

**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: 25/00830/OUT

Highway Reference Number: 2025/0830/04/H/R1

Application Address: Land West Of Leicester Road Earl Shilton Leicestershire

Application Type: Outline

Description of Application: Re-consultation. Outline planning permission for the erection of No. 26 commercial units (use class B2 and B8) (Access reserved)

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**GENERAL DETAILS**

Planning Case Officer: Sullivan Archer

Applicant: Mr Richard Harrison And Mr Robert Finch

County Councillor: Earl Shilton ED - Martin Richard England CC

Parish: Earl Shilton

Road Classification: Class C

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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 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 Hinckley & Bosworth Borough Council as the Local Planning Authority on an outline application for the erection of No. 26 commercial units (use class B2 and B8) at Land West of Leicester Road, Earl Shilton. All matters are reserved at this stage.

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

- Application Form;
- Site Plan (Received by the LPA on 5<sup>th</sup> September 2025);
- Planning Statement (Received by the LPA on 5<sup>th</sup> September 2025); and
- Email dated 17<sup>th</sup> September 2025 confirming access as a reserved matter and land uses of B2/ B8.

Based on the submitted application form, the proposals would consist of B2/ B8 land use and the total internal floorspace of the development across the 28 units would be 2,028 square metres.

### **Site Access**

The site connects to the adopted highway at Leicester Road, a C classified road subject to a 50mph speed limit.

Access is not to be considered as part of this application. Notwithstanding this, the LHA advise the access shown on the submitted Site Plan does not appear to be in accordance with [Table 4](#) and [Table 9](#), or [Figure 9](#) of the LHDG. These provide the details of the access arrangements required for a B2/ B8 development, which would need to be designed to a major industrial access road standard. Given the remote location of the access on a key, well used road into Earl Shilton where vehicle speeds are likely to be high and the likelihood of turning HGVs as well as other vehicles, the LHA advise the Applicant should investigate the provision of a ghost right turn lane at the site access which would need to be designed in accordance with Design Manual for Roads and Bridges.

The Applicant will need to demonstrate vehicular visibility splays at the access in line with [Table 6](#) of the LHDG. Whilst splays of 2.4 x 215m appear to be achievable within the extents of the public highway, it would be advisable for the Applicant to undertake a speed survey to inform visibility splays.

[Swept path analysis](#) of an 18.5m HGV would be required demonstrating that a HGV can safely ingress/ egress the site in all directions. Swept path analysis would need to be undertaken at a 15KPH design speed, with the design speed used detailed on the drawing.

Furthermore, an independent Stage 1 Road Safety Audit would be required for the site access proposals, with a Designer's Response provided to any problems raised and, if necessary, a revised drawing.

The LHA note that the submitted Site Plan drawing details Leicester Road to be straight fronting the site. In reality, the road curves, particularly to the southwest of the site as shown in the Public Rights of Way section further below. An accurate frontage with the highway will need to be reflected by the Applicant as part of the reserved matters application, it is suggested this is based on a topographical survey.

The LHA will also require forward visibility to be detailed for right turning vehicles on Leicester Road. This is likely to be less than the visibility available at the access given the bend in the road. The LHA would therefore request forward visibility is based on an automatic (not handheld radar) speed survey. The Applicant is advised that a permit is required to carry out any traffic count/speed survey on the public highway within Leicestershire. A permit can be obtained by contacting [ndi@leics.gov.uk](mailto:ndi@leics.gov.uk). Alternatively, Leicestershire County Council offer a data collection service including a large traffic count database. For details of the services available please contact [ndi@leics.gov.uk](mailto:ndi@leics.gov.uk)

Whilst a safe and suitable access arrangement has not been demonstrated at this stage, the LHA currently has no reason at this stage to suggest that the principle of a safe and suitable access could not be achievable or delivered at the reserved matters stage with suitable additional evidence and information being provided by the Applicant.

### **Highway Safety**

Based on available records to the LHA, three Personal Injury Collisions (PICs) have occurred on Leicester Road within 500m either side of the site access within the last five years. Two of the PIC's were recorded as slight, whilst one was recorded as serious. The first slight PIC occurred in July 2021 to the north of the access, however no report has been provided from the police. The second slight PIC occurred in June 2024 and involved a motorcycle and another vehicle at the Shilton Road junction. The PIC involved a right turning manoeuvre. The serious PIC occurred in July 2024 and involved a vehicle and a motorcycle at the lay-by junction to the south of the access. This also involved a right turn manoeuvre.

Whilst the PIC's are regrettable, the LHA advises that the proposals are unlikely to exacerbate an existing highway safety concern on Leicester Road.

### **Trip Generation**

Given the scale of the proposed development, as per [Table 1](#) of the LHDG a detailed assessment of the sites trip generation is not required.

### **Internal Layout**

The internal layout of the site is not for consideration at this stage.

The LHA believe in principle that there should be sufficient space for vehicle parking and turning within the site including HGV spaces. Parking provision within the site will need to be designed in accordance with the [Parking and making provision for service vehicles](#) section of the LHDG.

