

Delegated Report

Planning Ref: 25/00164/FUL
Applicant: Trent Rivers Trust
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Culloden Farm, Ashby Road, Twycross

Proposal: Creation of a wetland

1. Recommendations

- 1.1. **Grant planning permission** subject to conditions outlined at the end of this report.

2. Planning application description

- 2.1. The development proposal is to create a wetland with inlets from both watercourses which border the field to the north and south of the site at a series of points. A wide shallow channel will be created in the centre of the field to guide the flow and fan out into a large wetland area at the downstream end of the field and follow the topography into the field to the south, before returning to the watercourses through outlet channels before it goes under the road culverts at the eastern end of the field.
- 2.2. The site will be planted with a grassland meadow mix to the dryer western end of the field, and a wetland meadow mix to the lower eastern end of the field. Pre-planted coir mats and rolls will be installed in the southern channel and within the excavated channel to kick start the vegetation establishment and enhance the habitat and biodiversity. There will also be hard landscaping in the form of wooden benches, bridges, and deck boards throughout the site.

3. Description of the site and surrounding area

- 3.1. The development site is located on the Upper Mease tributary of the River Mease SSSI/SAC. The Upper Mease has been identified in several catchment investigations as a key priority tributary for targeting restoration as it is a large source of sediments and poor water quality into the SAC.
- 3.2. The site lies 1.5 miles north of Twycross and lies to the west of Ashby Road where the site is accessed from. The site measures approximately 13.5 hectares and is agricultural pastureland of an open character, with tree/scrub along part of the northern and southern boundaries. The site is relatively flat topographically.
- 3.3. The site lies within the River Mease surface water catchment area due to nutrient pollution and Flood Zone 3 as identified on the Environment agency maps.
- 3.4. To the south of the site is Shelford Lane, to the east the Ashby Road (B4116) and the north Culloden Farm which falls under the ownership of the applicant.

4. Relevant planning history

- N/A

5. Publicity

- 5.1. The application has been publicised by erecting a site notice at the site entrance. No representations have been received.

6. Consultation

- 6.1. Groby Parish Council was consulted and has no objections to the proposal.
- 6.2. HBBC Environmental Health – No objection.
- 6.3. Environment Agency – No objection.

- 6.4. LCC Drainage – No objection.
- 6.5. LCC Ecology – No objection.

7. Policy

7.1. Core Strategy (2009)

- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Ecology & biodiversity
- Flood risk & drainage
- Impact upon highway safety and parking

Principle of development

- 8.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3 The site comprises of agricultural pastureland within the open countryside and the proposal is for the development of a publicly accessible, managed wetland reserve. Its primary function is not as a leisure destination but is in part habitat creation and in part performing a drainage mitigation function, facilitated by the redirection of existing land drainage systems within the area. As such the proposal is considered to fall outside of a standard use class and be sui generis in nature.
- 8.4 Spatial Objective 10 of the adopted Core Strategy refers to Natural Environment and Cultural Assets and aims to deliver a linked network of green infrastructure, enhancing and protecting the borough's distinctive landscapes, woodlands, geology, archaeological heritage and biodiversity and encourage its understanding, appreciation, maintenance and development.

- 8.5 Policy DM4 of the SADMP states that development in the countryside will only be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development.
- 8.6 Policy DM9 of the SADMP states that all developments within or affecting Natural and Semi-Natural Open Spaces should seek to retain and enhance the accessibility of the space and its recreational value whilst ensuring the biodiversity and conservation value is also enhanced.
- 8.7 The primary aim of the proposed development is to contribute to and enhance the natural environment of the site, including benefits to natural capital and ecosystem services that would facilitate biodiversity net gain, and this is considered to be in accordance with Policy DM9.
- 8.8 In respect to the loss of agricultural land as a result of this proposal, whilst there is no Local Plan policy in respect to the loss of agricultural land, paragraph 187(b) of the NPPF states that planning decisions should recognise ‘the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...’
- 8.9 A further significant aim of the proposal is, in the words of the NPPF, “establishing coherent ecological networks that are more resilient to current and future pressures.” This aspect further contributes to the proposal enhancing the natural environment in the area and as part of a green network.
- 8.10 Furthermore, the NPPF states at paragraph 180(e) that “Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.” As the proposed development meets these aims it is considered that the loss of agricultural land in this instance would not conflict with the objectives of the NPPF.
- 8.11 Therefore, the proposal is considered to be acceptable in principle and in relation to the policies above, subject to the compliance with the material considerations below

