

Planning Committee
Report of the Planning Manager (Development Management)

Planning Ref: 24/00632/FUL
Applicant: Clump Farm Solar Limited
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Highway Verge Hinckley Road / Desford Road Enderby

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

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Planning permission is sought for the installation of an underground grid connection cable within the public highway / verge and 300m of agricultural land located between the consented Hill Farm Solar Farm (Blaby District Council LPA ref. 21/1386/FUL) and Clump Farm Solar Farm (Hinckley and Bosworth Borough Council LPA ref. 21/01242/FUL) to the point of connection at Enderby Substation.
- 2.2. The cable would be installed in accordance with the approved installation procedure for all underground cables set out in National Grid's Company Directive relating to the Installation of Underground Cables or as adopted at the time of installation. The cable will consist of copper conductors suitable for the design power rating, ducts, earthing wires, pilot/fibre optic media, marker tape, protective elements, joints etc. as specified by National Grid.
- 2.3. The proposed cable would be designed to accommodate 2 x 33kV circuits, enclosed within uPVC ducts and covered with sand for protection. The cable trench will be approximately 920mm wide and the depth will vary depending on its location (approximately 900mm in the carriageway and 1100mm in agricultural land).

3. Description of the site and surrounding area

- 3.1. The application site comprises the main A47 (Hinckley Road and Leicester Road) and B582 (Desford Road) highways and associated verges. The site also comprises approximately 300m of agricultural land to the south of Leicester Road and falls within the administrative area of HBBC and Blaby District Council.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Site notices was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2. No letters have been received from interested parties. Blaby District Council has however has received 2 letters of objection from interested parties. The comments received can be summarised as follows:

- Traffic/access disruption during construction
- Risk of damage to power and network connection

5.3. Traffic matters and mitigation for transport impacts during construction are set out in detail within the highway section of section 8 of this report.

5.4. The works will be carried out in accordance with the relevant Health & Safety Legislation. Potential damage to power and network connection is covered by separate legislation to that contained in the Town & Country Planning Acts and subsequently is not a material consideration in the determination of this application.

6. Consultation

6.1. The following provides a summary of the consultation responses received. The summarised responses are expanded upon in the body of this report where appropriate:

- Environment Agency – No objection
- HBBC Drainage – No objection
- Environmental Health – No objection
- Minerals & Waste – No objection
- Ecology – No objection subject to conditions
- Archaeology – No objection subject to conditions
- Highway Authority – No objection subject to conditions
- Waste Services – No comments
- National Gas Transmission – No assets in area

7. Policy

7.1. Core Strategy (2009)

- Spatial Objective 12: Climate Change and Resource

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation

7.3. Leicestershire Minerals and Waste Local Plan

- Policy M11: Safeguarding of minerals resources

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

- 7.5. Other relevant guidance
- Renewable Energy Capacity Study (2014)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Impact upon the character of the area
 - Impact on the Historic Environment
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety, convenience and Public Rights of Way
 - Flooding and Drainage
 - Archaeology
 - Trees
 - Ecology
 - Pollution

Assessment against strategic planning policies

- 8.2 It should be noted that ordinarily this type of development would be permitted under Part 15 Class B of the GPDO 2015 (as amended). However, as the applicant is not a statutory undertaker, an application for full planning permission is required and will be assessed in accordance with the relevant legislation, planning policy and guidance.
- 8.3 Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making.
- 8.4 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocations & Development Management Policies Development Plan Document (2016) (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.5 Spatial Objective 12 of the Core Strategy is concerned with Climate Change and Resource Efficiency and seeks to minimise the impacts of climate change by promoting the prudent use of resources through increasing the use of renewable energy technologies. The Strategic Objectives highlight the importance of renewable energy and importantly a need to increase the use of renewable technologies, such as the generation of electricity from renewable sources.
- 8.6 Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support renewable energy developments – and ancillary structures - where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.7 The application site is located outside of any settlement boundaries, and is therefore within the countryside. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable

development. Development considered to be sustainable in the countryside as identified by Policy DM4 includes proposals for stand-alone renewable energy developments that are provided in line with Policy DM2 when development is also consistent with part i)-v) of policy DM4.

