
From: David Spring
Sent: 22 April 2024 16:09
To: Planning Folder New
Subject: FW: Mine- 24/00170/ROW Leslie- 24/00159/DISCON Condition 18
Attachments: PJS22-058-DR-900 Highway Construction Details.pdf; PROW Planning Charter Plan Rev C.pdf; FW: 24/00170/ROW- Permanent Public Right of Way Diversion - 23/00543/DISCON (R85)- Beech Drive, Thornton

Hi,

Please add final comments received from the Rights of way Officer regarding the above application.

With thanks,

David

From: Andrew Poole (PROW) <Andrew.J.Poole@leics.gov.uk>
Sent: 22 April 2024 12:14
To: David Spring <David.Spring@hinckley-bosworth.gov.uk>
Cc: Oliver Rivera <Oliver.Rivera@leics.gov.uk>
Subject: RE: Mine- 24/00170/ROW Leslie- 24/00159/DISCON Condition 18

Dear David (CC Ollie)

Thank you for the email below and attachments. Further to my 16/04/2024 email to you (also attached).

Please forgive me if I seem pedantic but I think it may be helpful to distinguish several separate issues here:

1. The detail of the 24/00170/ROW application consultation
 2. How LCC handles planning applications which affect Public Rights of Way
 3. How H&BBC handles applications for permanent diversions of Public Rights of Way (PRoW) as part of planning applications
-
1. The detail of the application consultations for 24/00170/ROW and 24/00159/DISCON
The attached drawing PJS22-058-DR-900 Highway Construction Details and the Cora contact email address below for sorting out fingerposts James.mcnight@cora.uk fully address the issues raised in the LCC Highways Response to 24/00170/ROW dated 15/03/2024 and Highways Response to 24/00159/DISCON dated 09/04/2024. I've copied-in the LCC Planning Case Officer Ollie Rivera for his information.
 2. How LCC handles planning applications which affect Public Rights of Way
As noted in my 16/04/2024 email LCC makes a sharp distinction between planning applications that affect PRoWs, and legal diversions of PRoWs that may arise from them. With the former LCC policy is that requests for comments and responses should all go via the LCC Environment & Transport department team called 'Highways Development Management' (HDM) and that the PRoW section should only deal direct when it comes to practical matters e.g. like the sorting out fingerposts. Whereas HDM don't get involved with legal diversions of PRoWs connected with the planning process because, even though

they're done by the LPA under the Town & Country Planning Act (TCPA), in essence it's not planning law, it's really highway law embedded in the TCP Act and so the context is separate and rather specialised.

3. How H&BBC handles applications for permanent diversions of Public Rights of Way as part of planning applications

It has caused a little puzzlement amongst my managers that H&BBC are now having a consultation on TCPA PRow diversions as if it was a planning application. As this case 24/00159/DISCON/24/00170/ROW demonstrates, in reality it does seem to mean a lot of duplication of work for us – and I assume for yourselves at H&BBC as well. And also it's not the way all the other LPAs in Leicestershire handle things. There are legal processes required for a TCPA PRow diversion, but those are not the same as for a planning application and it may make it clearer for yourselves, for us, and for the public, if they are kept more separate. It's in that latter context where we advise everyone to email footpaths@leics.gov.uk.

The legal requirements for TCPA PRow diversions are in the regulations at: <https://www.legislation.gov.uk/ukxi/1993/10/contents/made> Also the South Downs National Park Authority have a useful guide about the process here: <https://www.southdowns.gov.uk/wp-content/uploads/2017/07/PROW-Diversions-and-Stopping-Up-Order-Guidance-notes.pdf> Within the LCC PRow section I've only relatively recently moved into a role dealing with PRow planning applications and legal diversions but my impression is that, in the past, all our dealings about TCPA PRow diversions were with H&BBC Legal Services team. It would be helpful to know what your role is in relation to theirs?