### **Transport Sustainability**

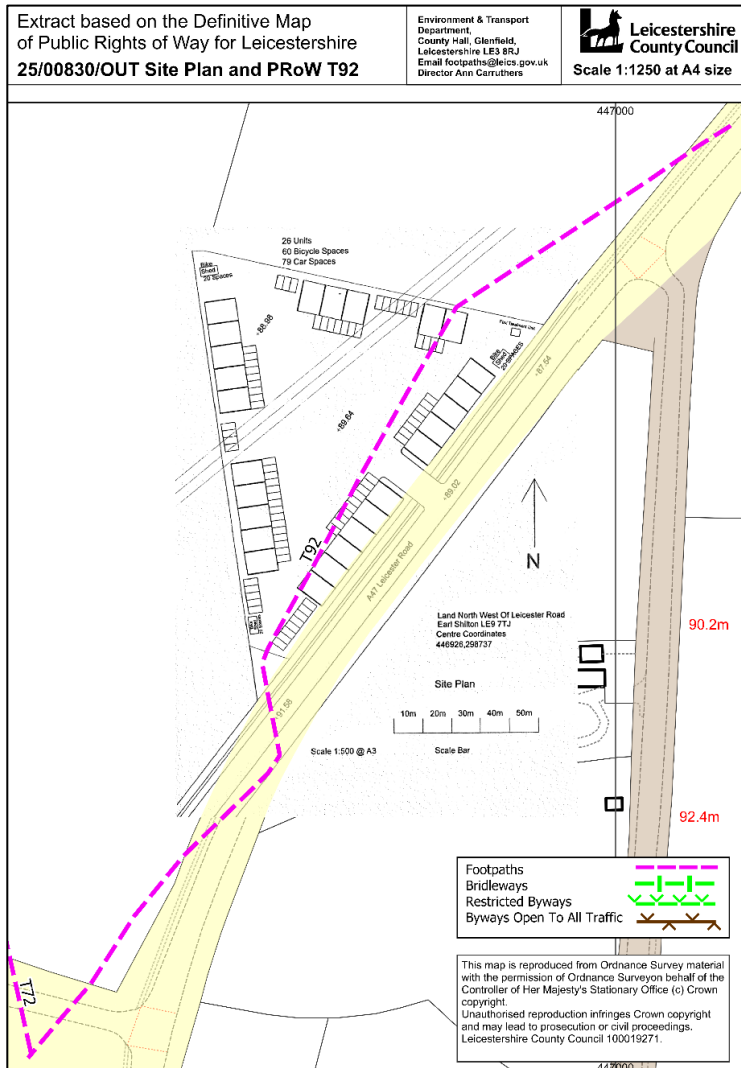
The site is detached from the built-up area of Earl Shilton, along a narrow footway which is not street lit. However, bus stops served by frequent services between Leicester and Nuneaton/ Coventry are within a 700m walk from the site. Given the scale of the proposals and the length of the footway which would require widening (approximately 480m), the LHA consider it would be difficult to justify a footway widening scheme. Furthermore, approximately 100m of footway south of Shilton Road would be widened as a result of the residential developments proposed off Leicester Road.

The LHA is satisfied for the LPA to include this transport context in its wider sustainability considerations for the site.

The LHA advise that the Applicant would be required to provide one Travel Pack (currently £52.85 if provided by LCC or a £500 fee to review a pack produced by the Applicant) and one application form for a six month bus pass per employee (currently £605 per pass for an Arriva service) in order to inform new employees of the sustainable travel options in the area and encourage more sustainable transport. It is unclear how many people would be employed by the proposals at this stage as this has not been stated on the submitted application form. Nevertheless, the LHA would expect a Travel Pack and bus pass to be available for the first tranche of employees at the site, up until the site is fully occupied.

### **Public Rights of Way**

The application bisects the legally recorded alignment of public right of way Footpath T92. Included below is the submitted Site Map overlaid with pink dashes showing the legally recorded alignment of the public right of way (PRoW). The presence of the PRoW is not addressed by the indicative layout plans and several of the proposed units and car parking spaces obstruct the legal alignment which would be contrary to the Highways Act 1980 section 143.



The routes of public footpaths, bridleways etc. are legally ‘fixed’ by the Definitive Map of public rights of way, the official record. For historical reasons, physical routes on the ground may vary or not be physically present at all, as in this case. However, planning applications must reflect the legal alignments as they cannot authorise something which is unlawful. When the internal layout is to be considered, the plans will need to be redesigned to remove this obstruction so that the PRoW route is physically provided for on the site. The alternative is that all the affected section of public right of way would need legally diverting or extinguishing.

Diverting or extinguishing a PRoW related to planning needs a separate legal order made by the Local Planning Authority (not the LHA). A separate application for this needs to be submitted and confirmed before the development is substantially complete. In normal circumstances such orders can take over a year to complete all their legal stages.

### **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 highway safety, encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1. Travel Packs; to inform new employees from first use 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 employees 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, one per employee (application form to be included in Travel Packs and funded by the developer); to encourage new employees 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 £605 per pass for an Arriva service).

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

Suggested trigger point: : Payment of 100% paid prior to the occupation of the development. However, payment of 75% of the total contribution may be deferred to a later date by agreement of a timescale with the County Council.

### **Informative**

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- Planning Permission is required for any construction access onto a classified road, unless it is in strict accordance with the development access planning approval. To carry out off-site works associated with a construction access onto a classified road, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit. However, if planning consent has not been secured in respect of the construction access, the section 184 application will be refused.
- 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**  
**29 October 2025**

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

**Reviewer**  
**DH**

**Date issued**  
**8 December 2025**