- 8.8 Paragraph 161 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. It goes on to state (Para. 163) that when determining planning applications for renewable and low carbon development, and their associated infrastructure, planning authorities should not require applicants to demonstrate the overall need for renewable energy and approve the application if its impact are (or can be made) acceptable
- 8.9 HBBC's Renewable Energy Capacity Study (2014) assesses the technical and deployable potential for renewable energy and low carbon energy within the Borough up to 2026. In addition to this, in July 2019 HBBC declared a 'climate emergency' whereby Councillors pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Bosworth by 2030. However, the Council is yet to publish its Action Plan designed to outline how the council will address this emergency.
- 8.10 There is a clear presumption in favour of renewable energy proposals, and its associated infrastructure, supported by local policies of the development plan and commitment by the Council to be carbon neutral. Therefore, the principle of the proposed development is considered to be acceptable, subject to other material considerations being appropriately assessed

Design and impact upon the character of the area

- 8.11 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.12 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13 As the cable will be entirely routed underground there will be no visual impacts associated with the development. There is subsequently no objection to the development proposals on design or character grounds.

Impact on the Historic Environment

- 8.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.15 Paragraph 203 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.16 Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.17 The application site does not pass through the grounds of any Listed Building; impact upon any Conservation Area; or any Scheduled Ancient Monument. The cable will pass along stretches of road upon which two Listed Buildings front. The cable will be a sufficient distance from the buildings so as not to pose them any threat and, due to the below ground nature, the cable will not impact upon the special architectural or historic interest of the building or their settings. On balance the development's impact on the Listed Buildings is negligible such that the statutory duties are met.

Impact upon neighbouring residential amenity

- 8.18 Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light. Similarly paragraph 130 (inter alia) requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.
- 8.19 There are a limited number of residential properties located along the route of the cable. Nonetheless, as the development will be located underground there will be no impacts on neighbouring amenity. A Construction Environmental Management Plan will control the impacts of development during construction.

Impact upon highway safety, convenience and Public Rights of Way

- 8.20 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.21 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.22 The Highway Authority accept that once constructed, the proposals would not cause any 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.

- 8.23 The applicant states, in their submission documents, that 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 Highway Authority recommend that a Construction Management Plan should be secured by condition and be produced in consultation with Leicestershire County Council's Network management Team to enable the schedule of construction works and booking of road space to be discussed.
- 8.24 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 the Network Management team at LCC at least 12 weeks before the temporary diversion is required. Short term closures will be essential during construction to avoid an unlawful highway obstruction contrary to the Highways Act 1980 section 131A or section 143.
- 8.25 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 a plan for verge restoration will be required.
- 8.26 The analysis above shows that 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). The matters raised in the sections above can be addressed through conditions and informatives which are set out in section 11 of this report. Subject to the conditions outlined in this report the Highway Authority raise no objection to the development proposals on highways grounds.

Flooding & Drainage

- 8.27 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.28 The application site is located in flood zone 1 and there are no objections to the development proposals based on flood risk or drain.

Archaeology

- 8.29 SADMP Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not

feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.

- 8.30 Paragraph 207 of the NPPF provides that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.31 The submitted desk-based assessment (submitted 22/10/2024) and the Leicestershire and Rutland Historic Environment (HER) identifies five zones across the application area where there is a known potential for significant Iron Age and Roman buried remains to be present. In addition to the known areas of archaeological interest, the potential for further significant buried remains within the remainder of the route cannot currently be confidently anticipated, as much of this landscape has not been subject to prior archaeological investigation. The imposition of an Archaeological Mitigation Plan (AMP) has been recommended by the County Archaeologist in order to outline an initial phase of exploratory trial trenching to evaluate the potential for archaeological remains beyond those areas currently identified. This would define the full extent and character of the subsequent archaeological mitigation programme.
- 8.32 Any buried remains located within the footprint of the cable trench have the potential to be impacted by the proposals, the extent of disturbance would depend on whether the cable trench is located within the road or within the verges/agricultural fields. The submitted Outline Construction Environmental Management Plan (OCEMP) states that further details, such as the confirmed route and a definitive methodology for installing the cable, is anticipated to be required to satisfy a planning condition. Given the nature of the proposals, the known archaeological resource and the likely previous disturbance from construction works along the route (roads and associated services), the County Archaeologist is satisfied that the archaeological issues can be readily managed via a conditioned programme of archaeological works. In the absence of the further information a detailed CEMP would provide, the provision of a precautionary level of archaeological mitigation has been requested and would be outlined within the AMP, as referred to above. Each phase of work should be further detailed through the submission of individual Written Schemes of Investigation (WSIs). This phased programme should consist of an initial stage of trial trenching to define the scope of subsequent Strip, Plan and Record areas, which will target sections of the cable route containing a heightened archaeological potential.
- 8.33 In summary, in accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 207, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 208).
- 8.34 NPPF paragraph 218, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as

necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

- 8.35 With the use of the recommended conditions that have been included in section 11 of this report, the proposals accord with SADMP policy DM13 and the advice contained within the NPPF.

Ecology & Trees

- 8.36 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.37 Paragraph 187 bullet "d" of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.

