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Land East of Dan Tree Farm, London Road, Bolney, West Sussex, RH17 5QF

Transport Statement of Case

PINS Ref: APP/C3620/C/21/3269098

Final Report for

PJ Brown (Civil Engineering) Limited

July 2023

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Infrastructure Highways Transport

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APPENDIX A – HIGHWAY AGENCY’S RESPONSE

1.0 INTRODUCTION

Qualification and Experience

- 1.1.1 My name is Toan Chau and I am a Director of Cora IHT Ltd. I hold a master's degree [MSc] in Highway Management and Engineering and a bachelor's degree [BEng (Hons)] in Civil Engineering.
- 1.1.2 Having worked in the transport sector for the last 25 years, I have considerable experience in the fields of highways, traffic and transportation, particularly in relation to the planning and development control aspects across the spectrum of land uses including storage and distribution, retail, residential, renewables, energy, employment, leisure, health and education.
- 1.1.3 In addition to producing Transportation Assessments, Travel Plans, negotiating S106 agreements and S278 works, I've undertaken town centre studies, public transport studies, provided input into environmental impact assessments, and assessed brownfield regeneration sites. I have represented Clients at all levels, at Public Consultations, meetings in respect of both statutory requirements and the community involvement process, and I have prepared and given evidence at planning hearings and inquiries.

Background

1.1.4 This Transport of Case relates to an appeal against an enforcement notice served by Mid Sussex District Council alleging that,

“Without Planning Permission:

3.1 The material change of use of the Land from agriculture to a Mixed Use of:

3.1.1 the importation, processing, storage and export of waste materials upon the Land;

3.1.2 the deposition of waste material upon the Land;

3.1.3 the storage of building materials upon the Land;

3.1.4 the storage of plant, machinery, and containers upon the Land;

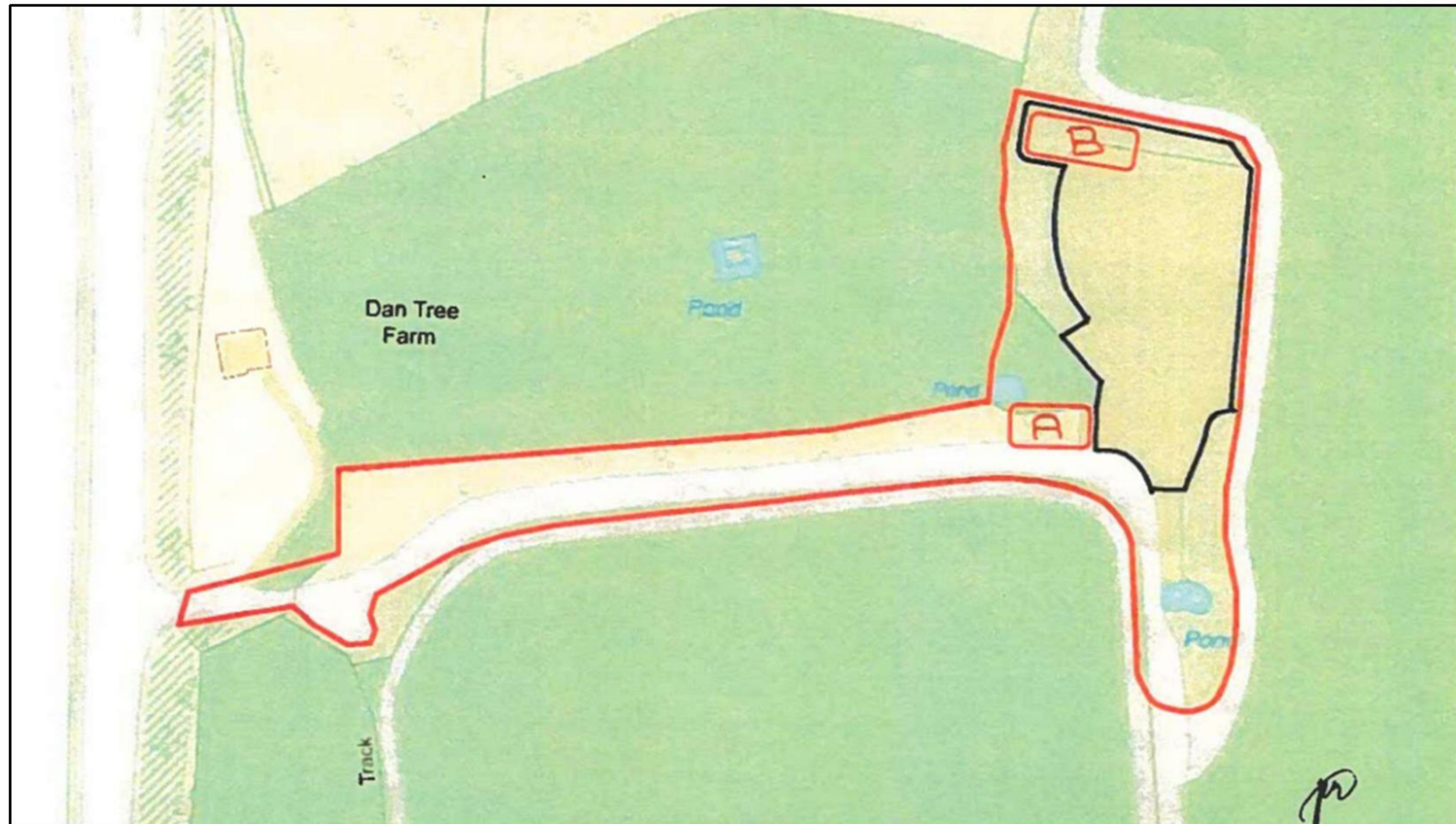
3.2 Operational development comprising of the laying and construction of hardstanding upon the land”

