

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 Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 26/00319/OUT

Highway Reference Number: 2026/0319/04/H/R1

Application Address: Land Adjacent Colwyn Main Street Botcheston Leicestershire

Application Type: Outline

Description of Application: Re-consultation. Outline planning application for 26 new dwellings with all matters reserved

GENERAL DETAILS

Planning Case Officer: Joseph Fleetwood HBBC

Applicant: Mr & Mrs Dulon

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Desford

Road Classification: Class C

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

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

‘Outline planning application for 26 new dwellings with all matters reserved’

The proposals are on land adjacent to Colwyn, Main Street, Botcheston, Leicestershire.

Note – The LHA have included hyperlinks to relevant sections of the Leicestershire Highway Design Guide ([LHDG](#)) within this report. These are identified in bold, underlined and in blue text.

The LHA have reviewed the following documents as part of these observations;

- Application Form
- Site Location Plan
- Existing Proposed Block Plan, drawing number 202533.P.101 and
- Planning Statement

Site Access

The LHA notes this application is an outline (all matters reserved) application, and the access is not to be determined at this stage, however, the LHA must be satisfied that the principle of a safe and suitable access to the highway can be achieved within the site boundary.

The Application proposes to utilise an existing agricultural access onto the southern extent of Main Street to the west of the settlement of Botcheston. Main Street at the location of the access is an adopted, classified C road subject to a 30mph speed limit. It is noted that the speed limit changes to the national speed limit approximately 130m to the west of the access.

The Applicant has not provided a detailed access drawing; however, the LHA undertook a site visit on 18 June 2026 and are satisfied that an effective access width for the scale of development can be achieved in accordance with [Table 13](#) of the LHDG.

Again, it is noted that the Applicant has not provided any detailed, scaled visibility drawings. Visibility splays will need to be provided in accordance with [Table 6](#) of the LHDG for the recorded 85th percentile speed of the road. Whilst the posted speed of the road at the site location is 30mph, the LHA have historical data on record that demonstrate speeds at this location are higher than the posted speed. It is also noted that adjacent to the site there is a vehicle activated speed sign to alert drivers of possible speed infractions at this location.

Given the above, the LHA requests the Applicant undertake a traffic / speed survey at the site access to demonstrate the appropriate visibility splay lengths can be achieved within the Applicants and / or highway land for the measured 85th percentile vehicle speeds. This would need to be carried out using an Automatic Traffic Counter – not Manual Speed Survey – to avoid influencing driver behaviour. This can be undertaken by Leicestershire County Council (LCC) on behalf of the Applicant by contacting ndi@leics.gov.uk.

Alternatively, the Applicant can employ the services of a third party to undertake the survey. However, a permit is required to carry out any traffic count / speed survey on the public highway within Leicestershire, which can be obtained by contacting ndi@leics.gov.uk. Details on how a traffic / speed survey should be undertaken can be found using the section of the LHDG titled '[Highway Development Management Survey Requirements](#)'.

If the visibility splays cannot be achieved in line with the 85th percentile speeds, further measures to reduce speeds may be required to be implemented which will need to be secured as off-site works.

Given the above, the LHA will require submission of an independent Stage One Road Safety Audit of the site access and a Designer's Response to any problems raised, along with detailed, scaled drawings.

Vehicle swept path analysis drawings for the largest vehicle expected access and egressing the site in all directions will need to be provided. This should be in accordance with the section of the LHDG titled '[Swept path analysis](#)'.

It is noted that the Applicant could be required to remove a section of grass verge. There may be statutory undertaker apparatus located within the verge/footway fronting the site; should an application be forthcoming and the LPA minded to grant the proposals, the Applicant would need to undertake surveys and potentially works to relocate any services if found. Any additional cost that arises because of this work, would be entirely at the Applicant's expense.

Any street furniture that may require re-location would also be entirely at the Applicants expense.

The access should be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5m behind the highway boundary.

To conclude, notwithstanding the submitted plans, the LHA are satisfied that the principle of a safe and suitable site access could be achieved subject to the additionally requested information is provided as part of a future reserved matters application.

Highway Safety

There has been one Personal Injury Collisions (PICs) recorded within 500m in either direction of the proposed access in the last five years, this was classed as slight in severity. However, the acceptability of the proposals would be contingent on the Applicant providing the information detailed above as part of any reserved matters application to ensure the delivery of a safe and suitable access as required by the National Planning Policy Framework (2024) to ensure that new highway safety issues would not be introduced to the vicinity.

