

**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.

APPLICATION DETAILS

Planning Application Number: 25/00983/NMA

Highway Reference Number: 2025/0983/04/H/R2

Application Address: Land South Of Sketchley Grange Hotel Sketchley Lane Burbage
Leicestershire

Application Type: Non-material amendment

Description of Application: Re-consultation. Non material amendment to planning permission 23/01204/REM. Amendment to widen the public right of way, create a new footpath and relocate the play area and subsequent amendments to condition 5 and 7

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Ms Esther Wiles

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

Road Classification: Adopted Unclassified

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

Objection

Objection to Discharge of Conditions 5 and 7.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA) on a non-material amendment to planning permission 23/01204/REM. The Applicant is applying for the amendment to widen the Public Right of Way (PRoW), create a new footpath and relocate the play area and subsequent amendments to conditions 5 and 7. The site is located at Land South of Sketchley Grange Hotel, Sketchley Lane, Burbage.

The LHA has previously provided a response in respect of the proposals on 30th May 2025 as part of application reference 25/00243/NMA, to which the LHA advised additional information was required. The LHA has subsequently been consulted on this current application (reference 25/00983/NMA) to which it objected to the non-material amendments to conditions 5 and 7.

LHA has reviewed the following additional documents submitted by the applicant in support of the proposals:

- James Blake Associates drawing numbers JBA 23/348-02 Rev. V, JBA 23/348-04 Rev. V, JBA 23/348-05 Rev. V and JBA 23/348-12 Rev. V
- The Greenfield Design drawing number TGDP/SG-BH/POS-CP Rev. I

Conditions 5 and 7

For the avoidance of doubt, Conditions 5 and 7 are provided below:

No development above floor plate level shall take place until a scheme for the treatment of the Public Rights of Way (Footpath U64 and Bridleway U67) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of, but not limited to, the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.

Reason: In in the interests of protecting and enhancing Public Rights of Way and their access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 to link in to the existing hard-surfaced link to Troon Way shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to, the link's surfacing, depth, width, landscaping, and timetable for implementation. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

The Applicant wishes to change the wording of Conditions 5 and 7 as follows:

Condition 5 – Treatment of the Public Right of Way

No development above floor plate level shall take place until the treatment of the Public Rights of Way has been carried out in accordance with the agreed POS & Existing Footpaths Surface Scheme - Rev D which shows the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements.

Condition 7 – Link to Troon Way

Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 shall be delivered in accordance with POS & Existing Footpaths Surface Scheme - Rev D. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Highways Comments:

The 23/01204/REM application site includes public rights of way Footpath U64 through the northwest corner and the two branches of Bridleway U67 through the eastern part of the site. The U67 eastern branch is remaining in place, and the LHA will soon add a tarmac surface, funded by a previous development to the south to form a cycleway for active travel. For historical reasons U67 western branch has been inaccessible, and this development includes resolving that, though with some changes to the legal alignment. That will require a separate legal order made by the LPA. At the applicant's request, the LHA has supplied a plan for the legal diversion order. Any such diversion application must be both submitted and legally confirmed before the development is substantially complete. An early application is strongly advised.

Three other issues about the Bridleway U67 western branch were outstanding:

1. Access onto the bridleway from the end of the estate road.
 2. Positioning of a bench beside the surface of the bridleway.
 3. The construction details of the surface treatment of the bridleway.
1. Access onto the bridleway from the end of the estate road.
This is resolved by the newly submitted drawing Detailed Soft Landscape Proposals drawing no. JBA 23/348-04 Revision V.
 2. Positioning of a bench beside the surface of the bridleway.
Drawing. no. JBA 23/348-04 Revision V shows, 19 metres south of the southern end of the estate road, a bench immediately next to the constructed surface of the bridleway. However, the DfT's 2021 publication 'Inclusive Mobility' and the British Standard BS8300-1:2018 'Design of an accessible and inclusive built environment - External environment. Code of practice' both specify seating must be setback to avoid creating a hazard when seats are in use. including where someone sitting on the bench has a dog, shopping bag, pram or bike in front of them. Where, as here, there are no other surrounding constraints, these sources advise that the seating should be setback from the edge of the path by at least 1200mm to be fully accessible. The area in front of the seating should be surfaced consistent with the adjoining path.
 3. The construction details of the surface treatment of the bridleway.
On dwg. no. JBA 23/348-04 Revision V all the constructed paths are shown to be surfaced in 'Hoggin'. In general, Hoggin is not advisable for path surfacing in this part of the country. Though traditional in the drier south-east of England it is less suited to the wetter Midlands.

