

**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.

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**APPLICATION DETAILS**

Planning Application Number: 24/00901/TPO

Highway Reference Number: 2024/0901/04/H

Application Address: T1 - Sycamore tree - Remove to ground level

Application Type: Full

Description of Application: 40 Britannia Road Burbage Hinckley Leicestershire LE10 2HF

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**GENERAL DETAILS**

Planning Case Officer:

Applicant: Mr Ian Carvell

County Councillor: Cllr Barry Walker

Parish: Burbage

Road Classification: Adopted Unclassified

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**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 advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023).

**Advice to Local Planning Authority**

**Background**

The Local Highway Authority (LHA) has been consulted on an application for tree works to fell one Sycamore tree to ground level at 40 Britannia Road, Burbage.

The tree location marked on the aerial photo with the application is located next to the route of public footpath U65. Public footpaths are a category of public highway and so, by law, they should be open and available for the public to go back and forth at all times. The LHA appreciates the need for treeworks to ensure the safety of surrounding properties and the safety of the public using the right of way.

If the treeworks require the footpath to be closed for significant periods, as the route is a public highway, it requires a Temporary Traffic Regulation Order (TTRO) or Notice as for a road closure.

The application form and guidance notes are online at:

<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/roadworks-closures-and-diversions>. The team responsible for closures can be contacted at

[networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk). A pre-planned five-day closure by notice (TTRN) may be sufficient and has a shorter application timescale and lower cost than the full TTRO.

There is an alternative, if the work can be done safely whilst the footpath is closed briefly for no more than 15 minutes at a time, and with an hour between such closures. The official code of practice 'Safety at street works and road works' page 73 see online at: <https://www.gov.uk/government/publications/safety-at-street-works-and-road-works> allows such short duration closures subject to use of the prescribed design of signs and if all the other requirements are strictly observed.

### **Informative**

If TPO Permission is granted, the following notes should be drawn to the applicant's attention:

- a) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- b) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- c) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- d) If the contractor requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
- e) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the works, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- f) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

**Date Received**  
**2 October 2024**

**Case Officer**  
**Ben Dutton**

**Reviewer**  
**DH**

**Date issued**  
**3 October 2024**