



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 3 July 2025 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. J. McDonald CC (Chairman)

Mr. R. Bailey CC	Mrs. K. Knight CC
Mr. S. L. Bray CC	Mr. B. Lovegrove CC
Mr. K. Crook CC	Mr. J. Miah CC
Mrs. L. Danks CC	Mr. B. Piper CC
Mr. D. A. Gamble CC	Mr. K. Robinson CC
Mr. D. J. Grimley CC	Mr. B. Walker CC

Please note: this meeting will be filmed for live or subsequent broadcast via You Tube
https://www.youtube.com/playlist?list=PLrIN4_PKzPXjar7lOtLtNZvlwZ4xT_8yU
– Notices will be on display at the meeting explaining the arrangements.

AGENDA

Item

1. Minutes of the meeting held on 12 June 2025. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 36.



Reports of the Chief Executive on Planning Applications - County Council Applications.

7. Leicestershire County Council - Variation of planning conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,13,15,16, 18, 19 and 24 of approved planning permission 2018/Reg3Ma/0182/LCC (2018/1204/06) - North and East Melton Mowbray Distributor Road. (Pages 7 - 48)

Reports of the Director of Environment and Transport on Tree Preservation Orders.

8. Leicestershire County Council - Request for confirmation as permanent of the TPO made in order to protect two mature Lime trees situated within the site of the former Roman Way Day Centre, Market Harborough. (Pages 49 - 66)

Other reports.

9. Delegated Decisions Schedule - January 2025 - March 2025. (Pages 67 - 68)
10. Any other items which the Chairman has decided to take as urgent.
11. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 12 June 2025.

PRESENT

Mr. R. Bailey CC
Mr. S. L. Bray CC
Mr. K. Crook CC
Mrs. L. Danks CC
Mr. D. A. Gamble CC
Mr. D. J. Grimley CC
Mr. P. King CC

Mrs. K. Knight CC
Mr. J. McDonald CC
Mr. J. Miah CC
Mr. B. Piper CC
Mr. K. Robinson CC
Mr. B. Walker CC

1. Appointment of Chairman.

It was proposed, and seconded "That Mr. J. McDonald CC be appointed Chairman".

RESOLVED:

That Mr. J. McDonald CC be appointed Chairman of the Development Control and Regulatory Board until the date of the Annual Meeting of the County Council in 2026.

Mr. J. McDonald CC - in the Chair.

2. Election of Vice Chairman.

It was proposed, and seconded "That Mr. D. Grimley CC be appointed Vice-Chairman".

It was proposed, and seconded "That Mr. B. Piper CC be appointed Vice-Chairman".

In accordance with Standing Order 27(4) a secret ballot took place. The Chief Executive announced the results of the ballot, as follows: 7 votes for Mr. Grimley CC and 6 votes for Mr. Piper CC.

RESOLVED:

That Mr. D. Grimley CC be appointed Vice-Chairman of the Development Control and Regulatory Board until the date of the Annual Meeting of the County Council in 2026.

3. Minutes of the previous meeting.

The minutes of the meeting held on 3 April 2025 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

5. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

With regards to agenda item 9: Sutton Lodge Farm Mr. B. Piper CC declared that he was the local member for the division and lived in the area.

8. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

9. 2025/00337/03 (2025/VOCM/0028/LCC) - Proposed Variation of Conditions 1, 18, 26, 29 of Planning Permission Reference 2013/1538/03 Erection of an Anaerobic Digestion Facility with associated infrastructure and landscaping - Sutton Lodge Farm, Frolesworth Road, Broughton Astley.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

In accordance with the procedures for making representations to the Board, Dave Webb (Chair, Frolesworth Parish Meeting) and Philip Sullivan (local resident) spoke in objection to the application and Mark Lovatt (landowner) spoke in support of the application.

The Chief Executive reported that Mrs. R. Page CC who represented the adjoining division was unable to attend the meeting but had asked for some comments to be read out. Mrs Page had submitted that major changes to the original proposal had been made and they were so significant that a new planning application should have been submitted.

The local member Mr. B. Piper CC also suggested that a whole new planning application should be submitted given the changes to the proposal since permission was originally granted. Mr Piper CC also raised concerns about increased HGV movements.

In response to the comments from Mrs. Page CC and Mr. Piper CC the Chief Executive referred to paragraphs 130-132 of the report which explained that there was no statutory limit on the degree of change permissible to conditions under Section 73 of the Town and Country Planning Act 1990, but the change must only relate to conditions and not to the operative part of the permission. The nature and description of the development e.g. 'the

operative part' would not change as a result of the proposed amendments to conditions, therefore there was no need for a new application.

RESOLVED:

That the application be permitted subject to the conditions nos. 1-34 as set out in the appendix to the report.

10. Chairman's announcements.

The Chairman advised that the next meeting of the Board would take place on Thursday 3 July 2025 at 2.00pm.

2.00 - 3.07 pm
12 June 2025

CHAIRMAN

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DEVELOPMENT CONTROL AND REGULATORY BOARD

3 July 2025

REPORT OF THE CHIEF EXECUTIVE

APPLICATION UNDER REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS

PART A – SUMMARY REPORT

APP.NO. & DATE:	2023/0177/06 (LCC Ref no. 2023/VOCM/0019/LCC) – Valid date 13 th February 2023.
PROPOSAL:	Variation of planning conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19 and 24 of approved planning permission 2018/Reg3Ma/0182/LCC (2018/1204/06), for the construction of a new distributor road and shared cycle/footway around Melton Mowbray. This variation of conditions application seeks approval for the vertical realignment of the approved route, amendments to four of the proposed roundabouts including a reduction in size and repositioning of roundabouts 1-4, the removal of one arm from approved roundabout 2 and an amendment to the pedestrian crossing facility to the west of roundabout 3. The proposal also includes some realignment to the approved cycleway and a reduction in the size and depth of the proposed balancing ponds.
LOCATION:	North and East Melton Mowbray Distributor Road, Melton Mowbray (Melton Borough).
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Traffic, noise, public rights of way, landscape and visual impacts, flooding and general local amenity.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the Appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. B. Lovegrove CC, Mr. J.T. Orson JP CC and Mr. A Innes CC.

Officer to Contact

Amelia Mistry (Tel. 0116 305 7326)
 Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Background

1. Leicestershire County Council (LCC) is providing a single carriageway road to the north and east of Melton Mowbray. The route extends from the A606 Nottingham Road (Roundabout 1) to the A606 Burton Road (roundabout 6), crossing Scalford Road (Roundabout 2), Melton Spinney Road (Roundabout 3), A607 Thorpe Road (Roundabout 4) and B676 Saxby Road (Roundabout 5). The length of the road is 7.1 km. Planning permission was granted for the scheme on the 4th June 2019 (ref: 2018/Reg3Ma/0182/LCC) following a resolution to grant approval at the Development Control & Regulatory Board on the 23rd May 2019.
2. Since planning permission has been granted, construction work has begun on the scheme and continues to progress.

Site Location and Description

3. The application site covers approximately 200 hectares of land to the north and east of Melton Mowbray. The road, when fully constructed, will run from the north-west of Melton Mowbray at the A606 Nottingham Road to the south-east of the town at the A606 Burton Road. It is located around the outskirts of Melton Mowbray to the north of Melton Country Park, the east of Thorpe Arnold and the north-west of Burton Lazars.
4. In addition to the road alignment itself, the submitted red line boundary incorporates land required for ongoing delivery of: improvements to footpaths, bridleways and cycle paths; construction compounds and material storage; and ecological, flood risk and landscaping mitigation and enhancement measures amongst other required areas for the delivery of the scheme.
5. The road scheme crosses several arterial roads, namely Scalford Road, Melton Spinney Road, the A607 Melton Road and the B676 Saxby Road. The route also crosses the Leicester to Peterborough railway line and the former Melton Mowbray Navigation and Oakham canal. The scheme crosses six surface watercourses namely the River Eye, Scalford Brook, Thorpe Brook and three more minor Ordinary Watercourses. The section of the River Eye crossed by the scheme is designated as a Site of Special Scientific Interest (SSSI).

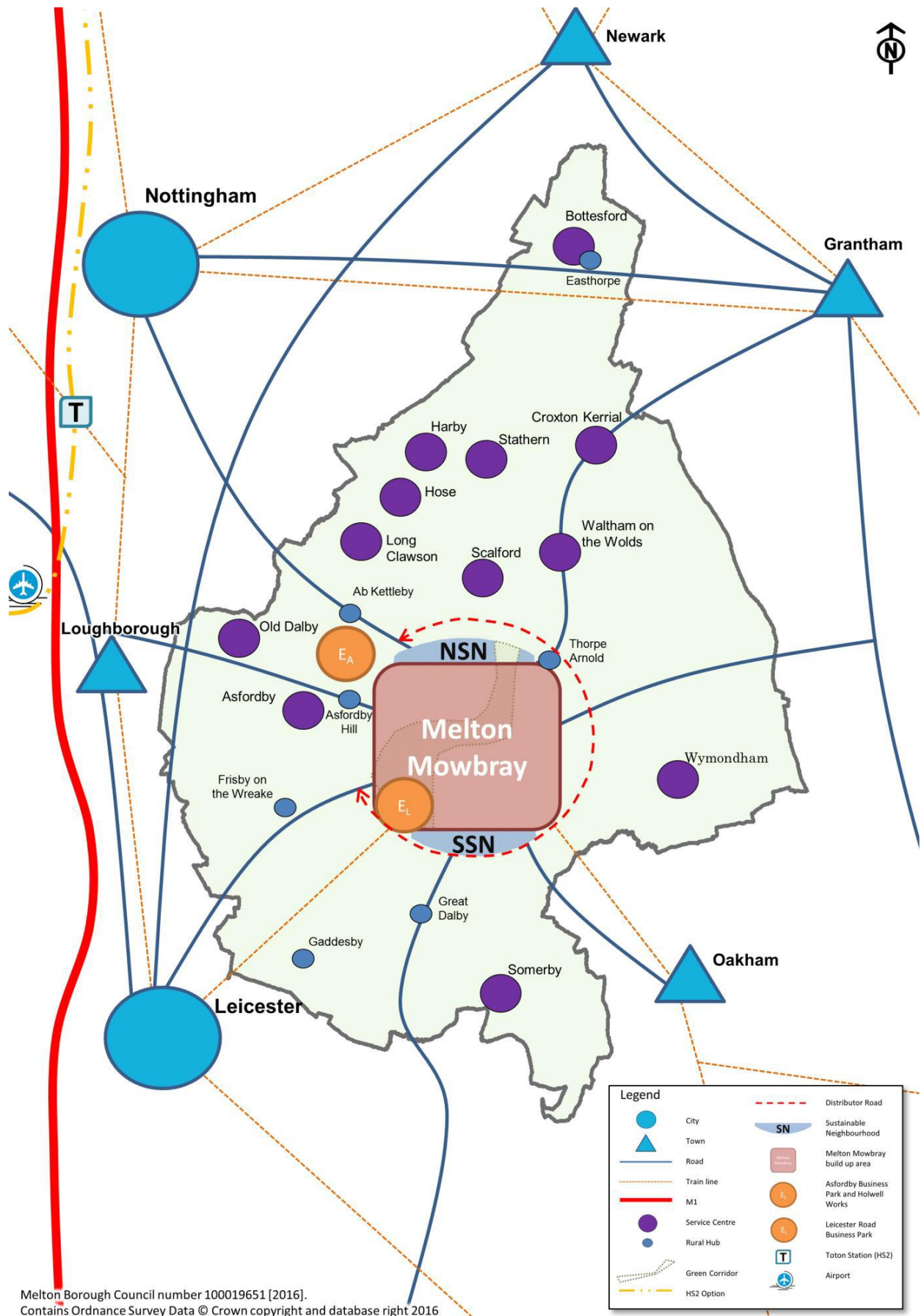


Figure 1. Key Diagram from the Melton Local Plan (adopted 2018) which illustrates the approximate route of the North and East Melton Mowbray Distributor Road. scheme.

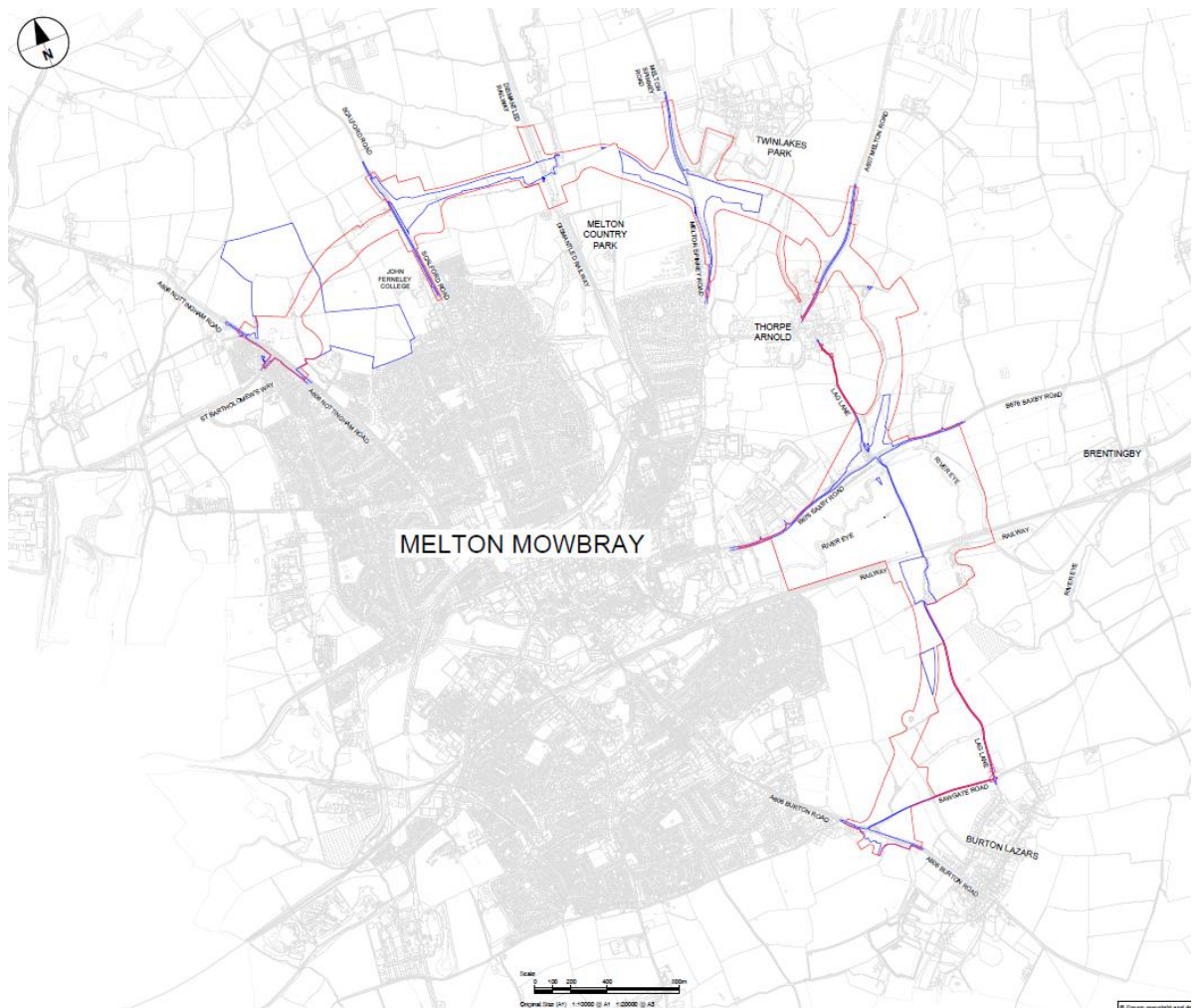


Figure 2. Red line application area for the scheme (Drawing titled 'General Arrangement Location Plan', DRAWING NUMBER '60542201 ACM GEN GEN_GEN_ZZ_Z DR T 0002', REV P03).

