

**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: 26/00165/NMA

Highway Reference Number: 2026/0165/04/H

Application Address: Land North Of A47 Normandy Way And East Of Stoke Road Hinckley  
Leicestershire

Application Type: Non-material amendment

Description of Application: Non-material amendments to planning permission 25/00537/REM

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**GENERAL DETAILS**

Planning Case Officer: Matt Jedruch

Applicant: Mr Matt Finnie

County Councillor: Hollycroft ED - Ann Pendlebury CC

Parish:

Road Classification: Class A

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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:**

**No objection**

No objection to the non-material amendments to planning permission 25/00537/REM

**Advice to Local Planning Authority**

**Background**

The Local highway Authority (LHA) have been consulted by Hinckley and Bosworth Borough Council as the Local Planning Authority (LPA) on non-material amendments to planning permission 25/00537/REM. The submitted application form details the amendments which are proposed to the layout.

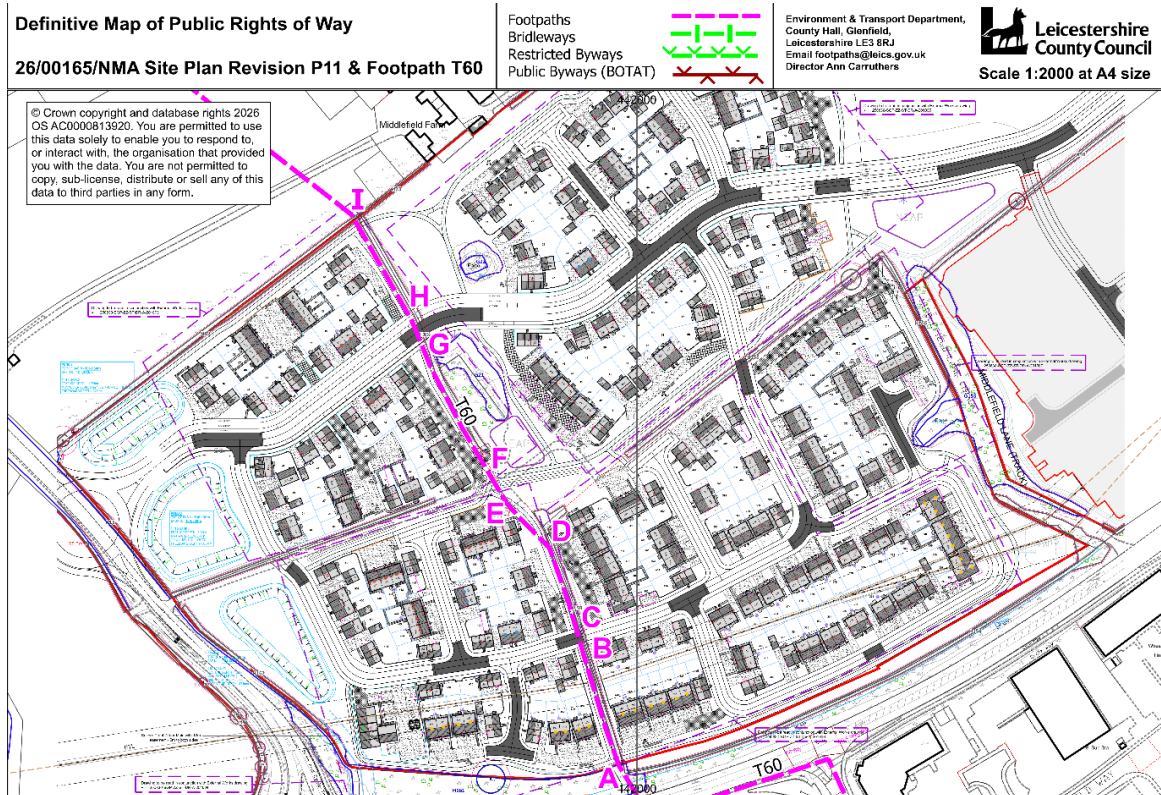
The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- Application Form
- SGP drawing number 250830 SGP ZZ ZZ DR A 201001 Rev. P11 (Site Layout)
- Bin Collection Point Changes S02 Rev. A document
- SGP drawing number 25083 SGP ZZ ST DR A 201010 Rev. P02 (Bin Collection Point Plan)

## Highways Comments:

The submitted application form details the amendments which are proposed to the site layout and bin collection points. After reviewing the layout compared to what was conditioned as part of application 25/00537/REM, the LHA has no objection to the proposed changes.

It should be noted the application site bisects public right of way Footpath T60, as shown on the submitted Site Plan Revision P11 overlaid with the Definitive Map of public rights of way which legally 'fixes' the alignment of public rights of way and has legal precedence over routes on the ground.



However, the route on the submitted site plan differs significantly from the legally-defined alignment. Particularly between points 'D' and 'F', the public right of way is a through-route running north-south, whereas on the site plan at point 'E' an east-west route has priority.

Where planning applications do not match the Definitive Map route, the applicant will need a separate legal diversion order made by the Local Planning Authority (not the LHA) a separate application for which must be submitted and confirmed before the development is substantially complete. It appears the amendments to the layout would impact the PROW, notably the turning head between points F and G.

It is advised a range of other issues regarding the treatment of the public right of way are outstanding. Whilst the LHA could not require these as a result of the application, the PROW team would welcome a discussion on these either by contacting (0116) 305 0001 or [footpaths@leics.gov.uk](mailto:footpaths@leics.gov.uk).

1. A public footpath should comprise a 2 metre surfaced width with a 1 metre grass verge either side in accordance with the Leicestershire Highway Design Guide on Development and Public Rights of Way:-

<https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2024-12/development-and-public-rights-of-way-revised-december-2024.pdf>.

2. Where a public right of way meets or crosses a carriageway, drop kerbs should be installed at the crossing points, in this case at points 'B', 'C', 'G', and 'H'.
3. No trees or shrubs should be planted within 1 metre of the edge of the constructed surface of a public right of way. Any trees or shrubs planted alongside a public right of way should be of a non-invasive species.
4. Where a public right of way (PRoW) exits from or crosses a surfaced road, whether public or private, it is a legal requirement that there should be fingerpost signs, the LHDG specification for which is drawing SD/FP/7. Where a developer creates new junctions between a PRoW and new roads the developer is responsible for paying for the signs, though the LHA can arrange their installation and re-charge costs if there is prior written agreement to do so. In this case such signs are needed at points 'B-C' and 'G-H'.
5. Where a PRoW crosses boundaries any barriers are legally the property and responsibility of the landholder. In line with the Equality Act 2010, Government policy is that PRoW barriers should be the 'least restrictive' option possible. Specifically, stiles are awkward for otherwise able walkers, such as older people with mobility limitations such as hip or knee problems. The 'least restrictive' option policy means boundary crossings should either be gaps, pedestrian gates, or (if the boundary must be livestock proof) kissing gates to a design approved by the LHA. This would apply to points 'A' and 'I'.

### **Informative**

- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- 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.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer 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.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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**  
**19 March 2026**

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

**Reviewer**  
**DH**

**Date issued**  
**23 April 2026**