

Application address Land Opposite Spring Acre, Lychgate Lane, Burbage	Planning ref. 26/00367/DISCON
	Our ref. 2026/0367/03/Fdis
Description Application to discharge C9 (Surface Water Management during Construction) C10 (SuDS Management Plan) C14 (Existing Ground Levels and Proposed Finished Floor Levels) C23 (BNG and HMMP) of planning permission 22/00192/OUT (appeal Decision APP/K2420/W/23/3321670).	Consultation date 24/04/2026
	Response date 22/05/2026
Planning officer Lesley Keal	Reviewing officer Harvey Speed
Application type Discharge of Conditions	Extension requested ☐
No concerns ☐	Further consultation required ☒

Lead Local Flood Authority Key Observations

This application seeks to discharge Conditions 9 and 10 set as part of the approval of Appeal reference APP/K2420/W/23/3321670 (Hinckley and Bosworth Borough Council reference 22/00192/OUT). These conditions read:

9. *Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance, and protection. Details regarding the protection of any proposed infiltration areas should also be provided. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.*
10. *Prior to commencement of development details in relation to the long-term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan shall include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.*

All other conditions sought for discharge under this application do not relate to surface water and as such are not considered as part of this response.

The development approved under appeal reference APP/K2420/W/23/3321670 and planning application reference 22/00192/OUT is for the erection of 79 dwellings and associated infrastructure.

The approved surface water drainage strategy includes the attenuation of flows using geo-cellular and tanked storage. Permeable paving provides an initial stage of the SuDS system in some areas.

Pursuant to the discharge of Condition 10, the applicant has submitted a Landscape Management Plan, which includes details of SuDS maintenance. The approved attenuation features are to be maintained by Trustgreen and an appropriate maintenance schedule has been provided. The maintenance of permeable paving will fall under the responsibility of the respective landowner.

No relevant details have been submitted in relation to the management of surface water during the construction phase of the development. This information should include details on how surface water flows will be managed to mitigate increases in flood risk to third parties during construction and also how surface water runoff quality will be managed.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the discharge of Condition 10

However, the LLFA advises the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to Condition 9. In order to provide a substantive response, a surface water construction management plan is required.

Note: The LLFA is not a statutory consultee in relation to foul drainage and as such, this response does not consider any foul drainage details submitted.

Standing Advice to the Local Planning Authority

1. Standing Advice – National Planning Policy Framework

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

2. Standing Advice – Consent

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above

link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

3. Standing Advice – Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Additional information and guidance is available here:

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of the Growth, Environment and Transport Department.