6. There are no designated built heritage assets within the site boundary. There are 11 listed buildings located within the 1km scheme study area, in Thorpe Arnold, Burton Lazars, north-west of Melton Mowbray and the urban area of Melton Mowbray itself. There are no Scheduled Monuments on the site but there are three within the 1km study area, namely:
 - Sysonby Grange – located approximately 270m to the west of the proposed junction between the new road and A606 Nottingham Road;
 - Moated Grange at Spinney Farm – located approximately 175m from the site boundary and 375m north of the new road alignment between Scalford Road and Melton Spinney Road; and
 - The Scheduled Monument of the hospital, fish ponds and moated site at Burton Lazars – located approximately 350m to the south of the proposed road directly to the west of Burton Lazars.
7. There are no designated historic landscapes within the heritage study area. There are undesignated heritage assets and areas of archaeological potential within the site and surrounding area. The scheme boundary also includes parts of the River Eye SSSI and the Local Wildlife Site at Nottingham Road Hedgerows. The scheme lies in relatively close proximity to the Local Wildlife

Sites at Melton Country Park (275m south of the proposed road and 77m south of the red line boundary) and Scalford Brook (approximately 220m north of the scheme).

Background and Description of Proposal

8. Leicestershire County Council (LCC) is empowered to consider this application by the provisions of the Town and Country Planning General Regulations 1992, and in particular Regulation 3 of those provisions. Regulation 3 allows an "interested planning authority" to determine planning applications for development on land it owns, or for development it undertakes either alone or jointly with another party. This means that Leicestershire County Council, as the local planning authority, can grant itself planning permission in certain circumstances. The application under consideration seeks amendments to the permission granted in 2019 and consequently is to be considered in accordance with the provisions of section 73 of the Town and Country Planning Act 1990.
9. This planning application was submitted to LCC as the County Planning Authority (CPA) for consideration in February 2023 following pre-application discussions. The application seeks to gain planning permission for amendments to the design of the approved scheme. These amendments are required following a value engineering design exercise which the applicant, Leicestershire County Council (Environment & Transport), has undertaken to reduce the overall cost of the scheme.
10. It is proposed to amend the approved drawings to accommodate the amendments described below. An addendum to the original Environmental Statement (ES) which supported the approved scheme has been submitted in support of the proposal. This addendum assesses the impact that the proposed design changes will have with regards to the various environmental issues represented within the original ES. This application has been under determination for a period of over two years since it was first submitted in 2023. In assessing this application, an initial consultation period was undertaken during which, it came to light that further information and minor alterations to the proposals were required. Detailed work by the applicant was undertaken, supported by LCC Highways. Once submitted, the additional information and amendments went out for a second period of consultation and have been considered in detail by the CPA. The details of the proposal, further information and consultation periods are set out in a summarised format below.

Description of Proposal

11. The revisions to the scheme are technical in nature and the below description of revisions is given in a summarised format, in plain English, to aid the understanding of the proposals to the reader. Given this, the reader is advised to refer to the full suite of planning application documents and supporting plans.
12. The design changes comprise, a revision in the vertical alignment of the road throughout the corridor of the consented scheme. Generally, this would reduce

the extent of earthworks, reduce the footprint and reduce the land-take of the works area. In some areas this will reduce the cutting depth and in others it will reduce the embankment height. The proposed value engineering changes have been included within the traffic modelling for the scheme in terms of assessing any impacts upon junction capacity. The inscribed circle diameter (the distance across the circle inscribed by the outer curb (or edge) of the circulatory roadway) for Roundabouts 1-4 have been reduced. The route of the road and referred roundabout numbers are set out below in Figure 3. The main proposed alterations are set out under a series of sub-headings following Figure 3.

Highways Geometry

13. Mainline vertical alignment changes: the depth of cut and height of fill has been reduced from Roundabout 1 to Roundabout 5 to reduce the earthworks required. The cut between the Railway Bridge and Roundabout 6 has also

been reduced.

14. Roundabout 1: the roundabout will be lowered and moved south-west by approximately 12m, enabling the roundabout to be reduced in size by approximately 10m and achieving a major reduction in earthworks requirements.
15. Roundabout 2: the developer arm is to be removed as the development access is now provided directly from Scalford Road. This enables a reduction in the roundabout size by circa. 18m, with the centre moving southwest by approximately 15m. The Scalford Road southern arm is connected to the new development roundabout.
16. Roundabout 3: the centre point moves approximately 20m to the north-west, and the roundabout size is reduced by approximately 10m.
17. Roundabout 4: the vertical alignment is raised to reduce the depth of cut locating the roundabout slightly below existing ground level. Roundabout 4 is shifted south-east by approximately 15m, enabling a reduction in size by around 6m.
18. Roundabout 5: No significant changes.
19. Roundabout 6: No significant changes.

Highways cross section

20. Carriageway hard strips have been removed from the National Speed limit section from Roundabout 3 to Roundabout 6 enabling a reduction in cross section at both the River Eye and Railway bridges.

Drainage

21. The reduction in earthworks enables a corresponding reduction in the size and depth of balancing ponds required.

Shared cycle/footway

22. The shared cycle/footway is realigned to follow the crest of cutting / bottom of embankment where feasible, enabling a reduction in earthworks. The shared cycle/footway is re-routed along the proposed Lag Lane bridleway which follows the corridor route for approximately 500m immediately to the south of the River Eye bridge. This removes duplication of Non Motorised User (NMU) routes following the route corridor and enables major construction savings through a reduction in the River Eye and Railway bridge cross-sections.

Variation to Conditions

23. To address these design changes and to reflect the work progressed to date with regards to discharging the pre-commencement conditions, this application seeks consent to vary conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19 and 24. A summary of the variations to conditions sought and justification for the necessary variation is detailed below.
24. *Condition 2 – the development permitted shall be carried out in accordance with the approved plans.* The proposed amendments will require revisions to the approved plans.
25. *Condition 3 - Prior to commencement of construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted and approved.* This pre-commencement condition was discharged on 31/03/2022. The proposed development will be carried out in accordance with the approved document.
26. *Condition 4 – a Biodiversity Management Plan shall be submitted and approved.* This condition was discharged on 17/02/2022. The proposed development will be carried out in accordance with the approved plan.
27. *Condition 5 - A detailed mitigation, compensation and enhancement scheme for the River Eye shall be submitted and approved.* This condition was discharged on 17/02/2022. The proposed development will be carried out in accordance with the approved scheme.
28. *Condition 6 - A detailed management and monitoring plan to mitigate for impact on the River Eye SSSI shall be submitted and approved.* This condition was discharged on 17/02/2022. The proposed development will be carried out in accordance with the approved Plan.
29. *Condition 7 Lighting – lighting shall be in accordance with the approved Indicative Lighting Lux Contour Layout plans in the area of the existing and proposed River Eye crossings.* The proposed amendments to the scheme alignment will require revisions to the approved indicative lighting Lux Contour layout plans referenced.
30. *Condition 8 - Landscaping of the application site shall be in accordance with the Indicative Ecology Mitigation and Enhancement Plan with regards to the amount of wildflower grassland, diverse grassland and habitat enhancement. All above ground SUDs features shall be designed to maximise benefit to wildlife. The planting of all trees, wildflower grassland, scrub, hedgerows and marginal aquatic vegetation shall be local native species. Final landscaping plans shall be submitted and approved.* Condition 8 was discharged on 17/02/2022. The proposed development will be carried out in accordance with the approved Biodiversity Net Gain Addendum Report and associated documents and plans.
31. *Condition 9 - A scheme of updated protected species surveys shall be agreed with the CPA (with respect to Barn Owls, Badgers, Great Crested Newts, Kingfishers and Otter and Water Voles).* This condition was discharged on 17/02/2022. The proposed development will be carried out in accordance with

the approved protected species surveys.

32. *Condition 10 - A plan detailing the protection and/or mitigation of damage to populations of otter and its associated habitat shall be approved.* This condition was discharged by LCC planning on 17/02/2022. The proposed development will be carried out in accordance with the approved Otter Mitigation Strategy.
33. *Condition 11 Landscaping – Landscaping shall be in accordance with the landscaping plans referenced and a timetable for the works shall be submitted and approved.* This condition has not yet been discharged. The proposed amendments to the scheme will require revisions to the approved landscaping plans referred to within condition 11. The applicant will then be able to submit a timetable for approval.
34. *Condition 12 - A surface water drainage scheme shall be approved.* This condition was discharged on 04/02/2022. The proposed development will be carried out in accordance with the approved Water Management Plan.
35. *Condition 13 - Details relating to the management of surface water on site during construction shall be approved.* Condition 13 was discharged on 01/04/2022. The proposed development shall be carried out in accordance with the approved Water Management Plan.
36. *Condition 15 - A scheme to provide compensatory floodplain storage shall be approved.* Condition 15 was discharged on 22/02/2022. The proposed development shall be carried out in accordance with the approved details.
37. *Condition 16 - Final designs for the scheme to provide Environment Agency access to the Brentingby Flood Storage Reservoir both during construction and post scheme completion (as detailed in Melton Mowbray Distributor Road – Addendum to FRA and drawing number 60542201-ACM-EWE-S5_GEN_ZZ_Z-SK-HD-0002 Rev P01) shall be approved.* This condition was discharged by County Planning Authority on the 22/02/2022. The drawing referred to within the condition (60542201-ACM-EWE-S5_GEN_ZZ_Z-SK-HD-0002 Rev P01) details the location of the access route from the southbound carriageway to the existing Lag Lane. The proposed amendments to the scheme design will impact the access route from the southbound carriageway to Lag Lane and so revisions are required to that drawing and the condition updating.
38. *Condition 18 - An updated construction traffic management plan shall be approved.* Condition 18 was discharged on 01/03/2022. The proposed development shall be carried out in accordance with the approved document.
39. *Condition 19 Surfacing of Routes and Access Details –a scheme for the surfacing and access arrangement details of all non-motorised user routes as shown on drawings referenced Indicative Proposed NMU Routes: 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-T- 0001 P01; 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-T-0002_P01; 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-T-0003_P01; 60542201-ACM-ENM-S3_GEN_ZZ_Z-DR-T-*

0004_P01;60542201-ACM-ENM-S4_GEN_ZZ_Z-DR-T-0005_P01;60542201-ACM-ENM-S5_GEN_ZZ_Z-DR-T-0006_P01; and 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-T-0007_P01 shall be approved. The proposed amendments to the scheme design will require revisions to the approved drawings as referenced in the condition.

40. *Condition 24 – An archaeological Written Scheme of Investigation (WSI) shall be approved.* Condition 24 was discharged on 01/04/2022. The proposed development shall be carried out in accordance with the approved archaeological WSI.

Addendum to the Environmental Statement

41. The proposed changes require consideration from an environmental perspective and as such an addendum to the original Environmental Statement (ES), which supported the 2018 planning application, has been submitted. The addendum considers the proposed changes, and whether they individually or cumulatively have the potential to result in any material change to the conclusions of the original ES. It also includes the following:
- A description of proposed changes to the approved scheme;
 - A review of the 2018 ES and assessment of whether the proposed changes have the potential to result in significant environmental effects, when considering impact avoidance measures and management activities that would be adopted;
 - Confirmation of any potential material changes to the impacts and environmental effects of the scheme as identified and outlined in the original scheme.
42. The ES submitted in 2018 covered the following environmental factors: Air Quality, Biodiversity, Climate, Cultural Heritage, Geology and Soils, Landscape and Visual, Material Assets and Waste, Noise and Vibration, Health, People and Communities, Road Drainage and the Water Environment (including Flood Risk), and Cumulative Effects. The Addendum reviews the proposal against the findings of the 2018 ES. The conclusions of which are summarised below.

Conclusions

43. The key findings of the ES Addendum are in relation to impacts upon road drainage and the water environment. The proposed design changes require the inclusion of seven additional culverts to the scheme. An assessment of the impacts and effects of these additional culverts found that there would be no significant effects from a flood risk perspective. However, regarding water quality, the findings indicate that the effects of routine run off and spill risk may be moderate adverse during the operation of the proposed scheme. Additionally, loss of part of the channel for the installation of a culvert across Thorpe Brook will result in a moderate adverse effect, which is significant. As such, it was recommended a local enhancement strategy for the channel between Culverts 9 and 10 be secured.
44. Overall, it was determined that for all environmental factors considered, with the exception to road drainage and the water environment, the proposed amendments will not give rise to any materially different or additional likely significant environmental effects and the findings of the 2018 ES remain valid.

Planning Policy

National Policy

45. The *National Planning Policy Framework* (NPPF) (December 2024) provides the government's policies for the delivery of sustainable development through the planning system. At paragraph 11 it advocates a presumption in favour of sustainable development. The following paragraphs of the NPPF are especially relevant here:
- Paragraph 105 (protecting and enhancing public rights of way and access);
 - Paragraph 109 (using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places);
 - Paragraph 116 (considering development proposals and highways impacts);
 - Paragraph 181 (ensuring that flood risk is not increased elsewhere);
 - Paragraph 182 (incorporation of sustainable drainage systems which are proportionate to the nature and scale of the proposal);
 - Paragraph 198 (development shall be appropriate for its location taking into account the likely effects, including cumulative effects, of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development).

