

**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: 24/00632/FUL

Highway Reference Number: 2024/0632/04/H

Application Address: Highway Verge Hinckley Road / Desford Road Enderby LE19 4AD

Application Type: Full

Description of Application: Installation of an underground grid connection cable within the highway verge to connect Enderby Substation (Cross-boundary with Blaby District Council)

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**GENERAL DETAILS**

Planning Case Officer: Laura Ashton

Applicant:

County Councillor: Ross Hills

Parish: Peckleton

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:**

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 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

**Advice to Local Planning Authority**

**Background**

The Local Highway Authority (LHA) have been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a full application for the installation of an underground grid connection cable within the highway verge to connect Enderby Substation. The site runs along the highway verge alongside the A47 Hinckley Road / B582 Desford Road, Enderby. It is understood the application is cross-boundary with Blaby District Council however to date, the LHA has not been consulted by BDC on the proposals. Nevertheless, it is likely that a similar response to the below would be provided.

The LHA has reviewed the following documents submitted in support of the application:

- Planning Design & Access Statement dated June 2024 (authored by Lighthouse Development Consulting).
- ByWa r.e. drawing number EDY7a.v1 (Proposed Cable Route Planning Boundary - Site Location)

- ByWa r.e. drawing number EDY7b.v2 Pages 1 to 11 (Proposed Cable Route Planning Boundary - Site Layout).

Based on the submitted Planning Design & Access Statement, the Applicant states they envisage using temporary signals with one lane of traffic remaining open at all times. Construction works would last between 25-45 weeks in total and it is suggested three teams will work on the scheme simultaneously, with the cable being installed alongside the verge '*subject to detailed design*'.

The Applicant also states that they would be happy for a Construction Management Plan to be conditioned. The LHA advise that such a document would be necessary and suggests this is produced following liaison with Leicestershire County Council's Network management Team ([networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)).

The LHA accept that once constructed, the proposals would not be of detriment to highway safety. Nevertheless, the proposals run along the A47, which is part of LCC's Resilient Network, as well as the Department for Transport's Major Road Network and the B582. The route also takes the cable through Desford Crossroads, which is a highly trafficked junction which becomes congested at peak hours. Construction of the cable therefore has the potential to cause significant disruption on the network for up to a year.

The LHA advises at this stage that in the event the proposals are granted planning permission by the LPA, the Applicant liaises with LCCs Network Management Team at the earliest opportunity to discuss construction of the works and booking road space. At this stage the LHA can advise the following points:

- A section 50 application pack would need to be submitted to the Network Management Team with detailed Programme and Traffic Management plans in the event the proposals are approved by the LPA.
- It is noted that the location of the proposed cable in the verge is subject to detailed design. Whether it is the intention to install cables within the verge or under the carriageway will potentially have a major impact on the disruption caused by the works and would be a key factor in the traffic management approach.
- Based on the high-level information within the Planning Design & Access Statement, the Network Management Team would look to discuss options for night and off-peak working with the works promoter before approving space on the highway.
- Leicestershire County Council are looking to undertake an improvement scheme to the Desford Crossroads. This is in the early stages of preliminary design and a firm programme is yet to be agreed, however construction could commence in 2026. In the event the proposals are granted planning permission by the LPA, the Applicant is advised to programme the works around the crossroads at the earliest opportunity. The new junction would be completely resurfaced; therefore it is highly likely a notice under section 58 of New Roads and Street Works Act would be issued, which would prevent any planned street works. This restriction can be in place for up to five years.

## **Public Rights of Way**

The proposals affect several footpaths along the route.

The application is accompanied by a series of 11 Constraints Plans. Those show the categorisation of hedgerows; the sites of shrub groups; root protection areas, and locations of Tree Preservation Orders (TPOs). TPOs are a legal designation that protects landscape features and requires legal authorisation for those to be interfered with. Public Rights of Way (PRoWs) are also legal designations that protect landscape features and require legal authorisations for those to be interfered with, but the PRoWs are omitted from the Constraints Plans and should be included for the constraints to be adequately identified.

The Planning Design & Access Statement with this application briefly mentions footpaths in paragraph 9.7 and in paragraph 2.3.11, where there is a simple plan of footpath locations based on Open Street Map. However the comments in those paragraphs are inaccurate. Five PRoWs cross the application site, Public Footpaths T73, V71, V72, V72a, and V80a. If the Applicant 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.

Short term closures will be essential during construction. Without them the Applicant will be guilty of unlawful highway obstruction contrary to the Highways Act 1980 section 131A or section 143. The short-term closures include the need for planning the extent of closures, temporary diversion routes, and ensuring appropriate signage at appropriate locations to ensure pedestrians are not unsafely or unfairly impacted.

Also whilst it is accepted that excavation itself and any closures will be temporary, the impact on the surface will be less so. Where a trench is refilled with excavated soil, bare potentially slippery earth compared to a grassy verge, can be a significantly degraded surface for public use - particularly at the roadside where having a firm surface is an important element for pedestrians crossing the roads safely. Wherever the excavations bisect footpaths there needs to be a plan for verge restoration such as laying crushed stone to firm-up surfaces.

## **Conditions**

1. No development shall commence on the site until such time a construction traffic management plan, produced in consultation with Leicestershire County Council, including as a minimum:
  - a. Details of a construction programme outlining the timescales and phasing of the works;
  - b. Traffic management measures to be used and details of any road closures;
  - c. Re-instatement of the carriageway/ verge and measures to avoid mud/ stones being left in the carriageway;
  - d. Vehicle parking facilities;
  - e. Timetable of works; and
  - f. The impact of the proposals on nearby Public Right of Ways and how this will be mitigated.

The details of which have 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.

2. No development shall take place until a scheme for the treatment of the Public Rights of Way T73, V71, V72, V72a, and V80a has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, including proposed temporary routes and their signage; and restoration of the PRoWs wherever surfaces are affected by the excavations. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (2023).

### **Informatives**

- The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)
- Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- The Public Right(s) 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.
- The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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**  
**28 June 2024**

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

**Reviewer**  
**DH**

**Date issued**  
**22 July 2024**