Yours sincerely

Andrew Poole

Access Officer, Blaby + Hinckley & Bosworth
Public Rights of Way section

Leicestershire County Council, Environment and Transport Department, Sustainable Travel Team, County Hall, Glenfield, LEICESTER, LE3 8RJ

Phone: 0116 305 7655 Direct Line

Email: Andrew.J.Poole@leics.gov.uk for responses to this case

Email: foi@leics.gov.uk for Freedom of Information requests

Please note that the contents of this email including any attachments are offered as my officer opinion and will not prejudice any future decision the Highway Authority may make in relation to this matter

From: David Spring <David.Spring@hinckley-bosworth.gov.uk>

Sent: Friday, April 19, 2024 12:01 PM

To: Andrew Poole (PROW) <Andrew.J.Poole@leics.gov.uk>

Subject: FW: Mine- 24/00170/ROW Leslie- 24/00159/DISCON Condition 18

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Hi Andrew,

I hope you are well.

I received an email yesterday from Leslie who is handling the 24/00159/DISCON application. The agent for my application has left the company (Cora) and wasn't responding to my emails but the email sent from Jessica O Neill of Cora is in response to your initial consultation response for 24/00170/ROW.

Please see the email chain below and the attached details.

Let me know if you need anything else.

I will use the email footpaths@leics.gov.uk for any future PROW Diversion applications.

With thanks,

David Spring
Planning

From: Lesley Keal <Lesley.Keal@hinckley-bosworth.gov.uk>
Sent: 18 April 2024 15:38
To: David Spring <David.Spring@hinckley-bosworth.gov.uk>
Subject: FW: 24/00159/DISCON Condition 18

Hi David

I have notice your email regarding the PRoW and that I have the DoC application.

I had some comments from Highways which I sent to the developer and have had the response below back, so you may want to re-consult ?

Kind Regards

Lesley Keal (Her/She)
Compliance & Monitoring Officer
Web: www.hinckley-bosworth.gov.uk
Hinckley Hub, Rugby Road, Hinckley, Leics LE10
0FR

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From: Jessica O'Neil <jessica.oneil@cora.uk>
Sent: Thursday, April 18, 2024 3:20 PM
To: Lesley Keal <Lesley.Keal@hinckley-bosworth.gov.uk>
Cc: Robbie Locke <Robbie.Locke@cora.uk>
Subject: RE: 24/00159/DISCON Condition 18

Hi Lesley,

Thanks for sending those over. I think the ROW application comments were missed as my colleague who was dealing with it has left.

It might be easiest if I address comments for both 24/00159/DISCON and 24/00170/ROW together in this email and if this could be submitted for the re-consultation for both applications that would be greatly appreciated.

- Please can the most recent drawing 02419 - 002P Revision C, as submitted on the 15/03 for 24/00159/DISCON be submitted again in response to the comments on application 24/00170/ROW, as it should cover their concerns.
- With regards to the itemised works on the permanent diversion, please see attached highways works plans. The footpath not included in the s38 approval will be a continuation of the approved footway with the same width, surfacing and wider specifications (as noted on the PROW plan Rev C) as detailed on the attached.

With regards to the comment made requiring direct contact with the developer in order to arrange the invoice for the fingerposts, James.mcnight@cora.uk would be the best email to use but they can also use this email if necessary and I can pass it on.

We understand that the condition cannot be discharged prior to the diversion being approved, however, it would be good if we could get to a place where the details were acceptable to the LHA and we were just waiting on approval of 24/00170/ROW to proceed with the discharge.

Kind Regards,

Jess O'Neil (she/her)

Graduate Planner

jessica.oneil@cora.uk

01604 369204

07507 916 379

Grovelands Business Park, West Haddon Road, Northamptonshire, NN6 8FB

cora.uk



From: Lesley Keal <Lesley.Keal@hinckley-bosworth.gov.uk>

Sent: Thursday, April 18, 2024 12:15 PM

To: Jessica O'Neil <jessica.oneil@cora.uk>

Subject: 24/00159/DISCON Condition 18

Hi Jess

I have just received the attached consultation response with regard to Condition 18. David Springs has also advised that there he also has an application relating to the PROW.