Development Plan

46. The Development Plan in this instance comprises the Melton Local Plan (adopted 2018), Salford Parish Neighbourhood Plan 2019-2036 (made 2021), Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (made 2018) and The Burton and Dalby Neighbourhood Plan (made 2023). The following policies set out are relevant to the proposal:

Melton Local Plan (adopted 2018) (MLP):

- Policy SS1 - Presumption in favour of Sustainable Development
- Policy C9 – Healthy Communities
- Policy EN1 – Landscape
- Policy EN2 – Biodiversity and Geodiversity
- Policy EN3 – The Melton Green Infrastructure Network
- Policy EN6 – Settlement Character
- Policy EN8 – Climate Change
- Policy EN9 – Ensuring Energy Efficient and Low Carbon Development
- Policy EN11 – Minimizing the Risk of Flooding
- Policy EN12 – Sustainable Drainage Systems
- Policy EN13 – Heritage Assets
- Policy IN1: Melton Mowbray Transport Strategy (MMTS)
- Policy D1 – Raising the Standard of Design

Scaford Parish Neighbourhood Plan 2019-2036 (made 2021) (SPNP)

- Policy H2: Limits to Development
- Policy ENV 1: Protection of Local Green Space
- Policy ENV 2: Protection of Sites of Environmental Significance
- Policy ENV 3: Important Open Spaces
- Policy ENV 4: Built Environment: Non-Designated Heritage Assets
- Policy ENV 5: Ridge and Furrow
- Policy ENV 6: Notable Trees
- Policy ENV 7: Protecting Scaford's Dark Night Sky
- Policy ENV 8: Biodiversity and Habitat Connectivity
- Policy ENV 9: Protection of Important Views
- Policy ENV 10: Rights of Way
- Policy ENV 11: Biodiversity Protection in New Development
- Policy TR1: Traffic Management
- Policy TR3: Bridleways, Footpaths and Cycle paths

Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (made 2018) (WWTANP)

- Policy S1: Limits to Development
- Policy H5: Non-designated Heritage Assets of Historical and Architectural Interest
- Policy ENV1: Local Green Space
- Policy ENV2: Protection of Other Important Open Space
- Policy ENV4: Protection of Other Sites of Environmental (natural or historical) Significance
- Policy ENV6: Important Woodland, Trees and Hedges
- Policy ENV9: Biodiversity
- Policy ENV12: Protection of Important Views
- Policy ENV13: Footpaths and Bridleways
- Policy ENV16: Groundwater Flooding
- Policy T1: Transport Requirements for New Developments

The Burton and Dalby Neighbourhood Plan (made 2023) (B&DNP)

- Policy B&D1: Landscape Character
- Policy B&D2: Dark Night Skies
- Policy B&D3: Great Dalby Character
- Policy B&D4: Burton Lazars Character
- Policy B&D6: Little Dalby Character
- Policy B&D7: Green Infrastructure
- Policy B&D8: Ecology and Biodiversity
- Policy B&D9: Local Green Spaces
- Policy B&D10: Great Dalby Conservation Area
- Policy B&D11: Non-Designated Heritage Assets

- Policy B&D12: Design
- Policy B&D25: Water Management

Other Material Policy

Leicestershire Local Transport Plan 4 2025-2040

47. The Leicestershire Local Transport Plan 4 (LTP4) Core Document was adopted in November 2024. This sets out the strategic vision: “Delivering a safe, connected and integrated transport network which is resilient and well managed to support the ambitions and health of our growing communities, safeguards the environment whilst delivering economic prosperity”.

First Consultation Period Responses (24th February-26th March 2023)

48. LCC Highways – No response. Internal dialogue agreed that a response be delayed, allowing the applicant to further revise the application as required.
49. Inland Waterways Association – Objection. Objection was raised on the original scheme, mainly in that it would impact on the route of the, currently derelict, Oakham Canal. This proposal contains no revisions to that aspect of the scheme, namely roundabout No.5, which would permanently cut off the Canal route from prospective restoration to navigation. Inland Waterways Association's consulting Civil Engineers offered an alternative approach that would preserve the canal route, but that has not been taken into consideration. For that reason, in addition to the disruption of biodiversity, objection is made.
50. Lead Local Flood Authority (Leicestershire County Council) – Further information required. The following is required: Submission of updated modelled scenarios for flooding and climate change events to support the reduction of the attenuation basin depths.
51. LCC Public Rights of Way – No objection subject to conditions. The proposal will not significantly impact Public Rights of Way. Conditions are recommended relating to vegetation to avoid obstructing rights of way.
52. Other comments: In the vicinity of the railway line the shared footway/cycleway will be diverted onto and run concurrent with the Lag Lane Bridleway. There are no details for the proposed surfacing for this section of the route. Assurance is required that it will be constructed to the same standard as the remainder of the shared footway/cycleway. It should be ensured that this section has a suitably bonded surface.
53. East Midlands Trail Riders Fellowship (EMTRF) – Concerns raised. The following comments are provided in a summarised form for the purposes of this report. The Fellowship pursue continued dialogue regarding obtaining access, if possible, for their members and their continued use and enjoyment of Lag Lane and Sawgate Lane in the scheme. Seek confirmation whether the scheme and/or application can be amended to assess their use and enjoyment of these ways and significance of outcome. Alternatively, if the issue can otherwise be more economically and amicably resolved by such means as a permit system or by

other means, then this would also remain in the spirit of working together. East Midlands TRF (and TRF Nationally) wish to continue to work with LCC.

54. Environment Agency, Health and Safety Executive, LCC Landscape – No objection.
55. Melton Borough Council – Planning, Canal & River Trust, The Coal Authority, Historic England, Natural England, Planning Casework Unit, Waltham on the Wolds & Thorpe Arnold Parish Council – No comments.
56. The following were also consulted but provided no response – Scaford Parish Council, Burton and Dalby Parish Council, Melton Borough Council Environmental Health, Belvoir ED Mr. B. Lovegrove CC, Melton Wolds ED Mr J.T Orson JP CC, former Melton East ED Mrs Pam Posnett MBE CC, Archaeology, British Horse Society, British Waterways Board East Midlands Office, Cadent Gas, LCC Ecology, National Highways, Leicestershire and Rutland Wildlife Trust, Leicestershire Bridleways Authority, Leicestershire Footpaths Association, Network Rail, East Midlands Health Protection Team – UK Health Security Agency, Ramblers Association, Melton Borough Council Conservation Officer, LCC Heritage.

Publicity & Representations received

57. In February 2023, the application was advertised in accordance with the statutory requirements by way of: site notices posted around the application area, a press notice within the Melton Times and direct neighbour notification letters. Four representations were received, comprising three objections and one making general comments and queries. The main planning issues raised are summarised below:
 - Objection to proposals in relation to Island 5 and the links relating to public right of way details and linkages.
 - Objection to proposed cycleway and footpath crossings in relation to land off Lag Lane, Thorpe Arnold. Alterations will have a significant effect upon local amenity in terms of visibility. There will be litter and unwanted waste disposal.
 - LCC have refused to provide a crossing from land on the East of the road to land to the west either with livestock or agricultural equipment will involve up to 1km distance via the B676 to Roundabout 5 thereafter accessing via a gate off the roundabout. Thus, uplifting potentially dangerous items of garbage will create extra hardship and cost. We therefore object to this relocation and request the cycleway and footpath remains in accordance with the original application, if not then provide mitigation measures
 - Reduction in the cutting depth on the route may affect landscape and visual impacts from residents' homes.

Revised application documents

58. Revised application documents were submitted by the applicant on the 13th March 2025. This suite of documents included responses to queries and concerns raised by consultees and residents as part of the first consultation

period, further minor design changes and further and revised details on the following matters; Drainage Design Calculations, General Arrangements, Indicative Lighting Lux Contour Layout Plan, Revised Pedestrian Crossing, Roundabout 5 Road Markings, Thorpe Brook Footpath Link, and Transport Assessments.

59. Additionally, a further minor design change is sought to the uncontrolled pedestrian crossing located to the west of roundabout 3. It is sought to change the type of pedestrian crossing from an uncontrolled pedestrian crossing to a formal controlled signalised pedestrian crossing. This change is required because of the recently granted planning permission reference 21/01198/OUT, for the development of land to the north and south of the road scheme for residential and mixed community uses. A controlled crossing in this location would be preferred as it would provide wider benefits to sustainable travel and access. For clarity, the description of proposed changes being sought through the variation of conditions was amended to include this detail.

Publicity & Representations received

60. A second consultation period was undertaken on the additional information. This was advertised in March 2025 by way of: site notices posted around the application area, a press notice in the Melton Times and direct neighbour notifications sent to residents. The following responses have been received following the re-consultations:

Second Consultation Period Responses

61. A full re-consultation of all consultees was undertaken. The following consultation responses were received, and, up until the date of this report no additional responses from the other consultees were received.
62. LCC Public Rights of Way (PROW): Comments. PROW requested confirmation that the new link along the foot of the embankment is a cycleway/footway and not just a footpath for pedestrians only. It has been confirmed that this route will be available to both cyclist and pedestrians. PROW had safety concerns about the proposed electric fence which is shown running alongside the Bridleway. The applicant confirms that in their view the electric fencing is required and has provided details of the fencing and agreed that the fence will be installed in the vicinity of the bridle-gate and have appropriate warning signage. PROW agrees that the dangers of the fence can be mitigated with these measures but would still recommend that this stretch of fencing is not electrified.
63. National Highways: No comments. The proposal will not adversely impact the safe operation of the SRN namely the A1 and A46.
64. Health and Safety Executive, Melton Borough Council Environmental Health, LLFA: No objection.
65. Historic England, Landscape, Canal & River Trust, Environment Agency, The Mining Remediation Authority (formerly Coal Authority): No comments.

Representations Received

66. Five representations were received during the second consultation period. These comprised one objection, three raising concerns and comments, one strictly not objecting but raising comment. Their contents are summarised below.
67. Objection was raised regarding that there are already existing flooding issues.
68. Concerns and comments were raised regarding the following:
- the proposed changes in cut and fill would have negative impacts upon noise transmission from the road towards local properties. Concerns around the provision of soundproofing;
 - reduction in size of balancing ponds may exacerbate local flooding issues;
 - flood alleviation should be revisited given local flooding and an increase in the amount of other built development in proximity to the scheme;
 - concerns regarding health and safety of existing construction operations;
 - Relevant Public Pathway Diversion Orders should be made;
 - The Lag Lane Bridleway should be limited to NMUs and access to Landowners/their tenants as stated in the MMDR planning documents.
69. A general comment was received requesting the provision of concrete steps to be placed on the south side of the new railway bridge, to link up with Jubilee Way.

Assessment of Proposal

Principle of development

70. The Section 73 planning application was submitted to Leicestershire County Council (LCC) for consideration in February 2023 following pre-application discussions with LCC Planning and LCC Highways Development Management teams. The Section 73 planning application seeks to enable a series of minor material amendments to the design of the approved scheme. The amendments being sought are not of a scale or nature that would result in a significantly different development than that which has been approved. The design changes are required following a value engineering design exercise which looked to reduce the overall cost of the scheme. This exercise took place as a result of decisions by the Project Board, and approval of the final forecast cost of the scheme was given by the Cabinet in December 2022.
71. The proposal needs to be assessed against National Planning Policy and Guidance and the policies of the current Development Plan, the findings of the addendum Environmental Statement (ES) accompanying the application and the measures it proposes to mitigate any impact that is identified as supplemented by the additional further supporting information which was later submitted in 2025.
72. The application documents in support of the proposal, highlight several key

issues and identify where impacts will occur and what measures will be taken to mitigate them. The findings of the ES addendum confirm that there will be overall environmental benefits from the road scheme, with a substantial number of residents benefiting from the road scheme, and its associated impacts and a relatively small number experiencing an increase in impacts. Measures are included in the proposals to off-set the impact on residents and ensure that they remain within acceptable levels. The further information and minor alterations to the proposals submitted by the applicant in 2025 did not change the findings of the ES addendum and provided further clarification and details on issues and queries raised by residents and consultees.

73. The MMDR scheme already has planning consent, and as such the principle of the road scheme has already been established and construction is progressing. The Melton Mowbray Distributor Road scheme is a fundamental element within the Melton Local Plan and the future growth strategy for the town. *Policy IN1: Melton Mowbray Transport Strategy* outlines the Borough Council's strategy for delivery of transport infrastructure in Melton Mowbray, with the MMDR listed as the first key component to achieving this. The policy also seeks to provide a package of complementary measures, including enhanced pedestrian and cycling facilities between the town centre and the main local journey attractors from the southern and northern urban extensions. *Policy SS4 and SS5* of the Melton Local Plan outlines the Borough Council's objectives to create the Melton South and North Sustainable Neighbourhoods. Within both policies sub-section t1A highlights the need for a comprehensive package of transport improvements including a strategic road link forming part of the Melton Mowbray Distributor Road.
74. Given the above, the Board is required to consider the application as submitted, and to decide whether the proposed alterations to the scheme are acceptable on the basis of the relevant material planning considerations. Consent should be refused only if through the evaluation of change, the development would cause demonstrable harm to interests of acknowledged importance giving rise to material reasons for refusal that cannot be resolved by conditions and/or mitigation.

Environmental and Other Impacts

Air Quality

75. There will be changes to the vertical alignment of roads throughout the corridor and the cycle/footway. There will also be changes to roundabout 1 which will be lowered with an alignment change. At roundabout 2 there will also be alignment changes and the removal of an arm from the roundabout. With regards to potential impacts during the construction stage, the 2018 ES outlined the potential for changes in air quality due to dust emissions from construction activity, emissions from site plant equipment, heavy duty vehicles and changes to traffic flows in the wider area. Appropriate mitigation measures were incorporated into a Construction Environment Management Plan (CEMP). The proposed amendments to roundabouts and vertical alignments throughout the corridor may result in a reduction in the extent of the earthworks and land take which could potentially reduce dust impacts. No changes are proposed to the approved mitigation measures. Therefore, these changes will not result in any change to the conclusion of the 2018 ES.

76. With regards to potential impacts during the operational stage, the 2018 ES concluded that the operational impacts due to the scheme would not be significant for air quality. The value engineering changes result in small differences to the vertical alignment of roundabouts and along the corridor. At roundabout 1, the alignment will bring the road slightly closer to residential properties near St Bartholomew's Way. Additionally, there will be a further arm included on the roundabout for future development. However, the locations close to the roundabout had predicted concentrations well below relevant air quality objectives and additionally benefits at some were predicted with the proposed scheme. This small change in alignment is unlikely to change the 2018 ES outcomes and receptors in this location are still expected not to have a significant air quality effect. Similarly, the small changes in alignment and removal of an arm on roundabout 2 is also taking place in a location where pollutant concentrations were predicted to be well below relevant air quality objectives in the 2018 ES. These small changes at roundabout 2 are highly unlikely to change the predictions of the 2018 ES, especially as no changes are predicted to traffic along the road network. On this basis significant air quality effects would still not be expected in the vicinity of roundabout. Overall, there would be no adverse impacts on air quality arising from the proposal.

Health

77. The design changes have been reviewed, and they would not alter the conclusions of the health assessment presented in the 2018 ES. Environmental Health, Health and Safety Executive and East Midlands Health Protection Team – UK Health Security Agency raise no concerns to the proposals. Overall, there would be no adverse impacts on the health of populations arising from the proposal.

Noise and Vibration.

78. The proposal has been considered in terms of noise and vibration impacts. The ES addendum included an updated technical noise and vibration assessment to support this consideration. As with other impacts, consideration is given to the construction period and the operational phase of the proposed development.
79. An update to the construction noise and vibration assessment reported in the ES has not been carried out as this was not considered to be a proportionate approach. Based on the scale of the changes to the route alignment, material changes to the conclusions of the construction noise and vibration assessment are not anticipated, therefore an update to the construction noise and vibration assessment reported in the ES has not been carried out. In terms of the construction phase, based on the scale of the proposed changes to the route alignment, material changes to the construction noise and vibration assessment, as already assessed and approved, are not anticipated.
80. During the operational phase, the ES Addendum finds that adverse impacts are concentrated in locations remote from existing roads and therefore traffic noise levels are low both with and without the scheme. Beneficial impacts are generally concentrated in locations close to the main roads through Melton Mowbray from which traffic re-routes onto the scheme, and therefore where traffic noise levels are high. The ES Addendum confirms that the updated operational traffic noise assessment has been conducted using the latest proposed scheme alignment,

incorporating adjustments to the noise barrier positions, the latest proposal will not increase the impact of noise from the NEMMDR on residents.

