

		Highways Development Management Shire Hall Gloucester GL1 2TH	
Denis <u>Canney</u> <u>Gloucestershire</u> Environment Department Environment Department Shire Hall <u>Bearland</u> Gloucester <u>GL1 2TH</u>		email: devcoord@gloucestershire.gov.uk	
Our Ref X/2018/040496		Your Ref: 18/0032/TWMAJW	
Date: 16 October 2019			
Proposal:	Land To West Of Wingmoor Farm Stoke Road Bishops Cleeve Cheltenham Gloucestershire GL52 7DG Treatment of biosolids cake to create soil improver/fertiliser.	Received date:	19 April 2018
Recommendation:	No objection	No objection (Subject to conditions)	X
	Refusal	Further information	
Document(s), drawing(s) and reference(s):		Planning history ref(s):	None
Details of recommendation:	Recommendation to approve –Subject to conditions Condition 1 – Highways works in the interest of highway safety Condition 2 – Highway maintenance in the interest of highway safety		
Required consultation:	ITU	Highways Records	
	Rd Safety	Fire Service	
	PROW	Structures	
	LHM	Police	
This is the third material response on this application Response 1 issued 17 May 2018 – Recommended Refusal on highway safety grounds Response 2 issued 14 December 2018 – Recommended approval subject to conditions on highway safety grounds relating to visibility and parking layout. This response will address the material matter relating to the use of ‘Tip Road’ in the vicinity of two private accesses that are at 90 degrees to each other as well as any other highway safety related matters Tip Road is a private road and is accessed from the Stoke Road. Stoke Road is subject a 40mph speed limit. Tip Road carries no signing to inform a motorist that the road is private or that the			

40mph speed limit no longer applies. As such a motorist may self inform that the set speed limit on this length is 40mph, even though there is no enforceable speed limit on this length.

It must be noted that the road is private and the road terminates at the access to Wingmoor Recycling and landfill site. No point beyond the gated elements travelling south can be construed as a road or highway. It is private land in operation as a waste recycling site.

The first access 'Access A' faces north and is the access to the extant waste recycling site. The access proposes an informal 10mph speed. The signage can be seen for the 10mph in the hyperlink below. This is neither a legal limit or a requirement but is a driver informatory sign.

The second access 'Access B' is the existing access serving both the shooting club, Severn Trent waste water plant as well as a farm. In conjunction with the proposed development which based on the proposed application details will result in an intensification of use of the private track using Heavy Commercial Vehicles (HCV) (tanker and tractor and trailer) for associated movements other than staff.

At the point where the two accesses open out onto Tip Road, the road is bound on both sides by a narrow verge and chain fencing. When the gates are closed there is no requirement for visibility.

Within the recycling site on egress there is a rectangular warning sign that advises 'concealed entrance; and this relates to access B.

A hyperlink to the presentation of Tip Road and the two access is provided below for electronic users - [VISUAL](#)

This concludes the assessment of Tip Road as a private highway

Highway safety has been raised as a concern and as such requires a suitable redress. Whilst both accesses currently operate safely the increase in use of 1 of these may affect highway safety in using either of the accesses.

This has been assessed by the Highway Authority and is satisfied that both accesses can continue to be safely used subject to conditions/advisory notes.

GCC as a Highway Authority for all types of highway, private or otherwise, has considered the following options to address highway safety at this location.

- a) Do nothing – The existing accesses have operated safely and have done so for some time. It could be tested as it is to establish if there are any private issues that arise. However GCC in areas of poor junction / access alignment would not support a do nothing approach to safety based on intensified use.
- b) Resolve visibility by use of a Grampian condition .– The matter of 'what is appropriate highway visibility' requires the establishment of some form of control of speed. The highway authority in accepting that the movement from the Wingmoor Recycling and Landfill site now is undertaken uninterrupted despite it being the transition from a private site to a private road would also need the landowner by proxy of the applicant to secure suitable speeds to ensure the integrity of any visibility requirements was maintained in perpetuity. To express this as clearly as possible, if it was known that vehicles may exit immediately in front of you would approach Tip Road as though moving from the Recycling and Landfill site to the road then one would proceed with caution. However as a consequence of time and the nature of the access it now occurs as an uninterrupted movement. If known, then no individual would look to exit the site and