Design and impact upon the character of the area

- 8.12 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.

- 8.13 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 Based on the plans provided, it is considered that the proposal would have a positive impact on the landscape character of the countryside and would enhance the character of the area through a change from arable to grazing land, to the introduction of shallow wetland meadows and wildflower planting, with sensitively designed and high-quality hard landscaping. The proposals appear to maintain the openness of the site and any hard landscaping appears limited only to what is necessary for the maintenance and enjoyment of the facility.
- 8.15 Referring to policy and guidance, the proposal is not considered to materially harm the character of the area but would instead enhance it, in accordance with Policy DM4 and DM10 of the SADMP and is sympathetic to the open nature of the countryside at this location and would enhance the wider benefits from natural capital and ecosystem services in accordance with paragraphs 187 and 188 of the NPPF.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the SADMP states that proposals should not adversely affect the amenity of occupiers of the neighbouring properties.
- 8.17 This site is remote from the urban area and whilst there are a few rural dwellings close to the boundaries of the site, the nature of the works is such that no ongoing negative impacts to their residential amenity would occur.
- 8.18 In respect to the construction phase of the development, given the proximity of some of the site to some residential dwellings, a Construction Environmental Management Plan may be required to ensure that there is suitable control of noise, hours of work, dust suppression and the prevention of the escape of pollutants. This is secured by a planning condition.
- 8.19 Therefore, subject to conditions, the proposal complies with Policy DM10 of the SADMP in respect of amenity impacts.

Ecology & biodiversity

- 8.20 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.21 Paragraph 193 of the NPPF states that *'d) development whose primary objective is to enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*
- 8.22 LCC Ecology have been consulted. The proposed wetland creation would be exempt from statutory BNG via the 'de minimis' exemption, as no on-site habitat will be lost or degraded such that there is a decrease in the biodiversity value of that habitat as all habitat will either be of the same or better value habitat 2 years post-development.

- 8.23 As per BNG planning practice guidance, a pre- and post-development BNG metric has been provided and demonstrates a total net change of +69% for habitat, +14% for hedgerow and +22% for watercourse units.
- 8.24 A preliminary ecological appraisal and water vole and otter surveys have been provided and are satisfactory, however conditions have been requested by LCC Ecology to update the badger and otter surveys.
- 8.25 From assessing the submitted information, the proposal would strengthen the biodiversity value and promote the growth of native species within the site. LCC Ecology have recommended conditions (including pre-commencement conditions) relating to CEMP, compliance with water vole and otter survey, updated otter and badger surveys, and a HMMP relating to the BNG metric. It is therefore considered that the proposal complies with Policy DM6 of the SADMP and paragraph 193 of the NPPF.

Flood risk & drainage.

- 8.26 Paragraphs 170 to 181 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.
- 8.27 Policy DM7 of the SADMP states that adverse impacts from flooding will be prevented.
- 8.28 The site is situated within flood zone 3, and as such it must be ensured that this development would not increase any flooding within the site or area. The Lead Local Flood Authority has no objections to the proposal and the application is funded by the Environment Agency with one of the benefits of the proposal being to increase the capacity of the site to store flood waters.
- 8.29 The scheme is therefore considered acceptable with regard to Policy DM7 and the requirements of the NPPF.