1.1.5 **Figures 1.1 and 1.2** illustrates the site location.

Figure 1.1: Site Location



Figure 1.2: Site Location



- 1.1.6 WS Planning & Architecture submitted the appeal on 28th March 2023 and an extract of the current operations have been referenced below:

In summary, it is considered that the use of the land for 'the importation, deposit, re use and recycling of waste material and the use of the land for storage purposes' is immune from enforcement action by virtue of the passage of time. That time being, 10 years for the material change of use of the land for the importation, deposit, re-use and recycling of waste material and the use of the land for storage purposes, and 4 years for the operational development of the hardstanding formation.

2.0 HIGHWAY ENFORCEMENT REASONS

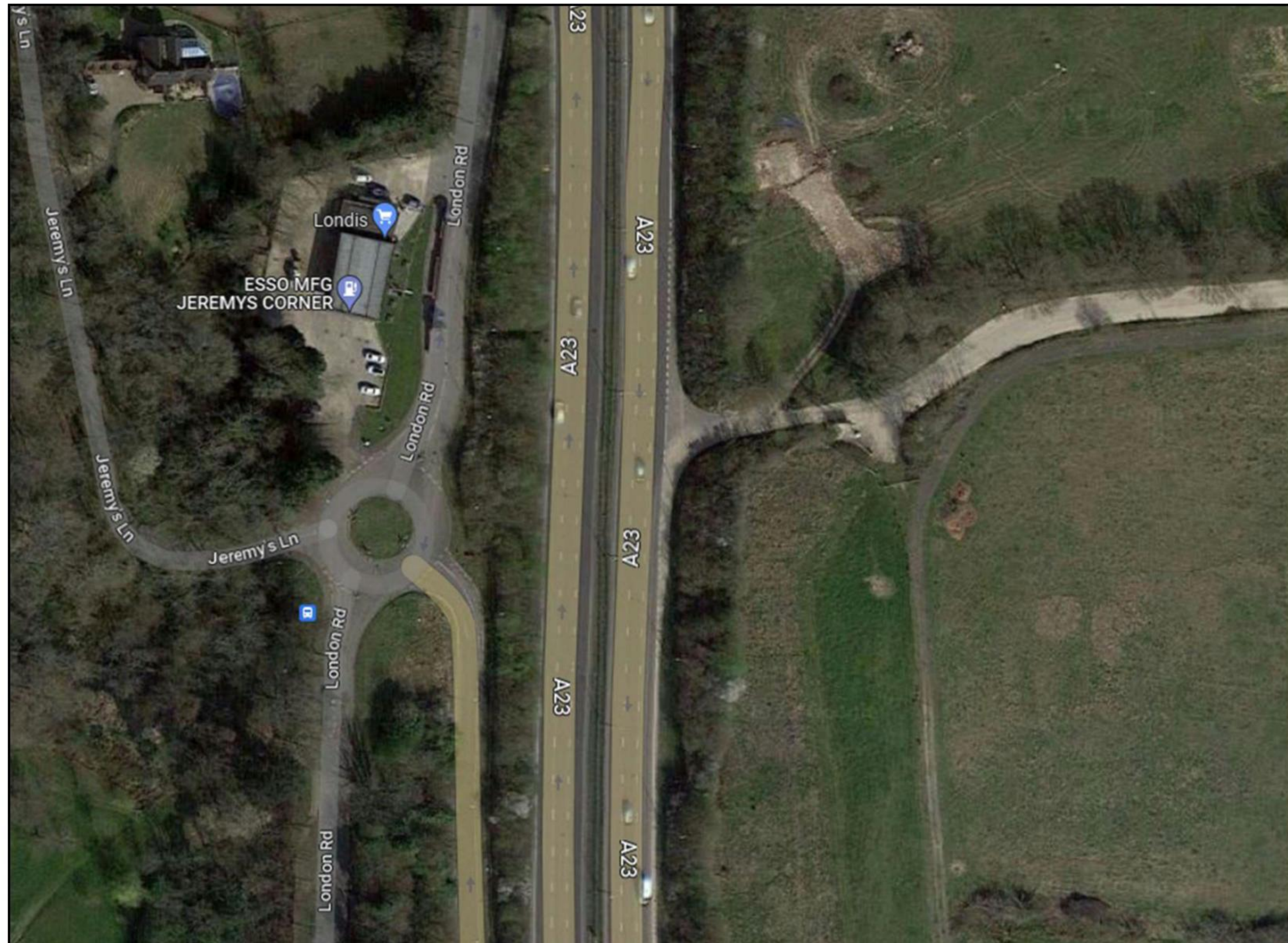
Access

- 2.1.1 The LPA cite the access to the appeal site as being a severe impact upon the safety of the local highway network. Over the years, a number of reports have been prepared. These have demonstrated that the use of the access is safe.
- 2.1.2 Planning application DM/21/3566 related to:
“Proposed engineering works and extensive native planting scheme to facilitate the creation of a grass training and exercise arena, together with facilities for an elite show jumping horse breeding program requiring a new barn construction and additional paddocks. The grading works will be completed using 37833m³ of clean inert soils/materials to the farm. Construction access is proposed via an existing access from the southbound carriageway of the A23.”
- 2.1.3 National Highways during the consultation period commented as follows:
NH: We note that the proposed access route for construction vehicles is via the A23 access to Dan Tree Farm. This access onto the A23 high speed, dual three lane carriageway, is not suitable for construction vehicles. The access is a historical priority junction which is severely substandard and would no longer be permitted under the current Standards for the SRN as set out in the Design Manual for Roads and Bridges (DMRB). It would not be possible to upgrade the junction to meet modern safety requirements as required by DMRB. Accordingly, we cannot safely tolerate an intensification of movements at this A23 priority access junction. The applicant will therefore be required to propose an alternative access route for construction vehicles.