Kind Regards

Lesley Keal (Her/She)

Compliance & Monitoring Officer

Tel: 01455 255905

Email: Lesley.keal@hinckley-bosworth.gov.uk

Web: www.hinckley-bosworth.gov.uk

Hinckley Hub, Rugby Road, Hinckley, Leics LE10 0FR

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Main office: Hinckley Hub, Rugby Road, Hinckley, Leics LE10 0FR. Main switchboard: 01455 238141

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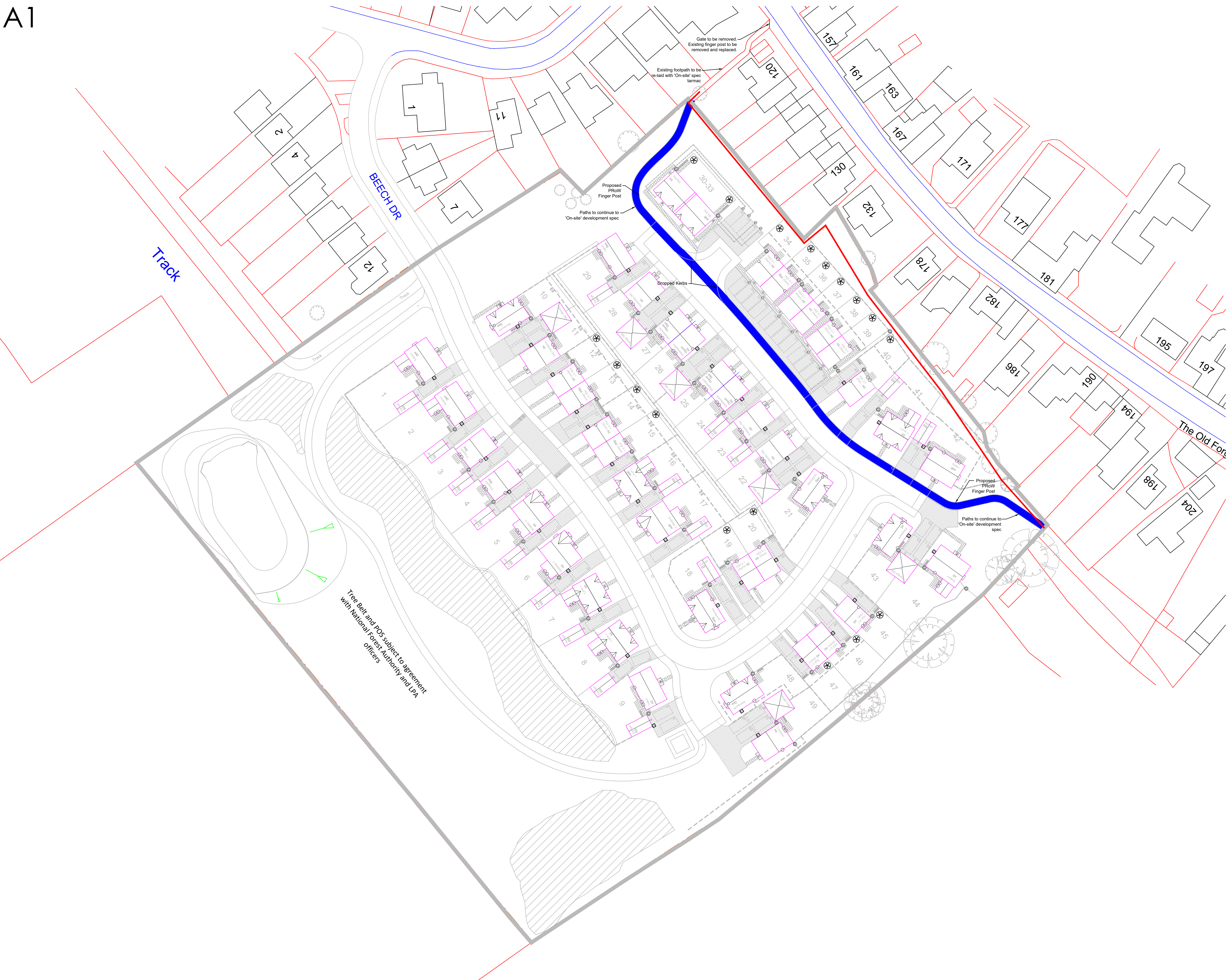
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KEY:

Existing PROW

Permanent PROW Diversion Route

C	PROW Finger Posts added	14.03.24
B	Amended as per planning comments	30.11.23
A	First Issue	25.10.23

Rev.	Description	Date
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Creating Amazing Places

Grovelands Business Park
West Haddon Road, East Haddon,
Northamptonshire NN6 8FB

Development

PROW Plan
Thornton

Drawing Title

Charter Plan

Date	26/09/22	Scale	1:500 @A1	Drawn	JS
Dwg. Ref.	02419 - 002P			Rev.	C

From: Andrew Poole (PROW) <Andrew.J.Poole@leics.gov.uk>
Sent: 16 April 2024 20:55
To: David Spring
Subject: FW: 24/00170/ROW- Permanent Public Right of Way Diversion -
23/00543/DISCON (R85)- Beech Drive, Thornton
Attachments: 1. PROW Comments R85.pdf; 2. Drwg 02419 - 002P Revision B annotated.pdf; 3.
PROW Comments R85.pdf; 4. PROW Further Comments R85.pdf; 5. C18 PROW
Charter Plan Rev C.pdf

APPLICATION DETAILS:

Planning Application Number: 24/00159/DISCON

Highway Reference Number: 2024/0159/04/HDis6,17,18,20

Application Address: Land Beech Drive Thornton Bagworth and Thornton Leicestershire

Description of Application: Application to discharge conditions 3 (Levels), 6 (Surface Water Management), 17 (Construction Environmental Management Plan and Method Statement), 18 (Public Right of Way), 20 (Suspended Solids) on Appeal Decision APP/K2420/W/21/3285060 relating to planning application 20/00511/FUL

Applicant Name: Miss Jessica O'Neil

Date:

Hyperlink:

GENERAL DETAILS:

Planning Officer: Ben Dutton

Access Officer: Andrew Poole

This application has been passed to me as **Public Footpath R85** runs through the site.

In parallel with this discharge application, the developers have applied for a permanent diversion of the public right of way for which the LPA reference is 24/00170/ROW. Where such a legal diversion is needed it is only appropriate to discharge any related planning condition(s) *after* the public consultation on the separate diversion has been satisfactorily completed.

Also, Schedule 1 para 4 of the Town and Country Planning (Public Path Orders) Regulations 1993 means that separate consultation should itemise the works required to give effect to the diversion. That would include defining the width of the diverted right of way, the surfacing specification, and the location and specifications for any structures needed along it.

This application includes drawing 02419 - 002P Revision B. The details on that are welcome, but more information is needed. The Countryside Act 1968 section 27 requires there to be finger posts at the points where the diverted public right of way will leave the new estate road. Enclosed with these comments is an excerpt of that drawing, annotated with where we advise those signposts should be located.

Please include this drawing excerpt with your response so that it is conveyed to the applicants.

We cannot advise discharge of this condition until the issues above have been addressed.