Government guidance on surfaces in 2005 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 www.bhsaccess.org.uk/wiki/uploads/OnTheRightTrack_CoAgSharedUseGPG.pdf).

Planning of this aspect has not yet been authorised, though there is already an unbound surface in situ. From observation this surface is already beginning to break-up due to erosion caused by water run-off, showing it is unsuitable for this location.

Within the Midlands, an equivalent surface option might typically be the locally-derived 'Breedon Gravel' self-binding crushed stone. However, the 2000 Chartered Institution of Highways and Transportation guidelines "Providing for journeys on foot" (see

<https://modern.gov.fareham.gov.uk/documents/s30536/CDH.27%20Guidelines%20for%20Providing%20for%20Journeys%20on%20Foot%20CIHT%202000.pdf>) on p91 notes that material such as gravel etc. would be mainly used on lightly-used footways and rural paths. The UK Design Manual for Roads and Bridges CD 143 revision 2.0.1 “Designing for walking, cycling etc” (see www.standardsforhighways.co.uk/search/9b379a8b-b2e3-4ad3-8a93-ee4ea9c03f12) rates a gravel surface as having a lower adequacy score than sealed surfaces involving bitumen. Active Travel England (see www.activetravelengland.gov.uk/planning-active-places/pavements-and-footpaths) recommends roadside pavements (footways) *and footpaths* should be treated similarly for everyday use and should have a “... smooth, even surface that is high grip.”.

Sustrans (now the Walk Wheel Cycle Trust) the charity which manages the national network of cycle and pedestrian routes, noted (in 2012 Technical Information Note No. 8 on p24 see www.yumpu.com/en/document/read/11787263/tin08-cycle-path-surface-options-2012-sustrans/1) that it “...initially surfaced many off-road sections ... with unbound limestone or granite dust surfaces, which were considered most economic and more environmentally friendly at the time. Experience over the last 15-20 years or so has shown however that already significant path sections have suffered erosion, rutting, ponding or other damage that make these paths very unattractive and unusable in very wet weather conditions. Annual maintenance requirements for unbound surfaces are generally higher than for bound surfaces...”.

For these reasons the [Leicestershire Highway Design Guide](http://www.leicestershirehighwaydesignguide.uk/materials-and-construction/active-travel-assets-and-other-paved-areas/footways) specification for “Active Travel Assets” for footways (which includes separate footpaths and bridleways for everyday use) is that the surface treatment should be of all-weather durable options, mainly asphalt concrete (see www.leicestershirehighwaydesignguide.uk/materials-and-construction/active-travel-assets-and-other-paved-areas/footways). The LHA will maintain routes that are adopted, or are constructed to adoptable standards, but otherwise maintenance responsibility remains with the landholder.

It is understood that this area of green space is to become the responsibility of Burbage Parish Council. If that is the case, for the reasons outlined above, it is essential that there is written confirmation that the Parish Council are aware of the information included here and that they formally accept the on-going responsibility for maintaining the bridleway / cycleway if it constructed of hoggins or any other unsealed surface.

If further information is required, the Applicant can contact the PRow team on (0116) 305 0001 or footpaths@leics.gov.uk.

Date Received
10 April 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
23 April 2026