81. A representation was received in relation to the proposed amendments and potential impacts upon noise upon nearby residential receptors. With regards to these concerns, it has previously been established that the NEMMDR scheme, as approved, introduces a new source of traffic noise to the north, while to the west, traffic flows, and therefore traffic noise, on the A606 are reduced. The original ES predicted minor increases in road traffic noise levels at the worst affected façade of properties on the northern side of Dickens Drive due to the NEMMDR scheme in the opening year.
82. The updated noise and vibration assessment recognises that the proposed minor changes to the route alignment, primarily at the junctions, have the potential to affect the noise and vibration impacts of the scheme, in particular the operational traffic noise impacts. Although the changes to the route alignment are minor, and the risk of significant changes to the overall conclusions regarding the noise and vibration effects of the Scheme as reported in the ES is low, an update to the operational traffic noise assessment has been carried out. The addendum focuses on the operational traffic noise impact of the scheme as this is the key aspect of the noise and vibration assessment to be considered with regard to the granting of planning permission.
83. The noise and vibration section of the ES Addendum concludes that, using the latest scheme design, the changes do not result in significant changes to predicted traffic noise levels, and the identified significant effects due to the operation of the scheme are not materially different to those in the ES. The area of land between the northern edge of Melton Mowbray and the NEMMDR scheme, between the A606 and Melton Spinney Road (outside the bounds of Melton Country Park), is allocated in the local plan for new housing, indeed outline planning permission for residential development in this location has been granted by Melton Borough Council. Once this new housing is in place it will provide additional screening of existing housing from the scheme, reducing the impact of the NEMMDR scheme on traffic noise levels at the existing housing on the northern edge of Melton Mowbray.
84. The update of the operational traffic noise assessment for the NEMMDR scheme using the latest scheme design, has demonstrated that the changes to the scheme design do not result in significant changes to the predicted traffic noise levels. The identified significant effects due to the operation of the scheme are not materially different to those reported in the original ES.
85. Environmental Health at Melton Borough Council have reviewed the findings concerning the potential impacts upon residential and other sensitive receptors. Environmental Health agree that the latest proposal will not increase the impact of noise from the NEMMDR on the residents of Dickens Drive, Melton Mowbray as raised as an issue of concern during the consultation process. Overall, no unacceptably adverse noise or vibration impacts would arise from the proposed alterations to the scheme.

People and Communities

86. Given the nature of the proposed alterations, the proposal would result in no change to the conclusions of the People and Communities assessment of the

2018 ES. The scheme would continue to deliver a safe, convenient and attractive network of public rights of way and encourage safe and sustainable travel through proposed enhancements. As such the proposal accords with Policy C9 of the MLP.

Archaeology and Cultural Heritage

87. The ES Addendum assessed the potential for new or different significant effects on archaeology and cultural heritage during the construction and operation of the proposed scheme. This assessment was broken down, addressing the following individual parts of the proposal. The results of which are summarised as follows;
88. *Roundabout 3 to Roundabout 6 reduction in carriageway width:* With regards to both the construction and operational phases, the proposed changes would not result in any changes to the conclusions of the 2018 ES.
89. *Revised alignment to reduce embankment heights and cut depths to minimise overall earthworks, reduction in carriageway widths, reduced structure widths of River Eye Bridge and Railway Bridge, removal of fifth arm at Roundabout 2, additional / revised access points, raised levels of Roundabout 4, arm extension at Roundabout 1:* With regards to both the construction and operational phases, the proposed changes comprise minor adjustments to the approved scheme and these changes would not result in any changes to the conclusions of the 2018 ES.
90. *Roundabout 1 - Arm towards development extended across watercourse:* During the constructional phase, the proposal would result in permanent ground disturbance across a slightly larger area than assessed during the 2018 ES. However, the impact would remain the same as reported in the 2018 ES, resulting in a moderate adverse effect. The proposed mitigation measures would be extended to incorporate these changes. For the operational phase, the proposal would not result in any changes to the conclusions of the 2018 ES.
91. *Revised alignment to reduce embankment heights and cut depths to minimise overall earthworks, reduction in carriageway widths, reduced structure widths of River Eye Bridge and Railway Bridge, removal of fifth arm at Roundabout 2, additional / revised access points, raised levels of Roundabout 4:* The 2018 ES found the potential impacts from the approved scheme to be high, resulting in a major adverse significance of effect on assets of medium value. The approved mitigation comprises open area excavation, archaeological monitoring and geoarchaeological assessment which has been agreed with LCC Archaeology. The proposed changes may result in a reduction in the extent of earthworks, the width of the carriageway and removal / additions of minor aspects of the scheme. However, this would not alter the impact on the areas of archaeological potential and would not result in any change to the conclusions of the 2018 ES for the construction or operational phases.
92. *Revised alignment to reduce embankment heights and cut depths to minimise overall earthworks, reduction in carriageway widths, reduced structure widths of River Eye Bridge and Railway Bridge, removal of fifth arm at Roundabout 2, additional / revised access points, raised levels of Roundabout 4, arm*

extension at Roundabout 1: The proposed changes may result in a reduction in the extent of earthworks, the width of the carriageway and removal / additions of minor aspects of the scheme. However, this would not alter the impact on assets and would not result in any change to the conclusions of the 2018 ES for the construction or operational phases.

93. *Revised alignment to reduce embankment heights and cut depths to minimise overall earthworks, reduction in carriageway widths, reduced structure widths of River Eye Bridge and Railway Bridge, removal of fifth arm at Roundabout 2, additional / revised access points, raised levels of Roundabout 4, arm extension at Roundabout 1:* The proposed changes may result in a reduction in the extent of earthworks, the width of the carriageway and removal / additions of minor aspects of the scheme. However, this would not alter the impact on assets and would not result in any change to the conclusions of the 2018 ES for the construction or operational phases.
94. In conclusion the proposed changes would not change the conclusions of the Cultural Heritage Chapter in the 2018 ES. No concerns or objections have been raised by Archaeology or Historic England and the proposal accords with Policy EN13 of the MLP, Policies ENV 4 and ENV 5 of the SPNP, Policies H5 and ENV4 of the WWTANP and Policies B&D10 and B&D11 of the B&DNP.

Ecology and Biodiversity

95. There are no new or different significant effects on ecological features or features of biodiversity during construction and operation of the proposed scheme. Subject to the continued imposition of conditions relating to a variety of protection and mitigation measures, and approved landscaping and planting measures, as recommended in the original planning consent, the proposal accords with Policy EN2 of the MLP, Policies ENV 1, ENV 2, ENV 3, ENV 6, ENV 8 and ENV 11 of the SPNP and Policies ENV1, ENV2, ENV6 and ENV9 of the WWTANP.

Highways and Public Rights of Way

96. An addendum to the Transport Assessment report (dated 2018) which was previously assessed in support of the original scheme, has been provided. Within this addendum, a review has been undertaken to review whether the scheme as a whole and its proposed alterations, would remain compliant with the NPPF.
97. It should be noted that over the two-year period that this application has been submitted, LCC Highways have issued a number of holding responses to the consultations given the volume and complexity of the technical evidence submitted. During this period, LCC Highways has undertaken a thorough review of the scheme and the associated traffic modelling, and raised a number of comments and concerns which have now been satisfactorily resolved. More detail is provided in the full consultation response provided. To summarise, LCC Highways has reviewed the traffic flows and modelling of the four roundabouts which will be reduced in size and is content that these are forecast to operate satisfactorily, within normal thresholds of practical capacity. LCC Highways arranged an independent design review which raised a number of comments with regard to matters including departures from standard and proposed road markings. All of the matters have been resolved with the exception of matters

relating to road markings in certain areas. However, further to discussion with the Applicant, LCC Highways is content for these matters to be monitored and addressed if these become necessary in the future. The design and location of the proposed signal-controlled crossing is acceptable.

98. With regards to wider impacts, Highways England note that the proposed alterations would not adversely impact the safe operation of the Strategic Road Network, namely the A1 and A46.
99. With regards to public rights of way, representations raised concerns regarding access issues and/or the conditions of the existing public rights of way along the route of the consented scheme as well as specific concerns from the East Midlands Trail Riders Fellowship and loss of routes for their user group. The impacts upon the public rights of way and the approved arrangements of the consented scheme were assessed as part of the original scheme and found to be acceptable. As such, the proposed alterations to the scheme and the impacts of such upon public rights of way, access uses and users are only considered here. Notwithstanding this, all of the matters raised within the representations have been considered, assessed and where necessary, resolved, by Leicestershire County Council Public Rights of Way where applicable, and no objection is raised subject to conditions. It is considered that the condition recommended by Leicestershire County Council Public Rights of Way should be placed on any decision notice as an informative and that the matters of protecting rights of way from encroaching vegetation overgrowth can be dealt with satisfactorily outside of the planning process under other management and regulatory regimes.
100. Overall, subject to the recommended conditions and informatives, the development accords with paragraph 116 of the NPPF, Policies ENV 10, TR1 and TR3 of the SPNP and Policies ENV13 and T1 of the WWTANP.

The Water Environment (including Road Drainage and Flood Risk)

101. The design changes proposed have been assessed for their potential impacts upon the water environment, including upon water quality, hydromorphology and flood risk. This included detailed consideration of accounting for flood event durations, climate change and updated modelled scenarios to account for the reduction of the attenuation basin depths, amongst other matters.
102. With regard to water quality, the proposal would not introduce new types of impacts or affect new receptors. Notwithstanding this, the ES Addendum considers the potential that the changes may alter the number of, or scale of existing impacts to water features already previously considered as part of the originally consented scheme. As with other environmental considerations, both the construction and operational phases of the development have been assessed and considered.
103. The impacts of the proposal upon hydromorphology during the life of the development have been assessed. With regards to construction no changes to previously assessed impacts were identified. With regards to the operational phase, a new assessment of additional impacts was carried out following the addition of culverts to the scheme. Whilst some adverse impacts have been identified, on balance, the impacts are considered overall acceptable subject to a local enhancement strategy to enhance the water channel. In light of this, the LLFA reviewed the application initially requesting that the Water Management Plan be submitted. The Water Management Plan acknowledges that water

sampling will take place at Thorpe Brook both during and post construction and that where construction works do impede on the floodplain area (such as at Thorpe Brook), works would be undertaken to ensure water flows are unobstructed and that flood risk does not increase elsewhere. On receipt of the Water Management Plan, the LLFA were satisfied with the proposal. The Environment Agency does not object to the development however highlight that the proposals need to adhere to the approved Construction Environmental Management Plan, Biodiversity Management Plan and the River Eye Mitigation, Compensation and Enhancement Scheme, and in light of the additional culverts, the other management plan. Natural England have been consulted and raise no concerns to the impacts of the proposed backwater connection channel on the River Eye SSSI.

104. Impacts are considered against the wider context of environmental enhancements to the water environment which are to be delivered. Overall, the scheme implements major environmental improvements for the River Eye, which has been historically realigned and degraded, and is currently in unchanging and unfavourable SSSI condition. A substantial length of River Eye re-meandering and re-naturalisation has been designed as a central component of the proposed scheme, with substantial environmental enhancements in support of Water Framework Directive and SSSI objectives. A number of culverts and surface water outfalls are proposed on tributaries of the River Eye, which will inevitably lead to adverse impacts. However, when the wider context of the proposed scheme is considered, these impacts are significantly outweighed by large-scale river restoration plans focused on the River Eye.
105. When considering flood risk matters during the construction phase, the ES Addendum concluded that the proposed amendments did not alter the findings of the previous assessment in 2018. A new assessment of flood risk during the operational phase has been produced in light of the addition of culverts to the scheme. This assessment took account of climate change events. The proposed scheme does not significantly increase the flood risk to any properties in the vicinity of the proposed River Eye and Lag Lane Watercourse crossings. Additionally, mitigation measures (i.e., flood compensation storage) has been designed as per regulatory requirements. The revised flood model and proposed flood compensation storage designs were reviewed and accepted by the Environment Agency previously (application to discharge conditions 15 and 16 of ref. 2018/1204/06). Overall, no significant adverse impacts relating to flood risk would arise.
106. Throughout the application process, matters relating to water resources and drainage have undergone several consultations and discussions with the relevant technical consultees. Additionally, representations were received raising concerns regarding the proposed reduction in the size and depth of balancing ponds. To address issues and concerns raised, the applicant has provided supplementary information and responses to residents and consultees. As a result of this, the Lead Local Flood Authority (LLFA) support the proposal, and the Environment Agency does not object, both subject to the recommended conditions being imposed. Given the above assessment, and subject to the recommended conditions, the proposal is found to accord with Policies EN8, EN11 and EN12 of the MLP, Policy ENV16 of the WWTANP and Policy B&D25 of the B&DNP and paragraphs 181 and 182 of the NPPF (2024).

Landscape and Visual Impacts

107. The proposal has the potential to alter the magnitude of landscape and visual effects as previously identified and assessed as part of the original scheme, including temporary impacts during the construction phase and permanent impacts during the operational phase.
108. During construction, the proposal would result in similar but potentially less extensive and shorter duration activity/earthworks and construction when compared to the approved scheme. The primary effects on landscape character during construction is currently derived from the change from rural /urban fringe areas to a construction site with associated machinery, activity, and earthworks. The modification to vertical alignment and carriageway widths will result in reduced earthworks/excavation and fill compared to the approved scheme. Consequently, there would be a minor reduction in construction activity, scale and potentially duration. However, the primary elements giving rise to changes in landscape character and visual amenity, as previously identified in the assessment of the original scheme will remain.
109. During operation of the scheme, there will be differences in potential visibility of the alterations and traffic using it, derived from a beneficial reduction of the height of embankments, and hence visibility of vehicles and infrastructure. There will be potential for marginally increased visibility of vehicles within shallower cuttings but mitigation measures on the top of the cutting slopes, including hedgerow planting will remain effective. Overall, changes in landscape character and visual amenity, identified in the 2018 ES LVIA will remain and although the magnitude of impact in operation will be marginally reduced in some areas and increased in others this would be insufficient to alter the conclusions of the 2018 ES LVIA. Mitigation in the form of tree and shrub planting and extensive areas of wildflower seeding would remain in sufficient quantity and spatial distribution to achieve the landscape objectives of integrating the proposed scheme into the landscape as far as practicable.
110. The applicant has provided a revised set of lux lighting contour layout plans. These are acceptable from the perspective of the Highways Authority and no concerns are raised with regards to light pollution to residents or the wider locality by Environmental Health. When considering the proposal against the approved submitted scheme, the impacts of the proposed alterations and details submitted, upon the rural environment and upon tranquillity are considered acceptable.
111. Beyond that identified above, the proposal would likely result in local minor landscape and visual changes during both construction and operation, but these would be sufficiently limited in scale and extent to be discounted as resulting in any likely changes to the outcomes of the 2018 assessment. Given the above, the proposal accords with Policies EN1, EN3, EN6 and D1 of the MLP, Policies H2, ENV 7, and ENV 9 of the SPNP, Policies S1 and ENV12 of the WWTANP, Policies B&D1, B&D2: Dark Night Skies, B&D3, B&D4, B&D6, B&D7, B&D8, B&D9 and B&D12 of the B&DNP and paragraphs 105 and 109 of the NPPF (2024).