Kind Regards

Andrew Poole

Access Officer, Blaby + Hinckley & Bosworth

Sustainable Travel Team

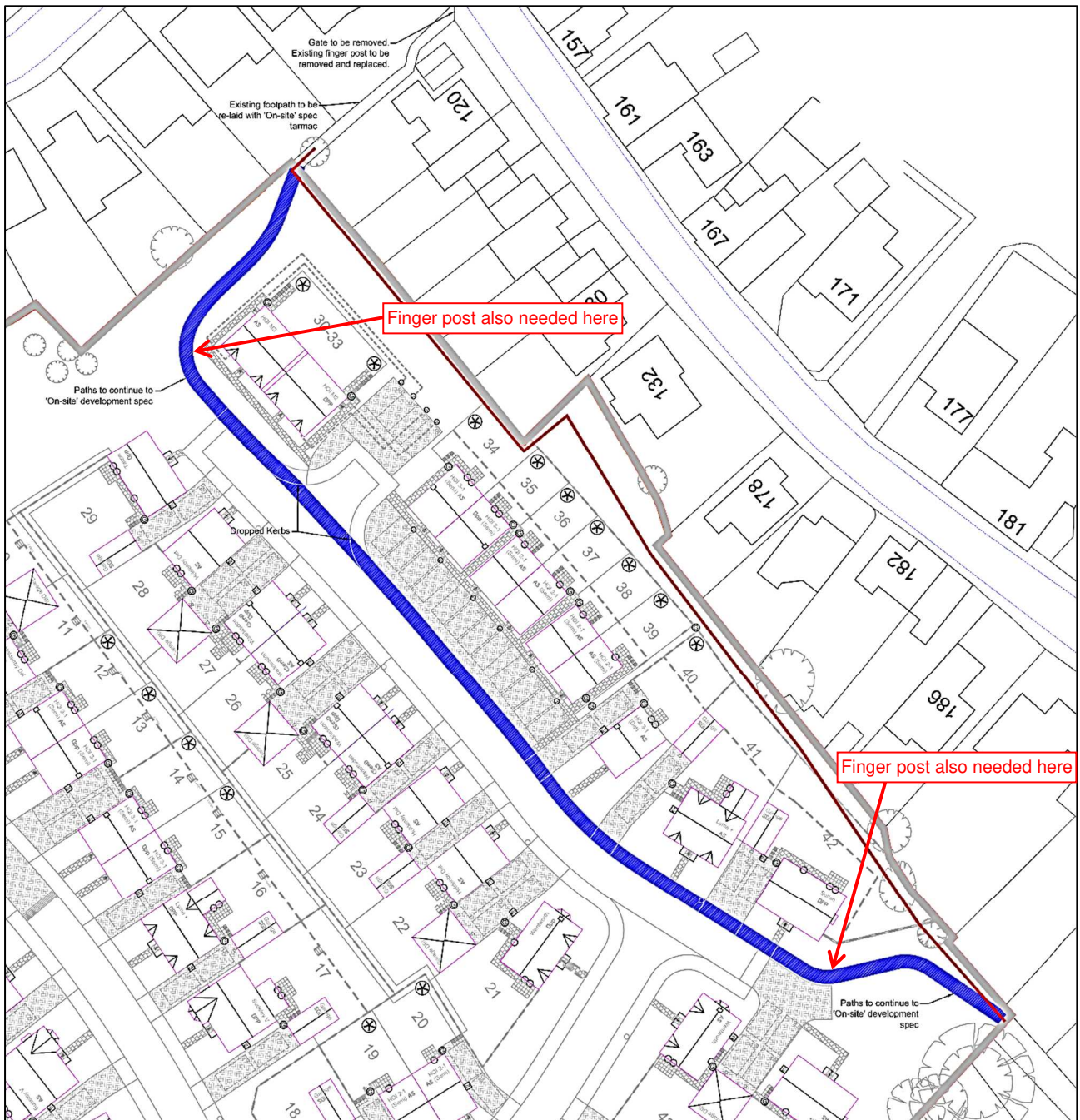
Environment and Transport

Leicestershire County Council

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Annotated excerpt of drawing number 02419 - 002P Revision B

24/00159/DISCON | Application to discharge conditions ... 18 (Public Right of Way), ... relating to planning application 20/00511/FUL | Land Beech Drive, Thornton, Bagworth and Thornton



APPLICATION DETAILS:

Planning Application Number: 24/00170/ROW
Highway Reference Number: 2024/0170/04/H
Application Address: Land Beech Drive Thornton Bagworth And Thornton Leicestershire
Description of Application: Permanent Public Right of Way Diversion - 23/00543/DISCON (R85)

Applicant Name: Joseph Sadler
Date:
Hyperlink:

GENERAL DETAILS:

Planning Officer: Ben Dutton

Access Officer: Andrew Poole

This application has been passed to me as **Public Footpath R85** needs to be permanently diverted due to planning permission 20/00511/FUL. Arising from that, the PRoW section was recently consulted under application 24/00159/DISCON which also related to the Footpath.