be ignorant to the need to approach slowly due to the possibility of an exiting vehicle from Access B. Whilst there is an argument for recording the speed of vehicles exiting the site this should not be the desired form of egress and is simply a consequence of what has been established as the ability to wilfully egress the site without the need to consider the proximity of Access B. As such designing for this and the additional speed limiting requirements begin to make this proposal less reasonable. A Grampian condition could be applied but the Highway Authority would have concern that unlike other Grampian visibility matters relating to private access on to public highway that the condition would not be addressing a matter that was not subject to change i.e. the internal arrangement of the southern Recycling and Landfill Site is held by lease and could change at any time based on how the site is required to be laid out. The consequence being that the acceptable level of visibility required on the applicant could change at any time making the proposition of a Grampian condition less reasonable in all other regards.. The question would need to be if the expectation on the other landowner or the applicant is reasonable when the condition relates to a matter of visibility that could change at any time requiring a constant 'back and forth' with each material planning matter on either site.. The Highway Authority consider the requirement for an amount of visibility is not resolutely 'fixed' and could be subject to change regardless of any agreed position today. It also would establish the behaviour of how vehicles exit the Recycling and Landfill site as acceptable and appropriate where it has been identified as a poor behaviour to the surroundings, which to be clear is that they have a right of access onto their land not a right of continuation. They are required to act with due regard to their surroundings regardless of the alignment of their access to the private road..

- c) Resolve visibility by directly addressing the lack thereof by Grampian condition for a STOP sign noting that on the public highway the use of STOP signs is considered to be exceptional. They are still a tool that highway authorities can make use of but in general new planning should not have sub-standard arrangements. However, these accesses are existing and in use,. The road is private and functionally safe and whilst the question of intensified use is important it should be noted that the proposed access will still result in significantly less movements than the access for the Waste Recycling Centre
- d) Resolve highway safety from intensification of use of the private track serving the development site by use of a dilapidation type planning condition to establish baseline conditions and any maintenance necessary caused or contributed to by intensification of use of parts of the private track between access B and the site of the proposed development.

Furthermore GCC has considered its position as a highway authority and notes that Tip Road along with access track from Tip Road to the application site is private. GCC also considers that at any time a private road could be put forward for adoption and if adopted becomes the responsibility of the highway authority.

If this was to occur then the Grampian condition for visibility would then result in a highway safety matter directly resolved by legal agreement by other parties and meaning that the highway authority could not adopt the required visibility.

The Grampian condition for a STOP sign would require the highway authority to adopt a safe and legible highway arrangement that was safe by virtue of the legal requirement to Stop due to a lack of visibility at a given location.

There is currently no intention to adopt Tip Road and it may never occur, but the theoretical discussion one step forward in considering adoption establishes the most reasonable position for

the highway authority in the interest of protecting public safety whether by a Grampian condition that addresses visibility or via a Grampian condition to install a STOP sign.

This also addresses the maintenance of the private length of road from Tip Road / Access B for the vehicle route to the proposed facility. The applicant will need to ensure that highway safety is maintained by addressing any damage to the lane and any sub surface structures that may arise through intensification of use, any increased weight and frequency of vehicles in much the same way a highway authority would need to at public expense. As such this responsibility shall be borne by the applicant by Grampian condition until such time their permission expires.

The highways recommendation is for approval subject to planning conditions being substantially in accordance with the following:

Conditions

Note

WPA refers to Waste Planning Authority, Access A refers to the Wingmoor recycling and landfill site and Access B refers to the gated entrance off Tip Road serving the Shooting Club and the Severn Trent facility.

No development shall commence until a highways safety scheme relating to a Stop Line and Stop Sign has been agreed in writing with the WPA and fully implemented. The stop line and stop sign shall be maintained and presented as highway signing for the purposes of egress throughout the lifetime of the permission or as otherwise agreed by the WPA

Reason: To provide a safe and suitable access and egress in the interests of highway safety for all users of both the adjacent Wingmoor waste site and the users of Access B

The access route from Access B to the site as identified on plan ref(to be inserted.....)shall not come into beneficial use until a scheme comprising a monitoring, maintenance and reparation strategy is agreed in writing with the WPA. Such a scheme shall be fully implemented and include maintenance and repair of the route throughout the lifetime of the permission.

Reason: To ensure safe and suitable access in the interests of highway safety for all users of both the adjacent Wingmoor waste site and the users of Access B as well as protecting the presence of culverts and nearby gas pipe line marked.

No development shall commence until the Access B entrance as identified on plan ref(to be inserted)shall be constructed in accordance with a scheme to be submitted and approved in writing by the WPA to include an appropriate highway design solution so as to minimise any deleterious material being dragged onto the highway.

Reason: To provide a safe and suitable access/egress in the interests of highway safety for all users of both the adjacent Wingmoor waste site and the users of Access B