Creation of Waste and Waste Management

112. The revisions to the amount of cut and fill required as a result of the value engineering has resulted in an increase in surplus excavated material being required to be removed from site due to less of the excavated materials being

required to be retained on site for fill purposes. The quantity of surplus excavated materials would increase from 81,755 m³ in the approved scheme to an estimated 132,000 m³. Construction would result in waste generation which is equivalent to approximately 0.2% of available landfill disposal capacity. This is considered to be a short-term adverse effect, and not significant. The operational phase has also been re-assessed. The proposed alterations would not change the conclusions of the material assets and waste assessment presented in the 2018 ES. Overall, there would be no significant impacts on waste or waste management arising from the proposal.

Climate

113. The 2018 ES concluded that there would be no significant impacts on the climate as a result of greenhouse gas (GHG) emissions from the proposed scheme nor would there be any significant impacts on the scheme itself as a result of climate change.
114. With regards to the construction phase, the majority of GHG emissions from construction of the proposed scheme arise as a result of embodied carbon in materials to construct the scheme. While some of the design changes may result in an increase in materials and in turn GHG emissions, most of the proposed changes including reduced earthworks across the whole scheme, reduced carriageway footprint between Roundabout 1 and Roundabout 6, reduced structure dimensions for the River Eye and Railway bridges, reduced piling requirements and a reduction in the overall area of ground improvements will result in decreased material requirements and any associated construction activities.
115. With regards to the operational phase, GHG emissions would primarily arise from vehicles using the road. The design changes are not considered to significantly change the impact of road user GHG emissions. In conclusion, the proposal does not result in any significant impacts on the climate or any significant impacts on the scheme itself as a result of climate change owing to the provision of detailed plans, including calculations for balancing ponds and sustainable drainage systems. Overall, the proposal accords with Policies EN8 and EN9 of the MLP.

Cumulative Impacts

116. The assessment of the in combination and cumulative effects of the proposal in combination with the approved scheme have been assessed. There would not be significant cumulative impacts as the proposed changes are minor and not significantly different from the design submitted with the ES and planning application in 2018.

Sustainability

117. The Assessment set out above considers the relevant environmental impacts that the proposal would have when considering the amendments from the consented scheme. It has been found that any negative impacts can be appropriately mitigated through conditions. Beyond this, the proposed alterations would deliver a number of environmental improvements to the wider environment. These include appropriate lighting and surface water drainage provision. Further to this, the proposed improvement to the pedestrian crossing to the west of roundabout 3 will improve access and provide wider benefits to

sustainable travel for land to the north and south of the road, which will be developed into a range of residential and mixed community uses. Additionally, the revisions to the scheme would result in economic benefit due to the reduction in the scale of earthworks and therefore final construction costs, which would result in public savings. Overall, the proposal constitutes sustainable development.

Other impacts and concluding notes

118. No significant issues have been raised with regards to gas, coal, rail, health and safety or public health. Given this and the assessment above, the proposal accords with paragraph 198 of the NPPF (2024).
119. An objection was raised by the Inland Waterways Association. They previously objected to the original scheme on the grounds of harm to the Oakham Canal. Alternative routes were considered when designing the approved scheme. It was previously concluded that, the reinstatement of a navigable waterway along the former route of the Oakham Canal was not able to be accommodated within the scheme. The applicant's design team reviewed ways the options presented could have been achieved however due to constraints in the area, design changes to allow the restoration of the canal would result in significant issues to the scheme in terms of health and safety, design and costs and therefore these alternative options were not progressed. This current Section 73 application does not change the approach already consented at the Oakham Canal. Objection was also made against impacts upon biodiversity within the borough. This has been addressed within this report.

Conclusion

120. In principle, the proposal is in accordance with the policies and strategies of the Development Plan. There are no overriding objections to the proposal and the matters highlighted in the consultation responses and representations have been addressed through the submission of the further information and clarification of details. Subject to the control of the matters raised in the consultation process by planning condition and suitable informatives, and given the significant public and environmental benefit likely to result from the continued construction of the MMDR, it is concluded that the proposal, as set out in the application, accompanying ES and the further information provided by the applicant in February 2025, is in accordance with national planning policy and the policies of the development plan. It can be concluded that the proposal constitutes sustainable development and accords with Policy SS1.

Recommendation

121. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Amelia Mistry (Tel: 0116 305 7326) E-Mail planningcontrol@leics.gov.uk

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APPENDIX A**Conditions****Scope of Permission****Commencement**

1. The development hereby permitted shall commence 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

Adherence to Approved Documents

2. Unless otherwise required by the permission the development shall be carried out in accordance with full suite of planning application documents, including the following details:

Document Name	Document Reference	Document Date
Application Form		01 October 2018
Arboricultural Impact Assessment	60542201-ACM-ARB-GEN_GEN_ZZ_Z-RP-LV-0001 P01 S2	September 2018
Outline Construction Traffic Management Plan	60542201-ACM-TTM-GEN_GEN_ZZ_Z-RP-T-0001	Sept 2018
Statement of Community Engagement		Sept 2018
Planning Application Supporting Statement		Sept 2018
Transport Assessment Addendum with Appendices	60542201-ACM-GEN-GEN_GEN_ZZ_Z-RP-T-0004_P03	May 2023
Equality & Human Rights Impact Report	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-002-P01 S3	Oct 2018
Volume 1: Environmental Statement (as amended) mitigation and enhancement measures	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0003 P01 S2 as amended by: Environmental Statement Addendum 6542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LP-0013; and Environmental Statement Addendum (including Appendix 1) 60542201-ACM-HER-GEN_GEN_ZZ_Z-RP-AG-0001	Sept 2018 March 2019 April 2019
Volume 2: Environmental Statement ES Non-Technical Summary Report & Figures	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0006 P01 S0	Sept 2018
Volume 3: Environmental Statement ES Appendices	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0005 P01 S0	Sept 2018
Covering Letter: LCC Responses and Further Information		18 March 2019
ES Addendum – Section 73 Application	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0018_P02	7 February 2023
13.03.2025 Covering Letter Section 73 Revised Detail 2025		13 March 2025

Drawing Name	Drawing Number	Rev
Location Plan	60542201-ACM-GEN_GEN_GEN_ZZ_Z-DR-T-0002	P02
Red Line Boundary Annotated Sheet 1	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0001	P06
Red Line Boundary Annotated Sheet 2	60542201-ACM-HGN-S2_GEN_ZZ_Z-DR-CH-0002	P06
Red Line Boundary Annotated Sheet 3	60542201-ACM-HGN-S2_GEN_ZZ_Z-DR-CH-0003	P06
Red Line Boundary Annotated Sheet 4	60542201-ACM-HGN-S3_GEN_ZZ_Z-DR-CH-0004	P06

Red Line Boundary Annotated Sheet 5	60542201-ACM-HGN-S4_GEN_ZZ_Z-DR-CH-0005	P06
Red Line Boundary Annotated Sheet 6	60542201-ACM-HGN-S5_GEN_ZZ_Z-DR-CH-0006	P06
Red Line Boundary Annotated Sheet 7	60542201-ACM-HGN-S5_GEN_ZZ_Z-DR-CH-0007	P06
General Arrangement Key Plan	60542201-ACM-GEN_GEN_GEN_ZZ_Z-DR-T-0001	P02
General Arrangement Plan 1	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-1001	P01
General Arrangement Plan 2	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-1002	P01
General Arrangement Plan 3	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-1003	P01
General Arrangement Plan 4	60542201-ACM-GEN-S2_ML_ZZ_Z-DR-T-1004	P01
General Arrangement Plan 5	60542201-ACM-GEN-S2_ML_ZZ_Z-DR-T-1005	P01
General Arrangement Plan 6	60542201-ACM-GEN-S2_ML_ZZ_Z-DR-T-1006	P01
General Arrangement Plan 7	60542201-ACM-GEN-S2_ML_ZZ_Z-DR-T-1007	P01
General Arrangement Plan 8	60542201-ACM-GEN-S3_ML_ZZ_Z-DR-T-1008	P01
General Arrangement Plan 9	60542201-ACM-GEN-S3_ML_ZZ_Z-DR-T-1009	P01
General Arrangement Plan 10	60542201-ACM-GEN-S4_ML_ZZ_Z-DR-T-1010	P01
General Arrangement Plan 11	60542201-ACM-GEN-S4_ML_ZZ_Z-DR-T-1011	P01
General Arrangement Plan 12	60542201-ACM-GEN-S5_ML_ZZ_Z-DR-T-1012	P01
General Arrangement Plan 13	60542201-ACM-GEN-S5_ML_ZZ_Z-DR-T-1013	P01
General Arrangement Plan 14	60542201-ACM-GEN-S5_ML_ZZ_Z-DR-T-1014	P01
General Arrangement Plan 15	60542201-ACM-GEN-S5_ML_ZZ_Z-DR-T-1015	P01
General Arrangement Plan 16	60542201-ACM-GEN-S4_GEN_ZZ_Z-DR-T-1016	P01
General Arrangement Plan 17	60542201-ACM-GEN-S4_GEN_ZZ_Z-DR-T-1017	P01
General Arrangement Plan 18	60542201-ACM-GEN-S4_GEN_ZZ_Z-DR-T-1018	P01
General Arrangement Plan 19	60542201-ACM-GEN-S5_GEN_ZZ_Z-DR-T-1019	P01
General Arrangement Plan 20	60542201-ACM-GEN-S5_GEN_ZZ_Z-DR-T-1020	P01
General Arrangement Plan 21	60542201-ACM-GEN-S5_GEN_ZZ_Z-DR-T-1021	P01
Culvert C01 General Arrangement	60542201-ACM-STR-S1_CU_C01_Z-DR-CB-0201	P04
Culvert C02 General Arrangement	60542201-ACM-STR-S1_CU_C02_Z-DR-CB-0201	P04
Culvert C03 General Arrangement	60542201-ACM-STR-S4_CU_C03_Z-DR-CB-0201	P04
Culvert C04 General Arrangement	60542201-ACM-STR-S4_CU_C04_Z-DR-CB-0201	P04
Culvert C05 General Arrangement	60542201-ACM-STR-S4_CU_C05_Z-DR-CB-0201	P04
Culvert C06 General Arrangement	60542201-ACM-STR-S4_CU_C06_Z-DR-CB-0201	P04
Culvert C07 General Arrangement	60542201-ACM-STR-S4_CU_C07_Z-DR-CB-0201	P04
Culvert C08 General Arrangement	60542201-ACM-STR-S4_CU_C08_Z-DR-CB-0201	P04
Culvert C09 General Arrangement	60542201-ACM-STR-S3_CU_C09_Z-DR-CB-0201	P04
Culvert C10 General Arrangement	60542201-ACM-STR-S3_CU_C10_Z-DR-CB-0201	P03
Culvert C11 General Arrangement	60542201-ACM-STR-S1_CU_C11_Z-DR-CB-0201	P03
Culvert C12 General Arrangement	60542201-ACM-STR-S5_CU_C12_Z-DR-CB-0201	P03
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Revised Information - Thorpe Brook Bridge AIP General Arrangement	60542201-ACM-STR-S3_BR_B02_Z-DR-CB-0101	P04
Highway Cross Sections - Section 1	60542201-ACM-HML-S1_ML_M01_Z-DR-T-0001	P04
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Landscape Drawing sheet 1 of 21	60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0001	C01
Landscape Drawing sheet 2 of 21	60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0002	C01
Landscape Drawing sheet 3 of 21	60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0003	C01
Landscape Drawing sheet 4 of 21	60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0004	C01
Landscape Drawing sheet 5 of 21	60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0005	C01
Landscape Drawing sheet 6 of 21	60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0006	C01
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Landscape Drawing sheet 17 of 21	60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-LV-0017	C01
Landscape Drawing sheet 18 of 21	60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-LV-0018	C01
Landscape Drawing sheet 19 of 21	60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-LV-0019	C01
Landscape Drawing sheet 20 of 21	60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-LV-0020	C01

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Outline Lighting Plan 2	60542201-ACM-HLG-S1_JN_R01_Z-DR-T-0002	
Outline Lighting Plan 3	60542201-ACM-HLG-S1_ML_M01_Z-DR-T-0003	
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Outline Lighting Plan 6	60542201-ACM-HLG-S1_JN_R02_Z-DR-T-0006	
Outline Lighting Plan 7	60542201-ACM-HLG-S1_JN_R02_Z-DR-T-0007	
Outline Lighting Plan 8	60542201-ACM-HLG-S1_JN_R02_Z-DR-T-0008	
Outline Lighting Plan 9	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0009	
Outline Lighting Plan 10	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0010	
Outline Lighting Plan 11	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0011	
Outline Lighting Plan 12	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0012	
Outline Lighting Plan 13	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0013	
Outline Lighting Plan 14	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0014	
Outline Lighting Plan 15	60542201-ACM-HLG-S2_ML_M02_Z-DR-T-0015	
Outline Lighting Plan 16	60542201-ACM-HLG-S2_JN_R03_Z-DR-T-0016	
Outline Lighting Plan 17	60542201-ACM-HLG-S2_JN_R03_Z-DR-T-0017	
Outline Lighting Plan 18	60542201-ACM-HLG-S3_ML_M03_Z-DR-T-0018	
Outline Lighting Plan 19	60542201-ACM-HLG-S3_ML_M03_Z-DR-T-0019	
Outline Lighting Plan 20	60542201-ACM-HLG-S3_JN_R04_Z-DR-T-0020	
Outline Lighting Plan 21	60542201-ACM-HLG-S3_JN_R04_Z-DR-T-0021	
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Outline Lighting Plan 25	60542201-ACM-HLG-S4_ML_M04_Z-DR-T-0025	
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Outline Lighting Plan 28	60542201-ACM-HLG-S5_ML_M05_Z-DR-T-0028	
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Outline Lighting Plan 30	60542201-ACM-HLG-S5_ML_M05_Z-DR-T-0030	
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Outline Lighting Plan 34	60542201-ACM-HLG-S5_ML_M05_Z-DR-T-0034	
Outline Lighting Plan 35	60542201-ACM-HLG-S5_JN_R06_Z-DR-T-0035	
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Indicative Proposed NMU Routes Plan 1	60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0001	C01
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Indicative Proposed NMU Routes Plan 3	60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0003	C01
Indicative Proposed NMU Routes Plan 4	60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0004	C01
Indicative Proposed NMU Routes Plan 5	60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0005	C01
Indicative Proposed NMU Routes Plan 6	60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0006	C01
Indicative Proposed NMU Routes Plan 7	60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0007	C01
Indicative Lighting Lux Contour Layout Plan 1	60542201-ACM-HLG-S1_ML_ZZ_Z-DR-T-0001	P05
Indicative Lighting Lux Contour Layout Plan 2	60542201-ACM-HLG-S1_ML_ZZ_Z-DR-T-0002	P05
Indicative Lighting Lux Contour Layout Plan 3	60542201-ACM-HLG-S1_ML_ZZ_Z-DR-T-0003	P05
Indicative Lighting Lux Contour Layout Plan 4	60542201-ACM-HLG-S2_ML_ZZ_Z-DR-T-0004	P05
Indicative Lighting Lux Contour Layout Plan 5	60542201-ACM-HLG-S2_ML_ZZ_Z-DR-T-0005	P05
Indicative Lighting Lux Contour Layout Plan 6	60542201-ACM-HLG-S2_ML_ZZ_Z-DR-T-0006	P05
Indicative Lighting Lux Contour Layout Plan 7	60542201-ACM-HLG-S2_ML_ZZ_Z-DR-T-0007	P05
Indicative Lighting Lux Contour Layout Plan 8	60542201-ACM-HLG-S3_ML_ZZ_Z-DR-T-0008	P05
Indicative Lighting Lux Contour Layout Plan 9	60542201-ACM-HLG-S3_ML_ZZ_Z-DR-T-0009	P05
Indicative Lighting Lux Contour Layout Plan 10	60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0010	P05
Indicative Lighting Lux Contour Layout Plan 11	60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0011	P05
Indicative Lighting Lux Contour Layout Plan 12	60542201-ACM-HLG-S5_ML_ZZ_Z-DR-T-0012	P05
Indicative Lighting Lux Contour Layout Plan 13	60542201-ACM-HLG-S5_ML_ZZ_Z-DR-T-0013	P05
Indicative Lighting Lux Contour Layout Plan 14	60542201-ACM-HLG-S5_ML_ZZ_Z-DR-T-0014	P05
Indicative Lighting Lux Contour Layout Plan 15	60542201-ACM-HLG-S5_ML_ZZ_Z-DR-T-0015	P05
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Drainage design Calculation Report Appendix B	60542201-ACM-HDG-GEN_GEN_ZZ_Z-CA-CD-0002	
Drainage design Calculation Report Appendix C	60542201-ACM-HDG-GEN_GEN_ZZ_Z-CA-CD-0003	
Drainage design Calculation Report Appendix D	60542201-ACM-HDG-GEN_GEN_ZZ_Z-CA-CD-0004	
Drainage design Calculation Report Appendix E	60542201-ACM-HDG-GEN_GEN_ZZ_Z-CA-CD-0005	
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Drainage design Calculation Report Appendix H	60542201-ACM-HDG-GEN_GEN_ZZ_Z-CA-CD-0008	
Drainage design Calculation Report Appendix I	60542201-ACM-HDG-GEN_GEN_ZZ_Z-CA-CD-0009	
Drainage Design Calculations Report	60542201-ACM-HDG-GEN_GEN_ZZ_Z-RP-CD-0003	
Revised Pedestrian Crossing	60542201-ACM-HGN-S2_ML_M02_Z-SK-CH-0004	P03
Roundabout 5 Revised Road Markings	60542201-ACM-HMK-S4_JN_R05_Z-SK-CH-0001	P01