The PRoW section requests the LPA clarify this application. Currently the LPA web page for 24/00170/ROW only includes an application form. Including a clear plan of the proposed diversion is essential to assess the proposal. Application 24/00159/DISCON does include drawing number 02419 - 002P Revision B, but that also needs to be included here.

As noted in that other response, drawing 02419 - 002P Revision B is welcome, but more information is needed. The Countryside Act 1968 section 27 requires finger posts at points where a diverted public right of way leaves a new estate road. Enclosed with these comments is part of that drawing, annotated to show where those signposts should be.

Please include this drawing excerpt with your response so that it is conveyed to the applicants.

Also in response to 24/00159/DISCON we noted any diversion proposal should itemise the works required, including the width of the diverted right of way and the surfacing specification. The width is clarified on this application form. The form specifies that the new footpath should be tarmac. The LHA asks this should explicitly use the Leicestershire Highway Design Guide Footways specification in the top left hand corner of LCC standard drawing SD/11/5 at: <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2018/6/5/sd-11-5d-footway-vehicular-and-agricultural-field-access.pdf>

Kind Regards

Andrew Poole
Access Officer, Blaby + Hinckley & Bosworth
Sustainable Travel Team
Environment and Transport
Leicestershire County Council

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APPLICATION DETAILS:

Planning Application Number: 24/00159/DISCON

Highway Reference Number: 2024/0159/04/HDis6,17,18,20/R1

Application Address: Land Beech Drive Thornton Bagworth and Thornton Leicestershire

Description of Application: Re-consultation. Application to discharge conditions 3 (Levels), 6 (Surface Water Management), 17 (Construction Environmental Management Plan and Method Statement), 18 (Public Right of Way), 20 (Suspended Solids) on Appeal Decision APP/K2420/W/21/3285060 relating to planning application 20/00511/FUL

Applicant Name: Miss Jessica O'Neil

Date:

Hyperlink:

GENERAL DETAILS:

Planning Officer: Oliver Rivera

Access Officer: Andrew Poole

This re-consultation has been passed to me as **Public Footpath R85** runs through the site.

This application includes drawing 02419 - 002P Revision C. The revised details on that fully reflect the previous LHA comments. However, for the LHA to arrange installation of the Fingerposts signs to LCC drawing SD/FP/7 the PRoW section needs direct contact with the developer to invoice the developer before installation by the LHA's in-house signs service.

In parallel with this discharge application, the developers have applied for a permanent diversion of the public right of way for which the LPA reference is 24/00170/ROW. Where such a legal diversion is needed it is only appropriate to discharge any related planning condition(s) *after* the public consultation on the separate diversion has been satisfactorily completed. The LHA has not yet seen any response to its comments for the consultation on that application which, on the H&BBC planning web page, is still lacking an application plan and more detail.

In particular, it is a requirement of the Town and Country Planning (Public Path Orders) Regulations 1993 Schedule 1 para 4 that the consultation itemises works required to give effect to the diversion, including defining in writing the width of the diverted right of way, the surfacing specification, and the location and specifications for any structures needed along it.

We cannot advise discharge of this condition until the issues above have been addressed.