- 2.1.4 The access has been used by PJ Brown Construction Limited since 2007 for the deposit and transport of inert materials to and from the site. The operation continues to this day and the foreseeable future which ranges between 30 to 60 HGV arrivals per day.
- 2.1.5 The access and its suitability for HGVs was discussed as part of the WSCC/077/11/BK planning application. The Highways Agency (now National Highways) approved the use of the access and it was agreed at the time that the access could accommodate up to 450 HGV arrivals. **Appendix A** provides the Highways Agency Response.
- 2.1.6 The proposed works associated with this application would not intensify the use of the access as the material importation movements will be as existing i.e. up to 60 HGV arrivals in total including the current PJ Brown operations.

DMRB Standards

- 2.1.7 National Highways suggests that the existing access is substandard. This is in correct.
- 2.1.8 The existing access includes 50m merge and diverge tapers which actual exceeds the standards under DMRB CD 123 Geometric design of at-grade priority and signal-controlled junctions (formerly TD 41/95, TD 42/95, TD 40/94, and those parts of TD 50/04 and TD 70/08 relating to priority and signal-controlled junctions. **Figure 2.1.** shows an aerial view of the existing access.

Figure 2.1: Existing Site Access



- 2.1.9 For simple junctions which is what the existing is categorised as, para 5.17 of DMRB CD 123 indicates that diverge tapers shall not be provided.

Diverge tapers and auxiliary lanes

General

- 5.17 Nearside diverging tapers and auxiliary lanes shall not be provided:
- 1) at simple junctions;
 - 2) where the design speed of the major road is less than 85 kph; and/or,
 - 3) at all other priority junctions that are on the inside of curves.