Reason: For the avoidance of doubt and to enable the development to be monitored to ensure compliance with this permission.

Ecology

Construction Environmental Management Plan

3. The construction of the development shall at all times take place in accordance with the approved detailed Construction Environmental Management Plan (CEMP), which was approved by the Authority on the 31st March 2022, and is comprised of the following documents:
 - a) Construction Environmental Management Plan Ref. 60542201-CGT-GEN-GEN_GEN_ZZ_Z-RP-WM-0001
 - b) - APPENDIX A PROJECT ENVIRONMENTAL PLAN (TEMPLATE ONLY) Ref. 60542201-CGT-GEN-GEN_GEN_ZZ_Z-PX-WM-0001_P01
 - c) - APPENDIX B ENVIRONMENTAL RISK REGISTER & ACTION PLAN (TEMPLATES ONLY) Ref. 60542201-CGT-GEN-GEN_GEN_ZZ_Z-PX-WM-0002_P01
 - d) - APPENDIX D ADVANCED ECOLOGICAL AND ARCHAEOLOGICAL WORKS Ref. 60542201-CGT-HGN-GEN_GEN_ZZ_Z-DR-WM-0001_P01
 - e) - CPO With General Arrangement Overview Plan & Proposed Haul Road Ref. 60542201 ACM LSI GEN_GEN_ZZ_Z SK ZL 0003.P05

Reason: To ensure the visual and environmental amenity of the surrounding area is protected during the construction of the proposed development.

Biodiversity Management Plan

4. The development shall take place in accordance with the approved detailed Biodiversity Management Plan (BMP) which was approved by the Authority on the 17th February 2022, and is comprised of the following documents:
 - a) Cover letter (dated 22.09.21)
 - b) Landscape and Biodiversity Management Plan Ref. 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0052_P04
 - c) 1:500 TEMPLATES KEY PLAN OVERVIEW Ref. 60542201-ACM-GEN-GEN_GEN_ZZ_Z-DR-IM0002_P02
 - d) 1:1000 TEMPLATES KEY PLAN OVERVIEW Ref. 60542201-ACM-GEN-GEN_GEN_ZZ_Z-DR-IM0003_P02
 - e) Landscape Drawing sheets 1 – 21
 - f) BIODIVERSITY NET GAIN ASSESSMENT Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-RP-EG-0001
 - g) BIODIVERSITY METRIC CALCULATION – Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-CA-EG-0001
 - h) BIODIVERSITY NET GAIN ASSESSMENT ADDENDUM – Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-RP-EG-0002_P02
 - i) BNG ADDENDUM APPENDIX A - BIODIVERSITY PLAN - CPO AND RIVER EYE MITIGATION AREA – Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-DR-EG-0004/P01

- j) BNG ADDENDUM APPENDIX B- RIVER EYE MCE AREA – Ref. 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0511.P04
- k) BNG ADDENDUM APPENDIX C - BIODIVERSITY PLAN - BASELINE RIVERS Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-DR-EG-0002.P01
- l) BNG ADDENDUM APPENDIX D - BIODIVERSITY PLAN - POST DEVELOPMENT RIVERS – Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-DR-EG-0003.P01
- m) BNG ADDENDUM APPENDIX E - BIODIVERSITY PLAN - BASELINE RIVER EYE – Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-DR-EG-0006.P01
- n) BNG ADDENDUM APPENDIX F - BIODIVERSITY PLAN - POST DEVELOPMENT RIVER EYE – Ref. 60542201-ACM-EBD-GEN_GEN_ZZ_Z-DR-EG-0106.P01
- o) BNG Appendix A - Baseline River Eye Sheets 01-05
- p) BNG Appendix A - Baseline Sheets 01-11
- q) BNG Appendix A - Baseline Sheets 12-20
- r) BNG Appendix A - Baseline Sheets 21-28
- s) BNG Appendix A - Baseline Sheets 29-36
- t) BNG Appendix B - Post Development - Sheets 01-10
- u) BNG Appendix B - Post Development - Sheets 11-18
- v) BNG Appendix B - Post Development - Sheets 19-26
- w) BNG Appendix B - Post Development - Sheets 27-33
- x) BNG Appendix B - Post Development - Sheets 34-36
- y) BNG Appendix B - Post Development River Eye

Reason: To provide for a biodiversity net gain as part of the development.

River Eye Mitigation, Compensation and Enhancement Scheme

5. The development shall take place in accordance with the approved detailed mitigation, compensation and enhancement scheme for the River Eye, 'River Eye Mitigation, Compensation and Enhancement Scheme: 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0071_P05' approved by the County Planning Authority on the 17th February 2022.

Reason: To ensure that the ecological interests of the River Eye are protected and enhanced during the construction period. There is an exceptional need here to ensure that the ecological interests of the River Eye are protected in accordance with approved measures that are in place for the commencement of development.

River Eye Management and Monitoring Plan

6. The development shall take place in accordance with the approved detailed management and monitoring plan to mitigate for impacts on the River Eye SSSI, as approved by the County Planning Authority on the 17th February 2022 and comprising of the following documents:

- a) Updated River Eye Monitoring and Management Plan Ref. 60542201-ACM-EWE-GEN_GEN_ZZ_Z-RP-HD-0009_P04
- b) Appendix 16.5 Water Framework Directive Assessment 60542201-ACM-EWE-GEN_GEN_ZZ_Z-RP-HD0002_13 03 19
- c) River Eye and Lag Lane Tributary Watercourse Features Overview Plan: 60542201-ACM-EWEGEN_RIV_ZZ_Z-DR-HD-1002_P02

- d) River Eye Diversion Backwater Connection Sections: 60542201-ACM-EWE-GEN_RIV_ZZ_Z-DR-HD2051_P02
- e) River Eye Diversion Inset Floodplain Sections A-L: 60542201-ACM-EWE-GEN_RIV_ZZ_Z-DR-HD2061_P02; to 2065
- f) River Eye Inset Floodplain Section Location Plan: 60542201-ACM-EWE-GEN_RIV_ZZ_Z-DR-HD-1003_P01

Reason: To provide for the management and monitoring of the River Eye SSSI post construction to ensure that its significance is not damaged.

Lighting

7. Lighting shall be in accordance with the approved Indicative Lighting Lux Contour Layout plans 60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0011 and 60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0012 Rev P05 in the area of the existing and proposed River Eye crossings.

Reason: To protect habitats at the River Eye crossings from the effects of light spill.

Landscaping

8. Landscaping of the application site shall be in accordance with the Indicative Ecology Mitigation and Enhancement Plan (60542201-ACM-EGN-GEN_GEN_ZZ_Z-DR-LE-0126 to 0131 Rev P01) with regard to the amount of wildflower grassland, diverse grassland and habitat enhancement. All above ground SUDs features shall be designed to maximise benefit to wildlife. The planting of all trees, wildflower grassland, scrub, hedgerows and marginal aquatic vegetation shall be locally native species. Landscaping shall also take place in accordance with the following landscape drawings: Drawing numbers:

- a) 60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0001;
- b) 60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0002;
- c) 60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0003;
- d) 60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0004;
- e) 60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0005;
- f) 60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0006;
- g) 60542201-ACM-ELS-S2_ML_ZZ_Z-DR-LV-0007;
- h) 60542201-ACM-ELS-S3_ML_ZZ_Z-DR-LV-0008;
- i) 60542201-ACM-ELS-S3_ML_ZZ_Z-DR-LV-0009;
- j) 60542201-ACM-ELS-S4_ML_ZZ_Z-DR-LV-0010;
- k) 60542201-ACM-ELS-S4_ML_ZZ_Z-DR-LV-0011;
- l) 60542201-ACM-ELS-S5_ML_ZZ_Z-DR-LV-0012;
- m) 60542201-ACM-ELS-S5_ML_ZZ_Z-DR-LV-0013;
- n) 60542201-ACM-ELS-S5_ML_ZZ_Z-DR-LV-0014;
- o) 60542201-ACM-ELS-S5_ML_ZZ_Z-DR-LV-0015;
- p) 60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-LV-0016;
- q) 60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-LV-0017;
- r) 60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-LV-0018;
- s) 60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-LV-0019;
- t) 60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-LV-0020; and
- u) 60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-LV-0021.

Reason: To ensure that the landscaping of the site has due regard to biodiversity enhancement and to protect the integrity of local ecological interests.

Protected Species

9. All mitigation measures for protected species shall be take place in accordance with the following approved plans, which were approved by the Authority on the 17th February 2022;
 - a) Ecological Mitigation Sheets 01-21
 - b) Otter and Water Vole Survey Report 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0011_P03
 - c) Otter and Water Vole Survey Results Figure 1: Site Location: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0041.P02
 - d) Otter and Water Vole Survey Results Figure 2: Desk Study Result: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0042.P02
 - e) Otter and Water Vole Survey Results Figure 3 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0004.P02
 - f) Otter and Water Vole Survey Results Figure 3: Sheet 01-06: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0043; 0044; 0045; 0046; 0047; and 0048
 - g) Great Crested Newt Survey Report: 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0012_P03
 - h) Great Crested Newt Survey Report Figure 1 and 2: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG0031 and 0032
 - i) Great Crested Newt Survey Report Figure 3 sheets 01 – 07: 60542201-ACM-VES-GEN_GEN_ZZ_ZDR-EG-0033 to 0039
 - j) Barn Owl Survey Report: 60542201-ACM-VES-GEN_GEN_ZZ-Z-RP-EG-0005_P03
 - k) Barn Owl Survey Figure 3, Sheet 02: 60542201-ACM-VES-GEN_GEN_ZZ-Z-RP-EG-0004_P02
 - l) Badger Survey Report Addendum: 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0019_P01
 - m) Badger Survey Report Part 1 and Part 2: 60542201-ACM-VES_GEN_GEN_ZZ_Z-RP-EG-0006
 - n) Badger Survey Report Figure 1: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0019
 - o) Badger Survey Report Figure 2: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0018
 - p) Badger Survey Report Figure 3 sheets 01-07: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0011 to 0017
 - q) Kingfisher Survey Report: 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0016
 - r) Kingfisher Survey Report Figures 01-03: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0061 – 0063

Reason: To afford appropriate protection to the protected species and to monitor the effects of the development on their status during the development.

10. The development shall take place in accordance with the approved detailed plans for the protection and mitigation of damage to populations of otter (and its associated habitat) as approved by the Authority on the 17th February 2022, and comprising the following documents:
 - a) Otter Mitigation Strategy: 60542201-ACM-VES-GEN_GEN_ZZ_Z-RP-EG-0018_P03

- b) Otter Mitigation Strategy Appendix B: o FIGURE 1 - OTTER AND WATER VOLE SITE LOCATION: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0041_P02
- c) FIGURE 2 - OTTER AND WATER VOLE DESK STUDY RESULTS: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0042_P02
- d) Otter and Water Vole Survey Results Figure 3 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0004.P02
- e) Figure 3. Otter and Water Vole Survey Results – Sheets 01-06: 60542201-ACM-VES-GEN_GEN_ZZ_Z-DR-EG-0043 - 0048

Reason: There is an exceptional need here to ensure that appropriate protection for the otter and its habitat within the development site is available, and to avoid damaging the site's nature conservation value.

Landscaping

11. Having regard to the requirements of Condition No. 8 the landscaping of the application site shall be in accordance with the revised landscaping plans referenced: 60542201-ACM-ELS-S1_ML_ZZ_Z-DR-LV-0001 to 60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-LV-0021 and a timetable to be submitted to, and approved in writing by, the County Planning Authority prior to the commencement of any landscaping works.

Reason: To ensure that the site is subject to appropriate landscaping treatments.

Water Environment

Surface Water Drainage

12. The development shall take place in accordance with the approved surface water drainage scheme as approved in writing by the County Planning Authority on the 4th February 2022, and comprising the following documents:
 - a) Cover letter (dated 21.07.21)
 - b) Specification 0500 Drainage and Service Ducts Ref. 60542201-ACM-GEN-GEN_GEN_GEN_ZZ-Z-SP-Z-0500 (February 2020)
 - c) Pond 1 to 10 Details Ref. 60542201 (dated 29.06.2021)
 - d) Drainage Standard Details 1-3 Ref. 0542201 ACM HDG GEN_GEN_ZZ_Z SD CD 0001 – 0003
 - e) Drainage Layout Sheets 1-36 (dated 29/06/2021)
 - f) Drainage Design Calculations Report Ref. 60542201-ACM-HDG-GEN_GEN_ZZ_Z-RP-CD-0002 (July 2021)
 - g) Drainage Design Calculations Report Appendices A-I
 - h) Combined Schedules Report Ref. 60542201-ACM-HDG-GEN_GEN_ZZ_Z-SH-CD(0001-0006)
 - i) Pond 1-10 1 in 100 year (Micro drainage Source Control dated 03/12/2021 and 07.12.2021)
 - j) Pond 8 1 in 100yr No Outflow
 - k) Pond Outlet Watercourse Levels
 - l) AECOM Response to Key Observations by LCC on the Surface Water Drainage Plan (dated 10/09/2021)

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. There is an exceptional need here to ensure that the

surface water associated within the development site development does not contribute to flooding elsewhere.

