding tapers) at each end of the controlled length is, therefore, considered satisfactory.

The full document can be viewed on the following link:

<http://rotherham.planportal.co.uk/view.aspx?id=RB2017/0805&docid=3681827>

Publicity

No formal publicity has to be carried out by the Council in respect of the late submission of additional information by the appellant. The revised TMP details were formally submitted via email by the appellant on 10th April who copied in relevant third parties (Harthill and Woodall and Thorpe Salvin Parish Councils, CPRE and Harthill Against Fracking residents group).

The additional information has also been published on the Council's website.

Consultations

Streetscene - Transportation and Highways Design has considered the additional information and states:

“As you are aware, the Appellants have submitted further evidence in the form of a “Review of Traffic and Transport Matters”, dated 22nd March 2018 which includes an “Enhanced Traffic Management Plan” (ETMP).

The ETMP includes the provision of additional, formal passing places along the intended route for construction traffic and an alternative form of temporary traffic control which does not involve diverting traffic along a one way system via Packman Lane, Common Road and Harthill Field Road.

A total of 10 No. formal passing places are now intended along Packman Lane between its junctions with Harthill Field Road and Common Road whereas only 3 No. were previously intended. The highway in these locations is wide enough to enable carriageway widening of between 5.5 metres and 6 metres. A width of 5.5 metres will allow a car to pass a lorry or two lorries to pass with care (source Manual for Streets). Furthermore, there is the potential to provide a further passing place on the western side of Packman Lane to the north of the culvert and there are potential informal pedestrian passing places along the route. 2 No. formal passing places are now intended along Common Road between the Packman Lane junction and the site access, whereas none were intended previously. It is considered that these additional passing places would significantly reduce the risk of vehicular conflict with other road users along the intended route.

Whilst the Appellant recommends that the passing places be constructed with grass reinforcement, this is not acceptable and a full tarmac construction will be required. In this respect, the Appellant acknowledges that the specification would be subject of discussion with RMBC officials. Indeed, an Agreement under S278 of the Highways Act 1980 would be required regarding any works within the highway.

Whilst most of these passing places will be inter-visible, those along the southern part of Packman Lane, which has always been considered to be the most sensitive location in road safety terms, will not. Furthermore, there is limited opportunity here to provide passing places due to the narrow width of highway measured between substantial boundary hedges.

To address this, the Appellants now propose to control traffic movements by means of “STOP/GO” signs along two lengths of the route ie. the northern part of Bondhay Lane/southern part of Packman Lane and along a further length of Packman Lane. These temporary traffic control measures would comply with Chapter 8 of The Traffic Signs Manual which recommends traffic safety measures and signs for road works and temporary situations. This proposal is acceptable in principle to the Council's Highways Inspection and

Streetworks Manager and it is considered that these measures would be appropriate mitigation along this part of the route.

As you will recall, the Appellant's previous intention was to seek a Temporary Traffic Regulation Order (TTRO) under Section 14 of The Road Traffic Act, 1984. This was considered to be unacceptable since the alternative route for diverted traffic was not considered to be suitable ie. the one way traffic system along Packman Lane, Common Road and Harthill Field Lane. A TTRO is no longer intended or required since traffic movements are to be controlled by the alternative means outlined above.

The Appellants have submitted drawings indicating the tracking of vehicles along the route. These include details of a 17.9 metres long low loader with trailer steering and a 16.4 metres long articulated vehicle successfully negotiating the Packman Lane/Common Road junction, subject to carriageway widening within highway limits. Whilst the Council does not have access to the necessary software to undertake a tracking exercise of a low loader, the Appellants have provided a video animation of their tracking exercise and there are no grounds to suggest that their exercise is flawed. Furthermore, the Transportation Unit has tracked a standard articulated vehicle based on the Ordnance Survey and measurements taken on site. Whilst not based on a topographical survey, it is considered that this has demonstrated that such vehicles could negotiate the junction following localised widening which would form part of the S278 Agreement.

The issue of severely restricted visibility at this junction is to be addressed by the use of a banksman.

In view of the above, it is considered that the ETMP measures constitute a significant improvement and satisfactorily address the road safety concerns. Opposition to the development on road safety grounds could not therefore, be justified subject to appropriate conditions regarding the design and implementation of the ETMP and highway improvements outlined above."

Conclusions:

Having had regard to the additional Enhanced Traffic Management Plan, RMBC's Transportation Unit has concluded that the additional information now addresses the Council's highways concerns, and thus the Council's reason for resisting the appeal on highways grounds should therefore now be withdrawn from the appeal process. Planning Board Members are recommended to endorse this stance, in consideration of the officers' view that the late information overcomes the highways reason for resisting the appeal.

Members should be aware that there is the potential for the appellant to submit an application for costs if they consider that the Council has behaved unreasonably (such as requesting an adjournment to the Public Inquiry to consider the late additional information). The opportunity to review the late submitted information is done strictly without prejudice as to any submissions

and/or related applications the Council may make in due course as to the timing and nature of the late information submission.

The Council will maintain its secondary reason for resisting the appeal on ecology grounds, and all other relevant material considerations (including highway concerns raised by third parties) which will be discussed at the Public Inquiry.