

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended)
Approval of Details Reserved by Condition

CONDITION DISCHARGED

Name and Address of Agent

C/o Mr Simon Chapman
Tetra Tech Consulting Ltd
Hodge House
114-116 St Mary Street
Cardiff
CF10 1DY

Name and Address of Applicant

Klara Crowley
Elgin Energy EsCo Ltd
1 Ely Place
London
EC1N 6RY

Part I – Particulars of Application

Planning Reference: 26/00242/DISCON

Application Site: Land North And South Of Lychgate Lane Burbage

Proposal: Application to discharge condition 26 (Highway Survey) attached to planning permission 22/00739/FUL

Part II – Summary of Decision

CONDITIONS DISCHARGED

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority hereby approves the details submitted in relation to the following condition:

Condition 25 (Highway Survey)

C25 Highway Survey Parts 1 – 3

The details submitted are **ACCEPTABLE** and the condition is **DISCHARGED**. The development must be carried out in strict accordance with the above approved documents and the full terms of the conditions.

The Applicant must enter into a Section 59 and Section 278 Agreement with Leicestershire County Council for the extraordinary traffic and any works to the highway outside of the red edge of the site. See note at the end of this document.

C. Brown.

Date: 23 September 2026

Christopher Brown MRTPI
Head of Planning

Part III – Particulars of Decision

Condition 25 Highway Survey:

Prior to the commencement of development, arrangements for a pre-commencement and postconstruction highway dilapidation survey of Lychgate Lane, along the agreed construction traffic route, shall be submitted to and approved in writing by the Local Planning Authority. The survey shall include a plan for any remedial works and a timetable for their implementation. The construction of the development and any remedial works shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

Consultees LCC Highways

N/A

Assessment:

A pre-commencement road condition survey has been undertaken by RPS Consulting services Ltd a suite visit undertaken on 24 October 2024 reports on the current conditions of existing road known as Lychgate Lane providing photos and detailing carriageway surfaces, verges, kerbing, gullies, drainage, footways. The outcome of the survey provides that the road has consistent patterns of minor surface level damage along its length, particularly at the M69 motorway bridge with carriage way patching on the edges of the carriageway with no kerbing and shows where heavy traffic travels close to the edge causes break up and wear and tear. Sharnford Road and Aston Lane have small sections.

It is details that a post construction survey (2nd survey) will be undertaken upon completion of the construction to identify any changes to the road condition. A Construction Traffic Management Plan has been previously discharged and is detailed in Appendix 1 along with LCC correspondence to retain the access route.

The applicant must enter into a Section 278 Agreement and a Section 59 Agreement of the Highways Act 1980. Section 59 agrees to the recovery of expenses due to extraordinary traffic following a post construction survey and the Section 278 enables organisations to execute works on a public highway.

Leicestershire County Council Highway Authority (LHA) has confirmed that it is satisfied with the submitted pre-commencement highway dilapidation survey, the proposed mitigation measures and the identified construction traffic route. Arrangements for a post-construction survey have also been secured in accordance with the requirements of the condition.

The requirements of the condition are therefore considered to have been satisfied. In addition, applications for the necessary Section 59 and Section 278 Agreements are currently being progressed and assessed by the Highway Authority. These agreements will separately secure any works required within the public highway outside the application site, together with any remedial works arising from construction-related impacts on the highway network.

The Local Planning Authority is therefore satisfied that an appropriate highway dilapidation survey and associated arrangements have been provided to comply with the condition. The detailed matters relating to the implementation of highway works and any subsequent repairs can be addressed through the separate Section 59 and Section 278 agreement processes administered by the Highway Authority.

Note to Applicant:

- A Section 59 & Section 278 of the Highways Act 1980 are required to be entered into with the Local Highway Authority. Any changes arising from these that are needed in the Highway Survey must be sent in to the LPA to apply to re-discharge the condition.
- Where conditions are not discharged, the applicant has the right to appeal the decision via the Planning Inspectorate. Details of how to appeal can be found at:
www.gov.uk/appeal-planning-decision

Alternatively, the applicant may submit a new application, together with the relevant fee and supporting documentation addressing the outstanding requirements.

- Where conditions have been partially discharged, the applicant is required to submit a new application to fully discharge the condition together with the relevant fee and supporting documentation addressing the outstanding requirements.