2.1.10 Para 5.24 indicates that the traffic generations do not meet the criteria for the requirement of merging tapers.

2.1.11 It can be concluded that the existing access does conform to DMRB standards, therefore, should be acceptable.

Merging tapers

General

5.23 Merging tapers shall only be used where the major road is a dual carriageway.

5.24 Where the major road is a dual carriageway with a design speed of 85 kph or above, merging tapers shall be provided where:

- 1) the volume of left turning traffic in the design year exceeds 600 vehicles AADT;
- 2) the volume of left turning traffic in the design year exceeds 450 vehicles AADT and the percentage of HGVs exceeds 20%; or,
- 3) the volume of left turning traffic in the design year exceeds 450 vehicles AADT and the merging taper is for an up-gradient of greater than 4%.

3.0 CONCLUSION

Conclusion

- 3.1.1 It is concluded that the existing site operation should be acceptable in highways and transportation terms. There are no highways or transportation related reasons upon which the site can't continue.

APPENDICES

APPENDIX A – HIGHWAYS AGENCY’S RESPONSE

Our ref: TQ 264 244
Your ref: WSCC/077/11/BK

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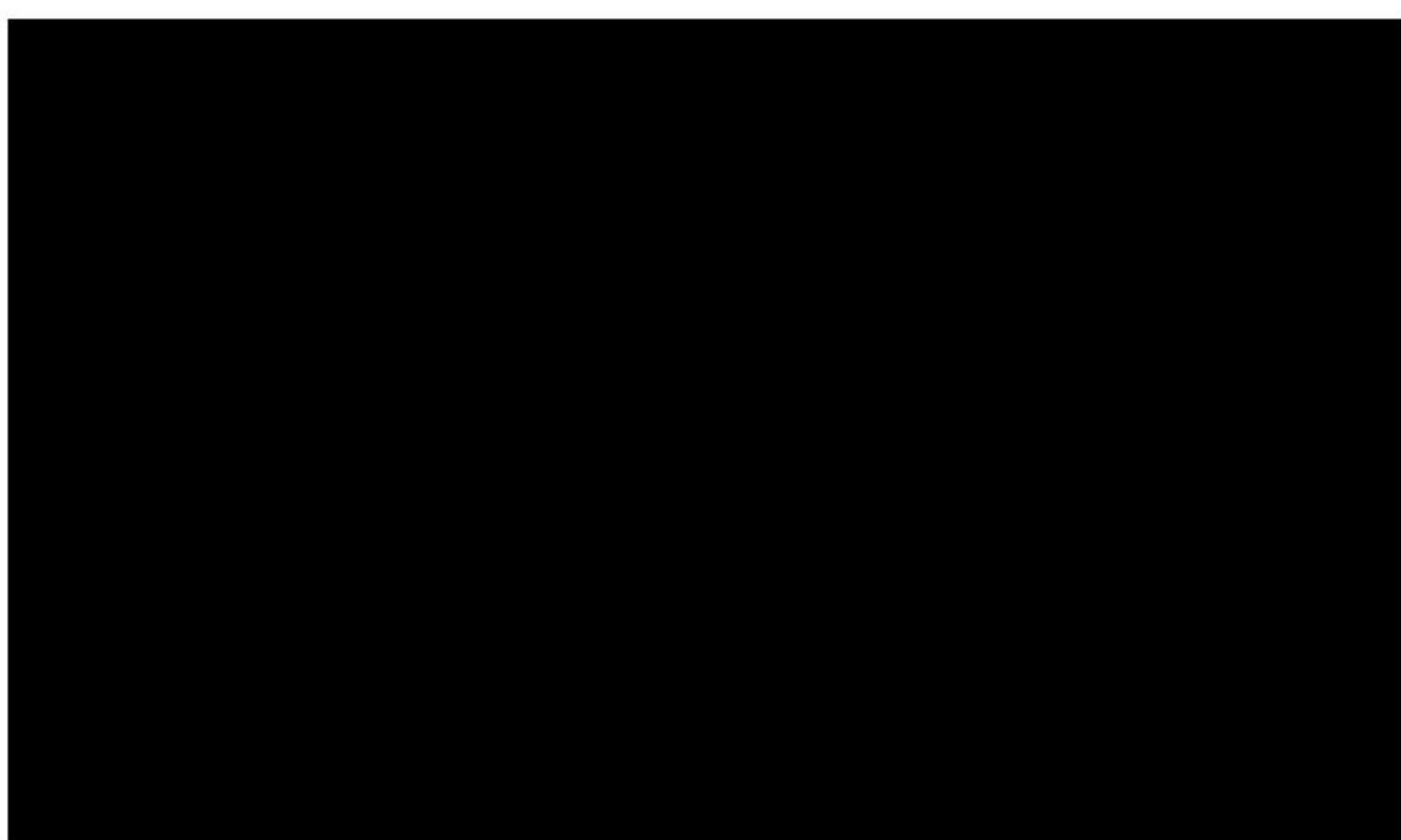
2 May 2012