Ecology

- 8.38 The County Ecologist has confirmed that the Preliminary Ecological Appraisal produced by Soltys Brewster Ecology (June 2024) is acceptable. A badger sett was identified within 30m of the proposed works. As badgers are highly mobile and use several setts, an updated badger survey report will be required prior to development. This should include suitable mitigation measures if required. If a suitable buffer cannot be maintained, further surveys and an EPSL licence may be required.
- 8.39 The County Ecologist considers that impacts on hedgerows and trees is limited through the use of Horizontal Directional Drilling. If trees or hedgerows are to be affected for any reason, further surveys may be required, particularly if the tree to be affected has been identified as having features suitable for roosting bats.
- 8.40 As all impacts are temporary, the major impact on other protected species will be during the construction phase. As such, a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) will be required prior to development.
- 8.41 The Baseline BNG metric (Soltys Brewster Ecology, June 2024) is acceptable. All impacts on habitats are temporary, and the proposal avoids impacting hedgerows and trees through the use of Horizontal Directional Drilling. As such, the application is exempt from the mandatory net gain condition. The County Ecologist has observed that the net gain achieved by the associated solar farms is far greater than 10%. And is satisfied that the project overall will achieve a net gain for biodiversity.
- 8.42 With the use of the conditions recommended by the County Ecologist, the development proposals meet the requirements of SADMP policy DM6; the advice contained in the NPPF; the 2021 Environment Act; the 2006 NERC Act; the Habitat & Species Regulations (protected sites and species); the Wildlife and Countryside Act 1981 (as amended including special Schedule 1); Natural England's Standing Advice; and the Protection of Badgers Act.

Trees

- 8.43 A total of thirteen high-quality oak have been recorded along the cable route. Two trees are located alongside Desford Road (T52 and T63), seven alongside the A47 (T16, T22, T24, T26, T27, T33, and T38), along with a group of three trees (G2) and one tree within the hedgerow at the south of the route (T1). All trees are good examples of the species with a limited number of defects.

- 8.44 Trees T32, T33, T35, T36 and group G27 are protected by 'The Oaklands' Tree Preservation Order (TPO).
- 8.45 Two high-quality features have been recorded off-site to the north of the A47 (G3 and G17). Sample areas of the features were recorded as groups where they abut the route as full access was not possible. The groups are the visible parts of mixed broadleaf woodland blocks with well-developed understories.
- 8.46 The cable route will be located within the proposed cable route planning boundary. The detailed design of the cable alignment will be confirmed with the highways authority. The intention is to run the cable within the carriageway for the majority of the route and only pass through agricultural land at the far south of the route, adjacent to T1 - T6, G1, H1 - H3 and H5.
- 8.47 The submitted AIA indicates that Root Protection Areas (RPAs) are to be considered as sacrosanct and the cable layout should be designed to avoid these zones. It has been indicated that it will not be possible to install temporary protective fencing around T3, T4 and G1 owing to landownership issues. Excavations must stay outside of the Root Protection Areas (RPAs) of T3, T4 & G1. The RPAs should also not be used for the storage of plant or materials.
- 8.48 To the south of the site where the route passes through agricultural land, the cable route has exploited existing gateways and gaps wherever possible. Where the route is shown to pass between or close to trees or hedgerows, the AIA recommends localised adjustments should be made to avoid tree or hedgerow removal or excessive pruning of trees to create working space.
- 8.49 The cable route at the south of the site will cross two moderate-quality hedgerows H1 and H3 which will be installed using Horizontal Directional Drilling (HDD) and there will be no loss of hedgerow.
- 8.50 Tree T6 is established at the field edge where there is a significant change of levels with the highway to the west along with a drainage ditch. The cable route passes closely to the south of the RPA and it will be possible with localised adjustment at time of implementation to avoid this tree.
- 8.51 The AIA recommends the approval of an Arboricultural Method Statement and finalised Tree Protection Plan. As the AIA indicates in principle that the scheme is feasible from an arboricultural perspective and if carefully implemented according to an approved arboricultural method statement there would be no, or only a low potential negative impact on the retained trees. With the use of the condition in section 11 to secure these protections the development proposals will accord with SADMP policies DM4 and DM6 and the advice contained in the NPPF.

