

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.

Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS:

Planning Application Number: P/20/2380/2

Highway Reference Number: 2020/2380/02/H/R4

Application Address: Barkby Road Queniborough Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Further observations. Outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access.

GENERAL DETAILS

Planning Case Officer: Mark Pickrell

Applicant: David Wilson Homes

County Councillor: Cllr James Poland

Parish: Queniborough

Road Classification:

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application. Under the current Covid-19 situation we would ask that any such work is carried out in accordance with the latest Government guidance.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted on an outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access. The site is located at Barkby Road Queniborough.

The LHA previously provided comments on 27th August 2021 advising approval subject to conditions and contributions.

The current re-consultation is on the basis of the submission of an off-site mitigation scheme which was the subject of condition 3 in the LHA's previous response. The condition is set out below:

'No part of the development shall be occupied until such time as the offsite works shown on drawing number ADC1659-DR-002-P2 and ADC1659-DR-001 have been implemented in full.'

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).'

The LHA notes that the re-consultation is not a request for pre-application advice, nor is it an application to discharge the condition. Therefore, given that the LHA has a number of comments on the proposed mitigation scheme which need to be resolved (as set out later in this response), the LHA now advises that further information is required as it is not in a position to amend the previous condition to reflect the scheme which has now been submitted.

These highway comments are in response to the following documents which has been submitted in support of the planning application:

- Proposed Access Junction Layout - drawing no. ADC1659-DR-002 Rev P3; and
- Arboricultural Impact Assessment (AIA) & Method Statement prepared by FPCR Environment and Design Ltd dated May 2022

Proposed improvement of Rearsby Road / Syston Rd (Barkby Road) Junction

The LHA have reviewed drawing no. ADC1659-DR-002 Rev P3 and have the following comments.

The proposed widening scheme would require the removal of two Leicestershire County Council (LCC) managed sycamore trees. These trees are noted as T1 and T2 on the FPCR tree report provided in support of P/20/2380/2. Removal of the two trees would be to the benefit of the Applicant but to the detriment of local amenity and ecological values as well as Leicestershire County Council's (LCC) asset portfolio. It would therefore be reasonable for the Applicant to provide suitable remuneration for the loss of the two sycamore trees.

The Applicant has categorised the trees as being of low quality in accordance with BS 5837. However, attached is an assessment of the two trees using Capital Asset Value for Amenity Trees (CAVAT), the two sycamore have a combined amenity value in excess of £27,000.00.

LCC do not fully agree with the, *'tree of low quality'*, category attributed by the Applicant (BS 5937), however would agree that the trees are not 'prime quality' specimens. As such LCC may choose to defer recovery of CAVAT for the two sycamore in favour of a contribution by the Applicant to the planting of new trees in the highway, as follows:

- A replacement rate of three for one will be accepted.
- New trees will be located within LCC's existing highway network in the local area.

- New trees will be purchased, planted and maintained by LCC through the contribution by the Applicant.
- A new tree will cost £450.00 to purchase and plant, including a 3 year maintenance program (watering, weeding etc.).
- If the two sycamore are removed, LCC would therefore require six new trees, with a total contribution of £2,700.00 from the Applicant.

The proposed widening scheme would encompass the existing footpath and encroach into the highway verge. The AIA clearly shows that construction activity will be required within tree root protection zones. The protection zones cover both the soft verge (where a majority of roots are likely located) and the footpath of Rearsby Road. The Applicant has reasonably assumed that the hardstanding/footpath has created a physical barrier to tree roots.

Notwithstanding this, experience of highway trees would suggest that whilst roots may not be in the footpath construction (top 300mm soil) it is probable that roots from trees of this size will be found below footpath construction depths. The proposed carriageway widening looks to utilise the path. Excavation to a depth suitable for carriageway construction will therefore be required and this is likely to cause damage to tree roots below existing footpath construction depths. Further encroachment into the verge will cause more damage to tree roots.

Therefore, LCC welcomes the statement from the Applicant to provide an arboricultural clerk of works. LCC would also recommend that a member of LCC's Forestry & Arboriculture Group be present during construction activity.

It is recommended that excavation within the root protection zones be carried out using an air-spade and not hand digging or machinery. This will allow opportunity to uncover existing roots and prune using hand tools.

Should the work be carried out without the presence or knowledge of LCC's Forestry & Arboriculture Group then formal investigation into potential damage will be carried out. LCC will reserve the right to seek full compensation based on CAVAT for loss of trees through construction damage.

Recommendation has been made in the AIA to remove a common lime (T12 in the report). This is based on the tree's apparent declining health and proximity to the proposed construction. However, removal of the tree is not required to facilitate construction. The tree is part of an avenue feature and is clearly evident as a mature tree in aerial images from 1969/70 (see attached). LCC would disagree with the tree's removal as it will break up the continuity of the avenue and is not required to facilitate construction.

Attached is the CAVAT assessment for T12, which has a value in excess of £14,000.00. Providing that construction activity is carried out in accordance with the AIA and AMS, LCC can see no reasonable need to remove T12, although some judicious pruning after construction is completed would be warranted.

LCC strongly request that plans submitted be changed to show that T12 is to be retained and not removed. Alternatively, the Applicant must provide suitable remuneration in the form of the tree's full CAVAT (£14,000.00).

Proposals have been made to install a footpath between the LCC managed trees (T5 & T6 on the AIA report). The proposed design utilises a 'no-dig' technology for creation of the path, which LCC forestry would fully support the use of. Whilst a no-dig construction is not considered ideal on the grounds of future maintenance/longevity in highway terms, in this case the LHA would not rule it out subject to the submission and agreement of suitable construction details at the planning stage. The LHA would also expect for a commuted sum to be charged to the developer if the no-dig constructed footpath was to be adopted, to cover any potential replacements/maintenance over the 60 year period.

It is clear that a standard footpath construction at the above location would be highly detrimental to trees and tree roots, so if it is not possible to adopt the proposed path, it would be necessary to have either no path or create a link path elsewhere on Rearsby Road.

The AIA clearly states the purpose and need for tree protective fencing before and during construction. The Applicant has clearly identified the location of protective fencing, specification and method of installation.

- If the scheme is approved then it is imperative that adequate protective fencing is installed, as set out in the AIA, AMS and Protection Requirements (section 7.0 of the AIA report).
- Fencing MUST remain in place for the duration of construction.
- In the event that protective fencing is not installed, is removed during construction or found not fit for purpose at any time then LCC will reserve the right to immediately cease all construction activity on the highway until any highlighted tree protection issue is investigated and rectified.
- LCC will seek recompense for loss of CAVAT if trees are damaged during construction of the road or footpath.

Date Received
23 May 2022

Case Officer
Suraj Dave

Reviewer
AW

Date issued
04 August 2022