Kind Regards

Andrew Poole

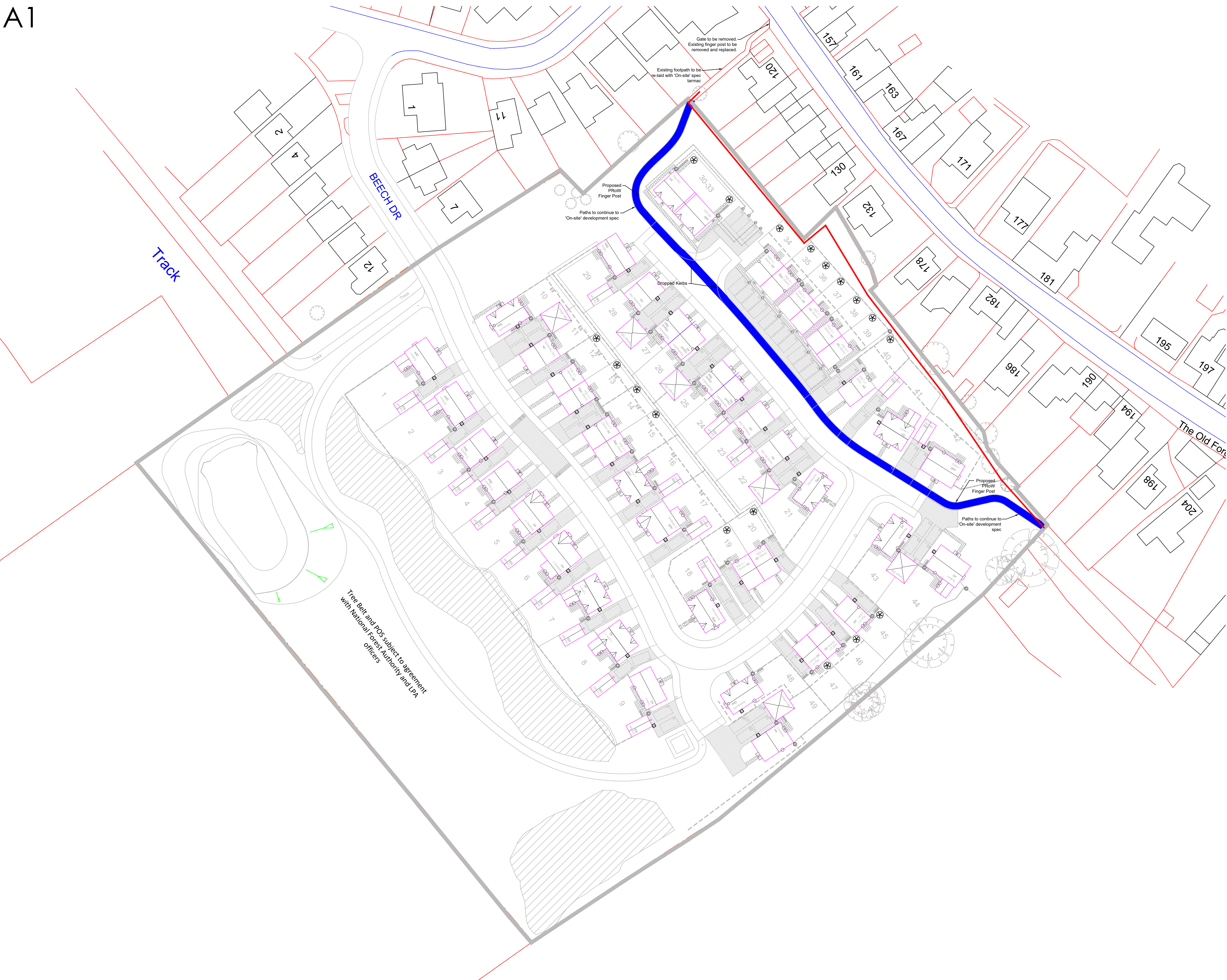
Access Officer, Blaby + Hinckley & Bosworth

Sustainable Travel Team

Environment and Transport

Leicestershire County Council

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Permanent PROW Diversion Route

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A	First Issue	25.10.23

Rev.	Description	Date
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Grovelands Business Park
West Haddon Road, East Haddon,
Northamptonshire NN6 8FB

PROW Plan
Thornton

Charter Plan

Date	26/09/22	Scale	1:500 @A1	Drawn	JS
Dwg. Ref.	02419 - 002P			Rev.	C