Minerals Safeguarding

- 8.52 Leicestershire County Council has confirmed that part of the site falls within a Minerals Safeguarding Area for sand and gravel, this being the part of the underground cable that would connect at the site of the Enderby substation. The rest of the pipeline that continues along Desford Road, Hinckley Road and Leicester Road lies outside of any Mineral Safeguarding Area. Due to this and the site context a Minerals Assessment has not been requested and the County has no objections to the proposal on minerals or waste grounds. The proposal complies with policy M11 of the Leicestershire Minerals and Waste Local Plan in that regard.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

10. Planning Balance & Conclusion

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise
- 10.2 Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) provides support for renewable energy developments. This Policy has full weight, no conflict with this policy has been identified.
- 10.3 Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-date figure. Notwithstanding this, this policy is afforded significant weight as it is found to be consistent with the overarching principles of the Framework. Due to the below ground nature of the development proposals which would not prejudice the intrinsic value, beauty, open character and landscape character. Furthermore, no conflict is identified with criteria i) to v) of DM4.
- 10.4 Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 10.5 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period, therefore having limited weight.
- 10.6 The development will facilitate the transfer of renewable energy which will provide clean energy to power homes. This is a significant environmental benefit of the scheme and it follows that this should be held in significant weight in the planning balance.
- 10.7 There are a number of areas of compliance with development plan policies including matters surrounding heritage assets, drainage and flood risk, highways matters, environmental health matters and residential amenity. These are not considered benefits as such and are subsequently held in neutral weight when considering the overall planning balance.

- 10.8 It is considered that the significant benefits associated with the generation of renewable energy, together with the limited positive economic benefits, are not outweighed by any other harms. The development is thus regarded to represent a sustainable form of development and it is recommended that planning permission is granted with the conditions listed in section 11.

11. Recommendation

- 11.1 **Grant planning permission** subject to the following recommended planning conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Cable Route Planning Boundary (FIGURE REF: EDY7a.v1)
- Proposed Cable Route Planning Boundary - Site Layout (FIGURE REF: EDY7b.v2) sheets 1 to 11

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall commence on the site until such time a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:

- 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 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 in the interests of highway safety, and in accordance with the National Planning Policy Framework (2024).

4. No development shall commence 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 105 of the National Planning Policy Framework (2024).

5. No development shall take place (including ground works or vegetation clearance) until an updated badger survey report has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

Reason: To ensure that protected species are not harmed by the development in accordance with SADMP policy DM6 and the advice contained in the National Planning Policy Framework (2024).

6. No development shall commence (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details as a minimum:

- A) Identification of potentially damaging construction activities
- B) practical measures and sensitive working practices to avoid or reduce impacts during construction on Great Crested Newts and reptiles
- C) timing of works to avoid harm to nesting birds
- D) responsible persons for overseeing sensitive works
- E) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period.

Reason: To ensure that protected species are not harmed by the development in accordance with SADMP policy DM6 and the advice contained in the National Planning Policy Framework (2024) together with the Habitats Directive.

7. No demolition/development shall take place/commence until the programme of archaeological mitigation has been defined within an Archaeological Mitigation Plan (AMP), which has been submitted to and approved in writing by the local planning authority. For land that is included within the AMP, no demolition/development shall take place other than in accordance with the agreed programme. The AMP will make provision for two fieldwork stages and their associated post-excavation requirements:

- A) an initial phase of archaeological trial trenching and;
- B) a subsequent stage of archaeological investigation and recording of significant archaeological remains.

Reason: To ensure satisfactory programme of archaeological mitigation to avoid or minimise any conflict between the heritage asset's conservation and any aspect of

the proposal in accordance with SADMP policy DM13 and the advice contained in the National Planning Policy Framework (2024).

8. Prior to the commencement of each stage of the AMP (condition 7 above), a written scheme of investigation (WSI), shall be submitted to and approved by the local planning authority in writing. The WSI will define the required archaeological work, and will include a statement of significance and research objectives, and

A) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure each stage of the archaeological investigation is undertaken in accordance with best practice, including its investigation, recording, dissemination and archiving in accordance with SADMP policy DM13 and the advice contained in the National Planning Policy Framework (2024).

9. Prior to commencement of development a Construction Environmental Management Plan (Environmental Health) shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, vibration, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the amenities of nearby land users in accordance with SADMP policies DM7 and DM1 and the advice contained in the National Planning Policy Framework (2024).

10. Prior to the commencement of development an Arboricultural Method Statement and detailed Tree Protection Plan, in broad accordance with the recommendations contained within the Arboricultural Impact Assessment (June 2024) prepared by Barton Hyett Associates, shall first be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in full accordance with the approved Arboricultural Method Statement and detailed Tree Protection Plan.

Reason: To protect trees and hedges that are important to the rural character of the area in accordance with SADMP policies DM4 and DM6 and the advice contained in the National Planning Policy Framework (2024).

Informatives / Notes to applicant

- 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

- 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 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.
- The Archaeological Mitigation Plan (AMP) and subsequent Witten Schemes of Investigation (WSIs) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of the AMP/WSIs has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.