Dear Ms Moseley

PLANNING APPLICATION WSCC/077/11/BK

I refer to Paul Harwood's email of 30 April to you, in which he set out the HA's proposed draft conditions relating to Planning Application WSCC/077/11/BK, Park Farm, Bolney, West Sussex.

I note that the applicant's consultant Jason Clemons (D&M Planning Ltd) has now informed you that the applicant is agreeable to the proposed wording of the conditions. A new HA form TR110 which directs these conditions is therefore attached. This supersedes the previous TR110 dated 8 March 2012.



TR110 (November 2011)

An Executive Agency of
The Department for Transport

**Developments Affecting Trunk Roads and Special Roads
Highways Agency Response to an Application for Planning Permission**

From: Divisional Director, Network Delivery and Development, South East, Highways Agency.

To: District Council

Council's Reference: WSSC/077/11/BK

Referring to the notification of a planning application dated 20 December 2011, your reference WSSC/077/11/BK, Park Farm Cottage, Broxmead Lane, Bolney, West Sussex, RH17 5RJ, Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23 (resubmission of WSSC/001/10/BK), notice is hereby given under the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Secretary of State for Transport:-

- a) ~~offers no objection;~~
- b) ~~advises that planning permission should either be refused, or granted only subject to conditions~~
- c) directs conditions to be attached to any planning permission which may be granted;
- d) ~~directs that planning permission is not granted for an indefinite period of time;~~
- e) ~~directs that planning permission not be granted for a specified period (see Annex A).~~

(delete as appropriate)

Signed by authority of the Secretary of State for Transport

Date: 02 May 2012

Name: Paul Harwood **Position:** Kent and Sussex Asset Development Team Leader

The Highways Agency: Federated House, London Road, Dorking, Surrey, RH4 1SZ

Condition(s) to be attached to any grant of planning permission:

Condition 1: Production of Key stage 2

No part of the development hereby permitted shall commence until a Key Stage 2 Preliminary Assessment including Preliminary Certification which is undertaken in line with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1 part 2 HD22/08, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Condition 2: Production of Key stage 3

No part of the development hereby permitted shall commence until Key Stage 3 Geotechnical Design and Construction Certification, which is undertaken in line with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1 part 2 HD22/08, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Condition 3: Construction of Bund and Drainage Diversion

The bund and drainage diversion hereby permitted shall be constructed in accordance with the Geotechnical Design Report approved within the Key stage 3, unless otherwise agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). Once constructed the bund and drainage diversion shall, thereafter, be maintained in good order in perpetuity.

Condition 4: Details of Access from the A23

No part of the development hereby permitted shall be commenced until measures to prevent vehicular access between the development and the A23 Trunk Road after the bund has been completed by means of the access adjacent to Dan Tree Farm have been approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Condition 5: Exclusion of Access from the A23

No part of the development hereby permitted shall be occupied until the approved measures to prevent vehicular access between the development and the A23 by means of the access adjacent to Dan Tree Farm have been put in place. Thereafter the approved measures shall be maintained in perpetuity.

Reason(s) for the direction given at b), c) or d) overleaf and the period of time for a direction at e) when directing that the application is not granted for a specified period:

Condition 1: Production of Key stage 2

Reason: To ensure that the bund and drainage diversion are designed and constructed in a way which protects the integrity of the A23 Trunk Road and its drainage, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety

Condition 2: Production of Key stage 3

Reason: To ensure that the bund and drainage diversion are designed and constructed in a way which protects the integrity of the A23 Trunk Road and its drainage, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition 3: Construction of Bund and Drainage Diversion

Reason: To ensure that the bund and drainage diversion are constructed in a way which protects the integrity of the A23 Trunk Road and its drainage, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition 4: Details of Access from the A23

Reason: To prevent vehicles, particularly slow moving horseboxes from using the access to enter and leave the A23 Trunk Road, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition 5: Exclusion of Access from the A23

Reason: To prevent vehicles, particularly slow moving horseboxes, from using the access to enter and leave the A23 Trunk Road, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