Impact upon highway safety and parking

- 8.30 Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 114 of the NPPF states that a safe and suitable access to sites should be achieved, and Paragraph 115 clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.
- 8.31 Based on the submitted Planning, Design and Access Statement, after construction it is not expected that additional trips will be generated. The wetland is primarily a private enterprise for the purpose of nature restoration. The wetland will be accessible by foot from the ice cream shop on site and adjacent public footpath, which is a secondary benefit intended to enhance the existing visitor experience for those interested, rather than generate additional visitor volume.
- 8.32 During construction, the site access point will be a farm entrance off Ashby Road, a B classified road (B4116) subject to the national speed limit. Once machinery is delivered to site it will remain until site works are completed. It is envisioned that works can be completed with a maximum of two excavators and two dumpers with delivery on one or two low loaders on one occasion at the start of works, and removal on one occasion on completion. The site will be accessed daily by the personal vehicles of construction staff (max. four people) and TRT site supervisors

(one – two people) with vehicles parked in the farmyard and operatives walking to the site and compound from there.

- 8.33 The application site includes the track to Culloden Farm, part of which is also the route of Public Right of Way Footpath Q7. The Planning, Design and Access Statement includes, in paragraph 6.3, a Construction Traffic Management Plan which notes:

'The site is also adjacent to this track. While machinery is being brought to site, being removed from site, or any other occasion where it needs to travel down the access track, the site will be attended by a site supervisor in PPE in place at either end to warn members of the public and perform traffic management. 'Work in progress' signs will be put up daily at the site entrance.'

This is considered satisfactory.

- 8.34 The LHA are satisfied that following construction, the proposals would not lead to an intensification in use of an access on to a B classified road and under the site-specific circumstances, Policy 2 of the Leicestershire Highway Design Guide does not need further consideration.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal is acceptable in principle and would enhance the ecological and biodiversity interests of this area and allow controlled public access to a high-value ecology site. There would be benefits to natural drainage within the area, and the site would reduce the existing pressure on the River Mease Special Area of Conservation in terms of Nutrient Neutrality. The proposal would also provide some additional social benefits in the form of employment/volunteer opportunities. There are no concerns regarding neighbouring amenity or highway safety, and there would be no unacceptable harm to the character and appearance of the area and wider countryside.

- 10.2. The proposal is therefore considered to be in accordance with policies DM1, DM2, DM4, DM6, DM7, DM10, DM17 and DM18 of the SADMP and the NPPF.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan
- Landscape Plan
- Landscape Structures
- Concept predicted flow paths

All received 21.02.25

Reason: To ensure a satisfactory form of development in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The scheme shall be carried out in full accordance with the approved hard and soft landscaping scheme: Landscape plan and Landscape plan structures (Trent Rivers Trust Project #252). The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details: A. Identification of potentially damaging construction activities B. practical measures and sensitive working practices to avoid or reduce impacts during construction on amphibians, bats, reptiles, and badgers C. timing of works to avoid harm to nesting birds D. responsible persons for overseeing sensitive works E. use of protective fencing where required to safeguard hedges and trees The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

5. The development hereby approved shall be implemented in strict accordance with the measures stated in section 6 of the Water Vole and Otter Survey Report (Pioneer Environment, October 2024).

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

6. No development shall take place (including ground works or vegetation clearance) until an updated badger survey (or an email from a licensed ecologist confirming that there have been no changes from the previous badger survey) has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

7. No development shall take place (including ground works or vegetation clearance) until an updated otter survey (or an email from a licensed ecologist confirming that there have been no changes from the previous otter survey) has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out before commencement of works on site. It is to include details on mitigation measures for otters if necessary. All works are to proceed strictly in accordance with the approved document.

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

8. A 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, shall be submitted to and approved in writing by the local planning authority within 2 years from the date of this approval. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;

h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain.

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

11.3 Notes to applicant

1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
2. Public Rights 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.
3. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
4. If the developer requires a Right of Way to be briefly closed or 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 at least 12 weeks before the temporary diversion is required.
5. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.