Internal Layout

The internal layout of the development is not for consideration at this stage and has therefore not been studied in detail. In the event the proposals are granted planning permission by the LPA, the Applicant should be aware of [Policy 5](#) of the LHDG if they wish for the internal development roads to be put forward for adoption.

The Applicant should also note the requirement to provide some visitor parking as part of the planning layout if planning permission is granted. This can be found within the section of the LHDG titled [‘Residential Visitor Parking’](#)

Consideration should be given to refuse collection, and the LHA would advise the Applicant that any bin collection points should be located outside of the highway boundary and visibility splays.

Public Rights of Way (PRoW) R88

The application site includes Public Right of Way Footpath R88 which runs west-north-westerly through the middle of the site. However, the submitted drawing titled ‘Existing Proposed Block Plan’, drawing number 202533.P.101 does not show the right of way nor make any provision for it.

Below within Figure 1 is the site layout overlaid with the Definitive Map of public rights of way (PRoW), which legally ‘fixes’ the alignment of the routes it shows. Of the proposed 26 properties, 14 houses or curtilages lie across the public right of way so would be unlawful obstructions for which the landowner, developer and purchasers may be liable for enforcement action. The Applicant would be required to address this.



Figure 1 - Overlay

The National Planning Policy Framework (NPPF) December 2024 paragraph 105 requires:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ...”

Also Planning Policy Guidance (PPG) in Circular 1/09 establishes that:

“The effect of development on a public right of way is a material consideration in the determination of applications for planning permission ...”

Any development on this land will necessitate the legal diversion of Footpath R88. That 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, otherwise the legal powers lapse. This LPA has a substantial backlog of such cases which has impeded progress on some developments.

In PPG Circular 1/09 paragraph 7.8 the government expects that any new alignment for a footpath should:

“avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made-up estate paths through landscaped or open space areas away from vehicular traffic.”

The NPPF, PPG and Circular 1/09 are applied by the Leicestershire Highways Design Guide (LHDG) annex on Development and public rights of way at:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>

The LHDG annex paragraph 8 advises:

“Paths should ideally be routed through public open space which is well overlooked. If it is not possible to do this, then a grass strip of at least one metre width should be provided either side of the public right of way [constructed surface] so that the path does not appear narrow and threatening.”

The accompanying image notes that enclosing footpaths between fences or hedges is unattractive to users.

In a rural setting this is less likely to foster anti-social behaviour, but it creates enforcement liabilities for the LHA and maintenance liabilities for the landholder. Unlike with private boundaries, the landholder is responsible for cutting back any hedges adjoining footpaths to ensure they are not impeded or unlawfully obstructed. Where a path is unsurfaced the LHA requires a minimum clear width at all times of at least 3.0 metres. If any fencing includes barbed wire, the government advises extra width is needed on page 66 in ‘Managing public access: a guide for land managers’ at <https://walkersarewelcome.org.uk/wp-content/uploads/2012/11/Managing-Public-Access.pdf>

The explicit legal criteria for a PRow diversion related to planning is that “it is necessary ... to enable development to be carried out”.

For any diversion PRow user groups must be formally consulted. Their expectations are shaped by the legal criteria for other types of PRow diversions that the new route must not be substantially less convenient to the public in consequence of the diversion and must consider the effect of the diversion on the public enjoyment of the path or way as a whole.

The LHA advises the Applicant to contact the PRow team as a matter of urgency via footpaths@leics.gov.uk.

Lastly it is also noted that the public footway terminates adjacent to the host dwelling and that there is no existing pedestrian link to the site. It is noted that there is a grass highway verge in situ that could facilitate a connecting footway to the existing highway infrastructure. Paragraph 115 of the National Planning Policy Framework (2024) applications for development should ensure that a safe and suitable access to the site can be achieved for all users. Given this, should a reserved matters application be forthcoming a detailed, scaled plan demonstrating suitable pedestrian connectivity should therefore be submitted. This should also be included within the brief for the independent auditors who undertake the Stage One Road Safety Audit.

Condition

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

Contributions

Please note that the exact monetary values will need to be agreed prior to the signing of the Section 106 agreement and may be subject to indexation.

To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

Suggested trigger point: Prior to the occupation of the first dwelling.

2. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at an average of £632.50 per pass for an Arriva service).

Justification: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

Suggested trigger point: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council

Date Received
29 June 2026

Case Officer
Neal Chantrill

Reviewer
DH

Date issued
24 July 2026