

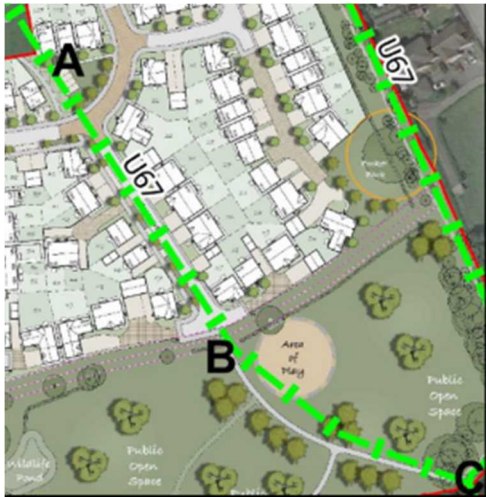
PROW Response from Persimmon Homes Condition 5 24/00746/DISCON

Please see my response below in blue to the main points of the Highways response.

- *'Hoggin' is not advisable for path surfacing in this area. Though traditional in the drier south-east of England it is less suited to the wetter Midlands. Government guidance on surfaces says of hoggin 'If the fines content is too high, then the material will be prone to softening and rutting when wet. Hoggin can be very variable, and its quality and consistency should be monitored during construction' see p45 of 'On the right track: surface requirements for shared use routes' at <https://tinyurl.com/routessurfaces>. If a route is not to have a sealed surface, then self-binding gravel (particularly from the local quarry at Breedon on the Hill) is more suited to a Midlands setting and climate. Surfacing is now self-binding gravel, we will aim to source from local quarry at Breedon on the Hill, see revised plan.*
- *Any scheme for the treatment of the Public Rights of Way (PRoW) needs to include the specification for the construction of the surfaces, but should also address their drainage, in terms of surface profile (either camber or cross-fall), and also how surface water will be channelled away from surfaced routes. The Leicestershire Highway Design Guide section MC 8: paragraph 4.50 specifies: 'In footpaths, and cycleways separated from carriageways, you must provide gullies or channels connected to the highway drainage system where surface water would otherwise discharge onto adjacent property or cause flooding of footpaths, footways or carriageways.' All footpaths are within soft landscaped public open space this meaning any surface water will run off the sealed surface of the footpath and directly into permeable ground. The drainage system and levels have been designed to divert all surface water towards the attenuation basin.*
- *As noted in the 21/01131/OUT Habitat Survey there is scrub at the south end of Watling Close, so the route-in-use of Footpath U64 is in the wrong place on the eastern side of the application site and that has been followed for planning purposes and the LHAs sign, rather than the legal alignment of the PROW on the western side of the application site that is obstructed by the vegetation which it is primarily the landholders legal duty to clear. The location of this was previously shown when the 23/01204/REM Masterplan was overlaid with the definitive map of public rights of way, an excerpt of which is included here, with the 'legal line' of Footpath U64 shown by pink dashes. As part of this development, either the legal alignment of the PRoW should be cleared and any constructed path put in that location, or any legal changes to rights of way on site should include a legal diversion so the physical and legal routes properly align We will be taking the approach to legally divert the footpath to reduce clearance of vegetation- an application is currently being drawn up with Leicestershire Highways Footpaths and Hinckley and Bosworth's team.*
- *Footpath U64 currently exits the north-western corner of the site via a stile onto the pedestrian footway alongside the A5 Watling Street. In law, stiles on paths are the landowners' responsibility. Reflecting the Equality Act 2010, government policy is that barriers on Public Rights of Way should use the 'least restrictive' option possible and be accessible to users with reduced mobility. In particular, stiles can be awkward even for otherwise able walkers (such as older people) who have partial mobility limitations such as hip or knee problems that make it more difficult to climb up over barriers. For these reasons, and reflecting the applicant's NPPF enhancement duty, the scheme should include replacing this stile with a low-maintenance metal Kissing Gate conforming to LHDG drawing SD/FP/12, provided and installed by the LHA, funded by the applicant. As you can see from the screenshot below the kissing gate is outside of Persimmon Homes' ownership control (green line on plan below) and would be unreasonable to request outside of the planning application process.*



- Another excerpt of the 23/0104/REM Masterplan overlaid with the definitive Map of Public Rights of Ways shows Bridleway U67 marked by green dashes and bars. At point 'A' on the excerpt a dwelling is shown to be built over the legal alignment of the PRow. Unless the situation is resolved, the resulting house would be an unlawful obstruction of the highway and selling a property in such a situation could leave the applicant liable to claims against them for mis-selling. The plan also shows the route to be constructed between points 'B' and 'C' is different from the legal alignment of the PRow which will be obstructed by several tree plantings. That will create unlawful obstructions for which the future parkland management is liable. We will be taking the approach to legally divert the footpath, an application is being formed with Leicestershire County and Hinckley and Bosworth.
- The applicant should be required to apply to the LPA under the Town and Country Planning Act 1990 for a legal diversion of Bridleway U67 to reflect the new physical route between points 'B' and 'C' and then to connect with Sketchley Lane via the new estate roads instead of the current legal alignment, the north end of which is also obscured by Sketchley Lodge. The application to divert the legal alignment will be between points B and C and at point A to ensure the alignment is not under a plot for sale.



- In law, bridleways are routes for horse-riders and cyclists as well as pedestrians. South of the application site Bridleway U67 links to local streets and to the A5. From other external sources, the County Council has a budget earmarked for surfacing that section. To be appropriate for use also as a cycleway, and to differentiate it from the other routes in the public open space which are only to be footpaths, the section of route to be constructed between points 'B' and 'C' on the 23/01204/REM Masterplan excerpt above needs to be suitably signposted and have an adequate width, and other provision such as dropped kerbs at junctions with roads. Dropped kerbs at junctions with roads have been accommodated for and are approved a part of RM application. Due to the current width and exiting mature vegetation surrounding the existing bridleway from our site to the A5 the likelihood of widening this is low due to the negative impact this will have on the root protection zones of the high quality mature trees. Do the surfacing works include widening or just resurfacing of the 2m wide footpath- "County Council has a budget earmarked for surfacing that section". After reviewing the U67 route the amount of vegetation and mature trees surrounding the currently 2m footpaths will make it difficult to widen these without having a negative impact on the roots of these existing established trees, thus meaning ours will link into the 2m wide footpath once resurfaced.*

- Signs are a legal requirement where a PRow exits from a surfaced road. Where the new road is due to development, the developer who creates the need for a new sign is responsible for paying for it. The LHA specification for these is LHDG drawing SD/FP/7. So, any scheme for the treatment of the Public Rights of Way should include the provision of suitable signs, sourced and installed by the LHA, funded by the applicant. As this application creates the branch of the bridleway physically exist on the ground the signpost outside our boundary to the south as pictured below is sufficient to highlight the route. It is our view that this request is outside of Persimmon Homes' obligations as set out in the planning permission and would be unreasonable to request outside of the planning application process.*

