

From: David Spring
Sent: 21 August 2024 12:53
To: Planning Folder New
Subject: FW: Mine- 24/00170/ROW Leslie- 24/00159/DISCON Condition 18
Attachments: PJS22-058-DR-900 Highway Construction Details.pdf; PROW Planning Charter Plan Rev C.pdf; FW: 24/00170/ROW- Permanent Public Right of Way Diversion - 23/00543/DISCON (R85)- Beech Drive, Thornton

From: Andrew Poole (PROW) <
Sent: 22 April 2024 12:14
To: David Spring <David.Spring@hinckley-bosworth.gov.uk>
Cc: Oliver Rivera <
Subject: RE: Mine- 24/00170/ROW Leslie- 24/00159/DISCON Condition 18

Dear David (CC Ollie)

Thank you for the email below and attachments. Further to my 16/04/2024 email to you (also attached).

Please forgive me if I seem pedantic but I think it may be helpful to distinguish several separate issues here:

1. The detail of the 24/00170/ROW application consultation
 2. How LCC handles planning applications which affect Public Rights of Way
 3. How H&BBC handles applications for permanent diversions of Public Rights of Way (PRoW) as part of planning applications
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1. The detail of the application consultations for 24/00170/ROW and 24/00159/DISCON
The attached drawing PJS22-058-DR-900 Highway Construction Details and the Cora contact email address below for sorting out fingerposts James.mcnight@cora.uk fully address the issues raised in the LCC Highways Response to 24/00170/ROW dated 15/03/2024 and Highways Response to 24/00159/DISCON dated 09/04/2024. I've copied- in the LCC Planning Case Officer Ollie Rivera for his information.
 2. How LCC handles planning applications which affect Public Rights of Way
As noted in my 16/04/2024 email LCC makes a sharp distinction between planning applications that affect PRoWs, and legal diversions of PRoWs that may arise from them. With the former LCC policy is that requests for comments and responses should all go via the LCC Environment & Transport department team called 'Highways Development Management' (HDM) and that the PRoW section should only deal direct when it comes to practical matters e.g. like the sorting out fingerposts. Whereas HDM don't get involved with legal diversions of PRoWs connected with the planning process because, even though they're done by the LPA under the Town & Country Planning Act (TCPA), in essence it's not planning law, it's really highway law embedded in the TCP Act and so the context is separate and rather specialised.
 3. How H&BBC handles applications for permanent diversions of Public Rights of Way as part of planning applications
It has caused a little puzzlement amongst my managers that H&BBC are now having a consultation on TCPA PRoW diversions as if it was a planning application. As this case

24/00159/DISCON/24/00170/ROW demonstrates, in reality it does seem to mean a lot of duplication of work for us – and I assume for yourselves at H&BBC as well. And also it's not the way all the other LPAs in Leicestershire handle things. There are legal processes required for a TCPA PRow diversion, but those are not the same as for a planning application and it may make it clearer for yourselves, for us, and for the public, if they are kept more separate. It's in that latter context where we advise everyone to email footpaths@leics.gov.uk.

The legal requirements for TCPA PRow diversions are in the regulations at: <https://www.legislation.gov.uk/ukxi/1993/10/contents/made> Also the South Downs National Park Authority have a useful guide about the process here: <https://www.southdowns.gov.uk/wp-content/uploads/2017/07/PROW-Diversions-and-Stopping-Up-Order-Guidance-notes.pdf> Within the LCC PRow section I've only relatively recently moved into a role dealing with PRow planning applications and legal diversions but my impression is that, in the past, all our dealings about TCPA PRow diversions were with H&BBC Legal Services team. It would be helpful to know what your role is in relation to theirs?

Yours sincerely

Andrew Poole

Access Officer, Blaby + Hinckley & Bosworth

Public Rights of Way section

Leicestershire County Council, Environment and Transport Department, Sustainable Travel Team, County Hall, Glenfield, LEICESTER, LE3 8RJ

Please note that the contents of this email including any attachments are offered as my officer opinion and will not prejudice any future decision the Highway Authority may make in relation to this matter

From: David Spring <David.Spring@hinckley-bosworth.gov.uk>

Sent: Friday, April 19, 2024 12:01 PM

To: Andrew Poole (PROW) <

Subject: FW: Mine- 24/00170/ROW Leslie- 24/00159/DISCON Condition 18

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Hi Andrew,

I hope you are well.

I received an email yesterday from Leslie who is handling the 24/00159/DISCON application. The agent for my application has left the company (Cora) and wasn't responding to my emails but the email sent from Jessica O'Neill of Cora is in response to your initial consultation response for 24/00170/ROW.

Please see the email chain below and the attached details.

Let me know if you need anything else.

I will use the email footpaths@leics.gov.uk for any future PROW Diversion applications.

With thanks,

David Spring
Planning

From: Lesley Keal <Lesley.Keal@hinckley-bosworth.gov.uk>
Sent: 18 April 2024 15:38
To: David Spring <David.Spring@hinckley-bosworth.gov.uk>
Subject: FW: 24/00159/DISCON Condition 18

Hi David

I have notice your email regarding the PRow and that I have the DoC application.

I had some comments from Highways which I sent to the developer and have had the response below back, so you may want to re-consult ?

Kind Regards

Lesley Keal (Her/She)

Compliance & Monitoring Officer

Web: www.hinckley-bosworth.gov.uk

Hinckley Hub, Rugby Road, Hinckley, Leics LE10
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From: Jessica O'Neil
Sent: Thursday, April 18, 2024 3:20 PM
To: Lesley Keal <Lesley.Keal@hinckley-bosworth.gov.uk>
Cc: Robbie Locke <
Subject: RE: 24/00159/DISCON Condition 18

Hi Lesley,

Thanks for sending those over. I think the ROW application comments were missed as my colleague who was dealing with it has left.

It might be easiest if I address comments for both 24/00159/DISCON and 24/00170/ROW together in this email and if this could be submitted for the re-consultation for both applications that would be greatly appreciated.

- Please can the most recent drawing 02419 - 002P Revision C, as submitted on the 15/03 for 24/00159/DISCON be submitted again in response to the comments on application 24/00170/ROW, as it should cover their concerns.
- With regards to the itemised works on the permanent diversion, please see attached highways works plans. The footpath not included in the s38 approval will be a continuation of the approved footway with the same width, surfacing and wider specifications (as noted on the PRow plan Rev C) as detailed on the attached.

With regards to the comment made requiring direct contact with the developer in order to arrange the invoice for the fingerposts, James.mcnight@cora.uk would be the best email to use but they can also use this email if necessary and I can pass it on.

We understand that the condition cannot be discharged prior to the diversion being approved, however, it would be good if we could get to a place where the details were acceptable to the LHA and we were just waiting on approval of 24/00170/ROW to proceed with the discharge.

Kind Regards,

Jess O'Neil (she/her)
Graduate Planner



From: Lesley Keal <Lesley.Keal@hinckley-bosworth.gov.uk>

Sent: Thursday, April 18, 2024 12:15 PM

To: Jessica O'Neil <

Subject: 24/00159/DISCON Condition 18

Hi Jess

I have just received the attached consultation response with regard to Condition 18. David Springs has also advised that there he also has an application relating to the PRoW.

Kind Regards

Lesley Keal (Her/She)

Compliance & Monitoring Officer

Tel: 01455 255905

Email: Lesley.keal@hinckley-bosworth.gov.uk

Web: www.hinckley-bosworth.gov.uk

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