13. The development shall take place in accordance with the approved details in relation to the management of surface water on site during construction, as approved by the Authority on the 1st April 2022 and comprising the following documents;

- a) Covering Letter (dated 26.11.2021)
- b) Water Management Plan Ref. 60542201-ACM-EWE-GEN_GEN_ZZ_Z-RP-HD-0008 (November 2021)

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. There is an exceptional need here to ensure that the surface water associated with the development site development does not contribute to flooding or lead to effects on the surface water management system during construction.

Flood Risk

14. The development shall be carried out in accordance with the submitted flood risk assessment (ref: MMDR – 60542201, dated September 2018, produced by AECOM) and the following mitigation measures it details:

- The soffit level of the River Eye bridge is to be set no lower than 76.18mAOD (section 3.1.1 page 23).
- The soffit level of any of the bridge spans are to be set no lower than 74.97mAOD (section 3.1.1 page 23).

These mitigation measures shall be fully implemented prior to first use of the development and then subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.

15. The development shall take place in accordance with the approved scheme for compensatory floodplain storage as approved in writing by the Authority on the 22/02/2022 and comprising the following documents:

- a) Cover Letter dated 01/12/2021
- b) Copy of the letter prepared in response to the EA's pre-discharge of conditions consultation dated 29/11/2021
- c) Updated map showing the modelled flood depth difference – proposed scenario (including flood compensation areas) minus baseline – 100 year+ 50% climate change event
- d) Updated modelled flood depth and modelled flood extent maps:
- e) Proposed scenario including flood compensation areas – 100 year + 30% climate change event:
- f) Proposed scenario including flood compensation areas – 100 year + 50% climate change event
- g) Flood Extents Baselines scenarios
- h) Modelled flood hazard rating maps

- i) Proposed scenario flood model of the area around the proposed River Eye crossing
- j) Updated hydraulic modelling report
- k) Flood model review spreadsheet
- l) All modelling details received by the EA on 23/12/21

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes. There is an exceptional need here to ensure that the surface water associated within the development site development does not contribute to flooding elsewhere.

16. The development shall take place in accordance with the approved final designs for providing the Environment Agency access to the Brentingby Flood Storage Reservoir both during construction and post scheme completion, as approved by Authority on the 22/02/2022 and comprising the following documents;

- a) Cover Letter dated 01/12/2021
- b) Copy of the letter prepared in response to the EA's pre-discharge of conditions consultation dated 29/11/2021
- c) Plans showing the proposed EA maintenance and emergency access to Brentingby Dam; Crane Vehicle Tracking and HGV tracking
- d) Details of the pavement construction and tie-in details
- e) Design details for the balancing pond P10 as submitted

Reason: There is an exceptional need here to ensure that the Environment Agency has access, both during the construction phase of the works and once the scheme has been completed, to undertake maintenance activities to the flood defence asset on the river Eye.

Contamination

17. If during construction works contamination not previously identified is found to be present at the site then no further works in the affected area shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Highways

Construction Traffic Management Plan

18. The development shall take place in accordance with the approved construction traffic management plan, as approved by the Authority on 01/03/2022 and titled, 'NORTHEAST MELTON MOWBRAY DISTRIBUTOR ROAD Construction Traffic Management Plan', Document Number 60542201-CGT-TTM-GEN_GEN_ZZ_Z-CD-WM-0001 Infrastructure, Highways, HLA026, Revision 1.5 (P02).

Reason: There is an exceptional need here to protect local amenity and in the interests of highway safety by reducing the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for

road users, and ensuring that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

Public Rights of Way

Surfacing of Routes and Access Details

19. Prior to the completion of the highway construction works a scheme for the surfacing and access arrangement details of all Non-Motorised User routes as shown on Drawings referenced Indicative Proposed NMU Routes:
- a) 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-Z-0001;
 - b) 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-Z-0002;
 - c) 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-Z-0003;
 - d) 60542201-ACM-ENM-S3_GEN_ZZ_Z-DR-Z-0004;
 - e) 60542201-ACM-ENM-S4_GEN_ZZ_Z-DR-Z-0005;
 - f) 60542201-ACM-ENM-S5_GEN_ZZ_Z-DR-Z-0006;
 - g) 60542201-ACM-ENM-S5_GEN_ZZ_Z-DR-Z-0007;

shall be submitted to, and approved in writing by, the County Planning Authority. Thereafter, the scheme shall be implemented as approved.

Reason: To safeguard and enhance the rights of way network.

Amenity Protection

Working Hours

20. Apart from the following exemptions no operations shall be carried out at the site except between the following times: 0700 hours and 1900 hours Monday to Friday; and 0800 hours and 1300 hours Saturday. With the exception of work related to agreed possessions with Network Rail there shall be no operations on Sundays or public holidays.

Exemptions – Working outside of the normal working hours listed above shall be limited to:

- working to agreed possessions with Network Rail to undertake works associated with the bridge crossing; and,
- measures to minimise traffic disruption with prior notification to the County Planning Authority and in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure that the construction works can be carried out in a reasonable manner without significant effects on local amenity and the environment.

Noise

21. Except as may otherwise be agreed in writing by the County Planning Authority, all plant, equipment and machinery used on site for the road construction, including vehicular traffic to and from the site, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturer's instructions. All plant, equipment and machinery used on site,

including vehicular traffic, which is capable of being fitted with the appropriate silencers, baffles, cladding, rubber linings and white noise reversing beepers shall be fitted and maintained.

Reason: To ensure that the operational noise from the construction activities has due regard to the protection of local amenity.

Materials

22. The road shall be constructed utilising a low road noise surface material as proposed in the submitted application and all maintenance thereafter shall utilise construction materials that achieve the same or improved noise reduction properties.

Reason: In the interests of protecting the local amenity having regard to the future use of the new carriageway and its maintenance.

Lighting

23. All lighting provision related to the development hereby permitted shall be in accordance with a detailed scheme to be submitted to and approved in writing by the County Planning Authority prior to its installation. The scheme as approved shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use.

Reason: To ensure that the illumination of the new carriageway is acceptable having regard to local amenity and highway safety.

Archaeology

24. The development shall be carried out in accordance with the approved archaeological WSI, approved by the County Planning Authority on the 01/04/22 and comprising the following documents;
- a) Covering Letter (dated 26.11.2021);
 - b) Outline Written Scheme of Investigation for Archaeological Works – document number: 60542201-ACMEHR-GEN_GEN_ZZ_Z-SW-0003_P01 (September 2021);
 - c) Geoarchaeological Assessment – River Eye Diversion, document number: 60542201-ACM-VGNGEN_RIV_ZZ_Z-SW-AG-0002_P02;
 - d) Written Scheme of Investigation: River Eye Diversion – document number: 60542201-ACM-VGNGEN_RIV_ZZ_Z-SW-AG-0003_P02;
 - e) Geophysical Survey Method Statement and Risk Assessment, (Phase SI, September 2019);
 - f) Archaeological Geophysical Survey (Phase SI, November 2019);
 - g) Written Scheme of Investigation for Trial Trench Evaluation (Phase 2) Ref. 60542201-ACM-VGN-GCN_GEN_ZZ_Z-SW-AG-0004 (February 2022);
 - h) Email from Fiona Lee (AECOM) dated 18.03.2022.

Reason: To ensure satisfactory archaeological investigation and recording.

Informatives

Protected Species.

1. With regard to condition no. 9, the following informative has been taken from the approval letter from the Authority dated 17th February 2022. It should be noted that LCC Ecologists have advised that the applicant has also provided a Protected Species Survey Schedule, as requested by LCC Ecology. The document does clarify time periods when surveys are needed for each protected species. However, it is noted that it is not very clear on phasing, or what surveys are needed prior to each part of the scheme. LCC Ecologists have understood from the applicant that the phasing is undecided, and this makes it difficult to produce a schedule, but it had been anticipated that something with more detail that could be referred to during the construction period. It appears that this is not possible at this point, and LCC Ecologists have withdrawn their request (with no objection to discharging the conditions at this point), with a recommendation that it is carried out once phasing is known. The applicant is advised to liaise with LCC Planning and Ecology once the phasing schedule is clarified. It is also advised that the applicant is aware of informative comments made by LCC Ecology on 28/01/2022 re Syonsby Farm demolition.

Archaeological WSI

2. LCC Archaeology have outlined that with regard to the approved archaeological WSI referred to within Condition no.24, it is recommended there should be compliance with the approved OWSI and subsequent implementation of the programme outlined. This will entail the submission of a series of further site-specific Written Scheme's as detailed in the OWSI, including for any follow-up mitigation necessitated by the trial trenching of the proposed soil storage areas and site compounds. They have also underlined the on-going discussion regarding the scope of the archaeological mitigation requirements associated with the diversion of the River Eye. They note the precise scope of this work remains to be established due to uncertainty regarding the development impacts. However, they are satisfied that the range of likely mitigation requirements will fall within the scope of the OWSI.

Public Rights of Way

3. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Environmental Permitting

4. The Environmental Permitting (England and Wales) Regulations 2016 may require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Considerations in relation to gas pipeline/s identified on site:

5. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588.



DEVELOPMENT CONTROL AND REGULATORY BOARD
3 JULY 2025

LEICESTERSHIRE COUNTY COUNCIL TREE PRESERVATION
ORDER: ROMAN WAY DAY CENTRE, MARKET HARBOROUGH.

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to seek the Board's approval of the confirmation as permanent of the Tree Preservation Order (TPO) made in order to protect two mature Lime trees situated within the site of the former Roman Way Day Centre, Market Harborough, further to the Board's resolution of 21 November 2024 to make the TPO (see Appendix C).

Background

2. The property of Roman Way Day Centre is situated at Roman Way, Market Harborough, LE16 7PQ. The property is currently owned by Leicestershire County Council. It has been put on the market for sale and is currently under offer.
3. As part of the current role of Tree Officer, properties for disposal are assessed via a site visit to ascertain if any trees are worthy of protection before they leave the management of Leicestershire County Council.
4. During 2024, four sites for disposal were visited by the Tree Officer. Only the Roman Way Day Centre site had trees that met the criteria for protection and the creation of a TPO.
5. The trees were assessed using the TEMPO method (Tree Evaluation for the Making of Preservation Orders), a recognised industry standard method, and scored 18 points out of a possible 25 meriting the making of a TPO. The scoring was as follows: condition and suitability (5), remaining longevity (4), public visibility (5), other factors (1), expediency (foreseeable threat) (3). (see Appendix A).

6. At the Development Control and Regulatory Board meeting on 21 November 2024 members considered a report which recommended that Leicestershire County Council created a new TPO (Roman Way, Market Harborough) to protect T1 and T2 Lime trees from being removed. The local member at the time Mr. B. Champion CC was in support of the officer's recommendation. The Board resolved that the new TPO should be created.
7. The new TPO was made on 13 February 2025 (see Appendix E).
8. No objections to the making of the order were received during the four-week consultation period. During that period, the Council received correspondence from the owner of a property abutting the County Council's land. One of the trees is situated on the boundary of the two properties and the trees overhang the garden of the correspondent's property. The correspondence related to the future maintenance of the trees. The owner commented that whilst the Roman Way Day Centre has not been in regular use, their gardener has been maintaining the trees that overhang their property. The owner would like that maintenance to continue, both for the aesthetics of their garden and for reasons of safety. A response was provided by the Tree Officer explaining the requirement for consent to be granted in respect of any works to protected trees. No further correspondence has been received.

Tree Preservation Orders: General Information

9. TPOs are used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. Trees can be specified in a TPO either individually, by reference to an area, in groups, or as woodlands. If a tree has merit in its own right, it will be specified as an individual. Area classification is used as an alternative way of specifying scattered individual trees. The group specification is used for trees whose overall impact and quality merits protection. A woodland classification is used for woodlands which have a defined boundary.
10. The TPO made in respect of the trees at Roman Way protects two mature lime trees specified as T1 and T2 in the TPO and shown on the Order plan (see Appendix D).

Issues

11. T1 and T2 have no other statutory protection. They do not fall within the Market Harborough conservation area and once the site is sold, the Council would not be able to enforce their protection without the TPO being in place.
12. When the decision was made by the Board on 21 November 2024, powers were not explicitly delegated to officers to confirm the TPO as permanent and so for purposes of transparency it is considered appropriate now to ask the

Board to make a further resolution for the confirmation. In future reports regarding TPOs officers intend to ask the Board to consider how they would wish to deal with confirmation if objections are, or are not, received to a TPO.

13. The current TPO has effect for up to six months (until 12 August 2025) after which it will lapse unless confirmed.

Legal Considerations

14. Planning controls relating to trees are set out in Part VIII of the Town and Country Planning Act 1990 (as amended by the Planning Act 2008) and the procedure for making, varying and revoking of TPOs is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
15. County planning authorities have only limited powers, pursuant of the Town and Country Planning Act 1990 to make TPOs. Leicestershire County Council as a planning authority has the power to make TPOs under section 198 of the Town and Country Planning Act 1990.
16. Leicestershire County Council would only make an order impacting on County land, and at the point we own and manage it. The Local Planning Authorities (district and borough councils) are now the principal bodies for making new TPOs. County planning authorities only make new TPOs where:
 - a) It is in connection to the grant of planning permission.
 - b) On land that is not wholly within the area of a single district council.
 - c) On land that County Council hold an interest.
 - d) On land in a National Park.
17. Trees that are not protected by a TPO but fall within a Conservation Area are protected by the provisions of Section 211 of the Town and Country Planning Act 1990. That provision makes it an offence to damage trees within a Conservation Area and requires an application for works to the Local Planning Authority.

Circulation under Local Issues Alert Procedure

18. Dr. S. Hill CC (Market Harborough East Division).

Equity and Human Rights Implications

19. There are no discernible equity and human rights implications.

Resource and Financial Implications

20. There are no resource implications.

21. There are potential financial implications of confirmation of the TPO. The architect engaged by the County Council prior to the marketing of the site produced a design for a proposed site layout which would have necessitated the removal of one or both trees. However, the property has been offered for sale subject to the TPO and the preferred bidder for the site is aware of the TPO and the likelihood of it being made permanent. The preferred bidder was provided with a copy of the notice of making and has submitted no objection to the confirmation of the TPO (see Appendix B).

Conclusions

22. Leicestershire County Council has a duty to responsibly manage the trees under its care. This would include protecting those trees worthy of retention and that add to the amenity and ecology of specific locations. The retention of high value trees on Leicestershire County Council properties is also a demonstration of the Council meeting its strengthened biodiversity duty. The confirmation of the TPO will protect the trees from future development when the property is no longer under the management of Leicestershire County Council. The trees will remain in position and continue to add to the amenity and ecology of the area.

Recommendation

23. That the Board resolve to approve the confirmation of the Leicestershire County Council (Roman Way, Market Harborough) Tree Preservation 2025 (No. 487).

Background Papers

National planning practice guidance

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Report considered by Development Control and Regulatory Board 21 November 2024

<https://democracy.leics.gov.uk/documents/s186513/TPO%20Lime%20trees%20DCRB%20211124.pdf>

Appendices

Appendix A – TEMPO assessment

Appendix B – Proposed layout of development

Appendix C – Location of Tree1 and Tree2

Appendix D – Plan location of Tree1 and Tree2

Appendix E – Sealed Roman Way Tree Preservation Order

Officers to Contact

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APPENDIX A – TEMPO Assessment for T1&T2 at Roman Way Day Centre

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE



Date: 15/5/2024

Surveyor: Jason Peach

Tree Details: T1 & T2

Species: Lime (Tilia x Europaea)

Location: Roman Way Day Centre, Roman Way, Market Harborough. (e-52.479920 / n0.920177)

Owner: LCC

a) Condition & Suitability for TPO:

Refer to guidance notes for definitions

- 5 = Good - Highly Suitable
3 = Fair - Suitable
1 = Poor - Unlikely to be suitable
0 = Dead/dying/dangerous* - Unsuitable

Score & Notes

Two mature Lime trees to the left of the entrance to roman way day centre. Just behind hedgerow to day centre. 5

*relates to existing context & is intended to apply to severe irredeemable defects only

b) Remaining longevity (in years) & suitability for a TPO

- 5 = 100+ Highly Suitable
4 = 40-100 Very Suitable
2 = 20-40 Suitable
1 = 10-20 Just Suitable
0 = <10* Unsuitable

Scores & Notes

Trees in good condition structurally and physiologically. 4

*Includes trees which are existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for a TPO:

Consider realistic potential for future visibility with changed land use

- 5 = Very large trees with some visibility, or prominent large trees Highly Suitable
4 = Large or medium trees clearly visible to the public Suitable
3 = Large or medium trees with a limited view Suitable
2 = Small Trees, or medium/large trees visible only with difficulty Barely Suitable
1 = Trees not visible to the public whatever size Probably unsuitable

Scores & Notes

Trees highly visible

5

d) Other Factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5 = Principal components of arboricultural features or veteran trees
4 = Tree groups or members of groups important for cohesion
3 = Trees with identifiable historic, commemorative or habitat importance
2 = Trees of particularly good form, especially if rare or unusual
1 = Trees with none of the above additional features

Scores & Notes

1

PART 2: Expediency assessment: Trees must have accrued 9 or more point to qualify

- 5 = Immediate threat to tree
3 = Foreseeable threat to tree
2 = perceived threat to tree
1 = Precautionary only

Scores & Notes

3

Part 3: Decision Guide

- Any 0 = Do not apply TPO
1-6 = TPO indefensible
7-11 = Does not merit TPO
12-15 = TPO defensible
16+ = Definitely merits TPO

Add scores for total

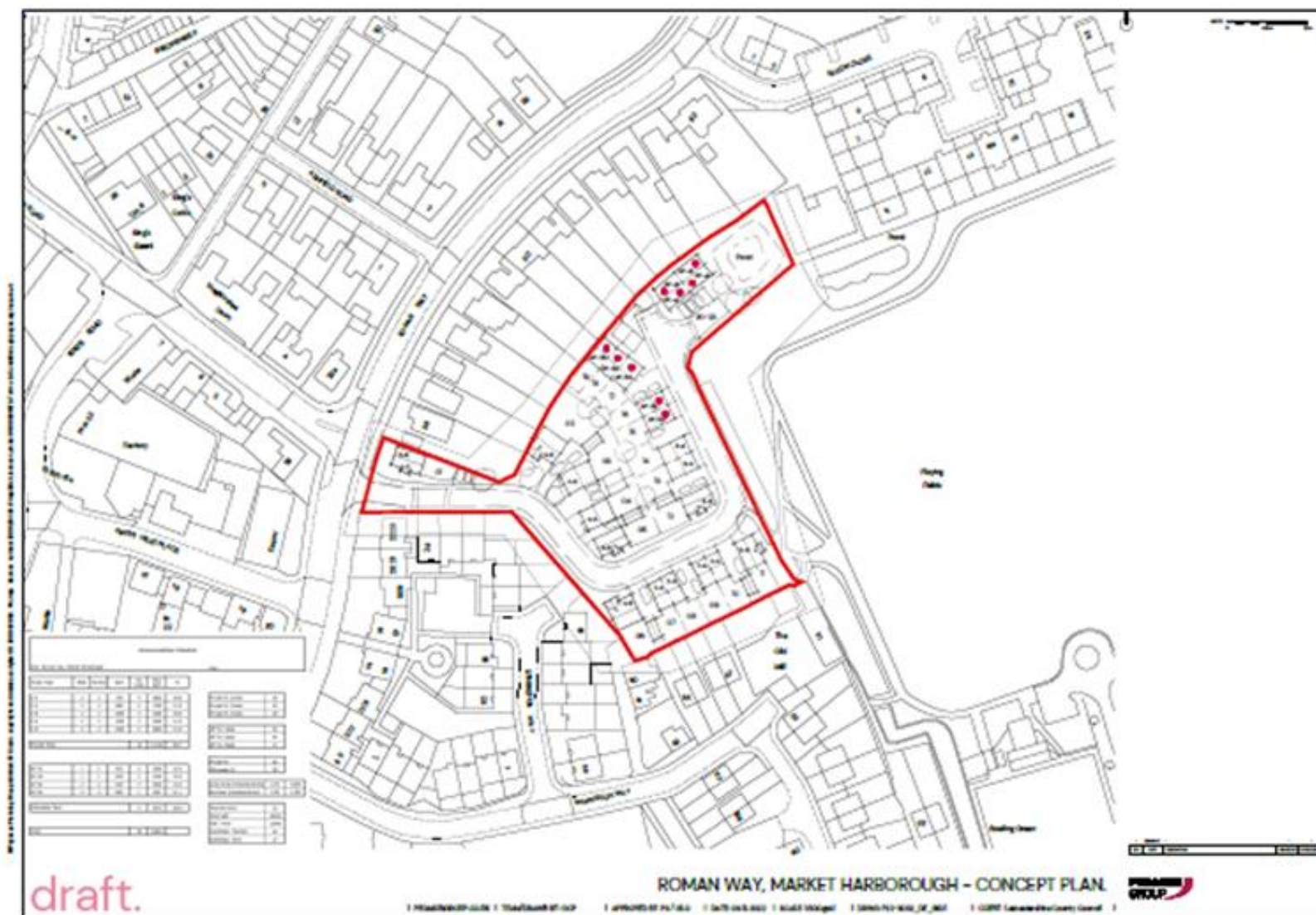
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Decision

T1 & T2 Lime trees definitely merit a TPO

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APPENDIX B – Proposed layout of site development



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APPENDIX C – Images and location of T1&T2

T1 & T2 as seen when approaching from the Southwest along Roman Way.



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APPENDIX D – Plan location of T1&T2

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APPENDIX E – Roman Way Sealed Order

TPO 487

LEICESTERSHIRE COUNTY COUNCIL**Town and Country Planning Act 1990****THE LEICESTERSHIRE COUNTY COUNCIL (ROMAN WAY, MARKET HARBOROUGH)
TREE PRESERVATION ORDER 2025 (No.487)**

The Leicestershire County Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990(as amended) hereby make the following Order –

Citation

1. This Order may be cited as The Leicestershire County Council (Roman Way, Market Harborough) Tree Preservation Order 2025 (No.487).

Interpretation

2. (1) In this Order "the authority" means Leicestershire County Council.

(2) In this order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Applications to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the schedule by the letter "C, being a tree planted pursuant to a condition imposed under paragraph (a) of section 197(planning permission to include appropriate provision for preservation and planting trees), this Order takes effect as from the time when the tree is planted.

TPO 487

Dated this 13th day of February 2025

THE COMMON SEAL of the
LEICESTERSHIRE
COUNTY COUNCIL was hereunto
affixed in the presence of:-

Authorised Signatory

Paula *Smith*



416844

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	Immediately to the left of the driveway entrance situated between No. 20 & No.38 Roman Way and directly opposite the junction of Doddridge Road and Roman Way. Grid ref: 52° 28' 48.0" N 0° 55' 12.2" W

Reference on map	Description	Situation
T2	Lime	Immediately to the left of the driveway entrance situated between No. 20 & No.38 Roman Way and directly opposite the junction of Doddridge Road and Roman Way. Grid ref: 52° 28' 48.2" N 0° 55' 12.2" W

Trees specified by reference to area
(with a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees

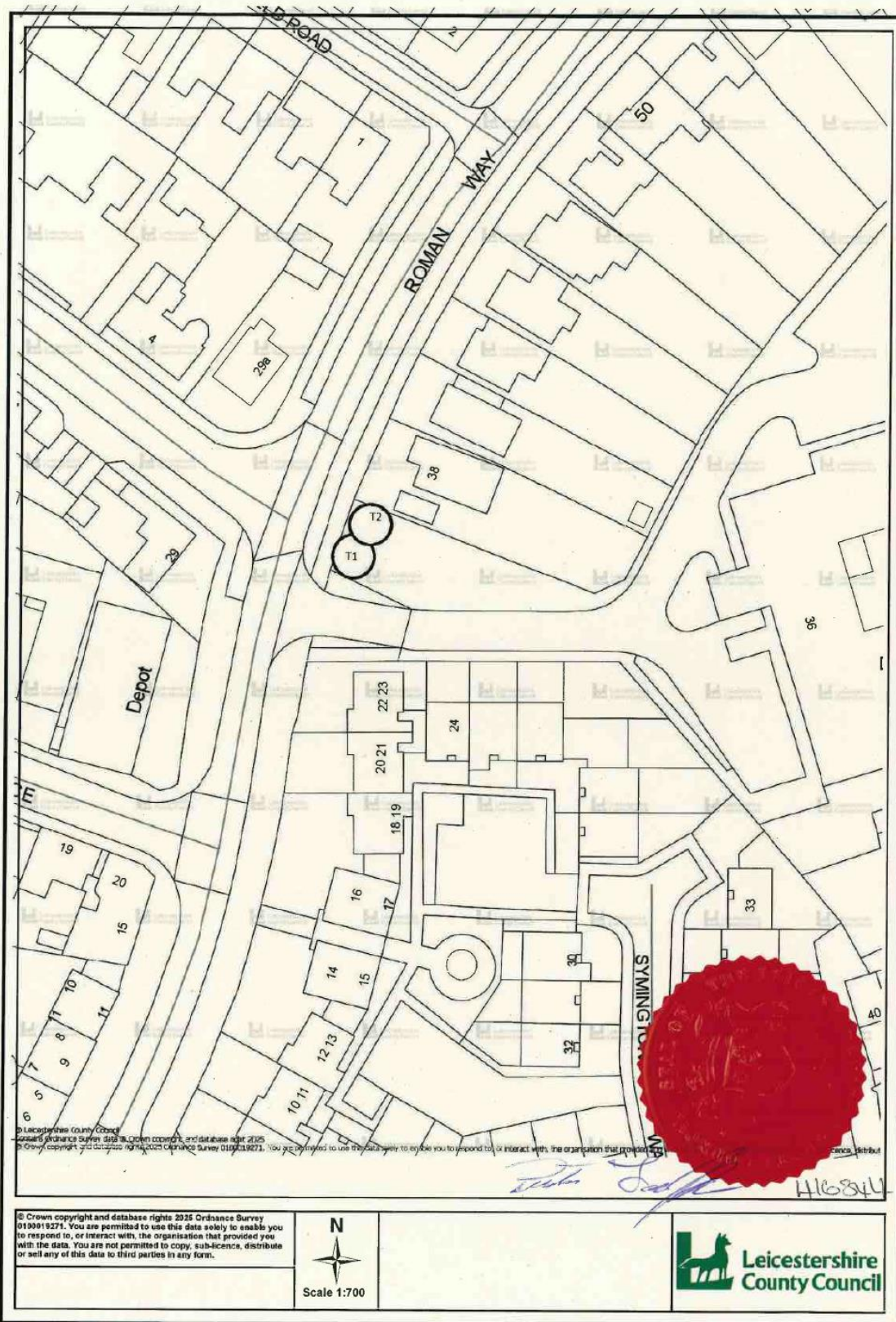
(with a broken black line on the map)

Reference on map	Description	Situation
None		

Woodlands

(with a continuous black line on the map)

Reference on map	Description	Situation
None		





DEVELOPMENT CONTROL AND REGULATORY BOARD

3rd July 2025

REPORT OF THE CHIEF EXECUTIVE

DELEGATED DECISIONS ISSUED **1st JANUARY 2025 – 31st March 2025**

Purpose of the report

1. This report is to make the Board aware of planning decisions made by officers under delegated powers between 1 January 2025 and 31 March 2025.

Background

2. The County Council's Constitution operates a general scheme of delegation to Heads of Departments in relation to both executive and non-executive functions, supplemented by a series of specific decisions which:
 - (i) define which officer is to be authorised to act as the "Proper Officer" for specified purposes; and
 - (ii) give additional delegated powers to Heads of Departments in relation to particular issues or areas of activity.
3. The Local Government Act 1972 and the Local Government Act 2000 enable a local authority to delegate the exercise of any executive and non-executive function to an officer. Locally, such delegations are governed by the following:
 - (a) **The General Scheme of Delegation to the Chief Executive and Heads of Departments** – This is set out in Section D, Part 3 of the Council's Constitution.
 - (b) **Specific Delegations to Chief Officers** – The County Council is legally obliged to maintain a list of powers delegated to officers (other than those which are considered 'one off' delegations and which expire within a period of time or at the conclusion of a particular task/project).
 - (c) **Proper Officer Provisions** – Under various legislation the County Council is required to designate 'the proper officer' to be responsible for carrying out duties specified in that legislation.
4. At a meeting of the Development Control and Regulatory Board on 12 March 2020 the Board approved updates to the list of Delegated Powers to the Chief Executive which related to planning applications. These updates were designed to allow the Development Control and Regulatory Board to focus on more

complex and sensitive matters. The changes enabled officers to deal with applications where up to four objections have been received and allowed officers to deal with non-material changes to planning permissions and to vary planning conditions.

<https://democracy.leics.gov.uk/documents/s151841/Appendix%20-%20DCRB.pdf>

5. If the elected local member has indicated in writing within 21 days of notification that the application should be submitted to the Board for determination, the application will be decided by the Board rather than by officers under delegated powers.
6. The changes to the List of Delegated Powers to Chief Officers were confirmed at a Cabinet meeting on 24 March 2020.
<https://democracy.leics.gov.uk/documents/s152069/Review%20of%20Delegations%20to%20Chief%20Officers.pdf>
7. On a quarterly basis a report is taken to the Development Control and Regulatory Board informing of the applications decided under delegated powers.

1 January 2025 to 31 March 2025

8. The delegated decisions made during this period were as follows:

Application	Applicant and Location	Description	Delegated
2025/11254/07 (2024/VOCRMa/0153/LCC)	Environment and Transport Dept, Leicestershire County Council - Land to the south of the A511 Bardon Road, Coalville	Consent is sought for an alternative drainage design and associated soft landscaping as previously consented under application (referencenumber; 2023/0992/07 (2023/VOCRMa/0055/LCC). A further slight revision to the landscaping scheme at the rear of 46 Bardon Road is now included within this application. The alignment of the link road and underbridge would remain as consented.	Received: 16/01/2025 Resolution: 27/03/2025 Decision Date: 27/03/2025 Decision: Approved Total weeks For Determination: 10
2024/01161/07 (2024/Reg3Ma/0102/LCC)	Leicestershire County Council - Greenstone Primary School (under construction), Sence Valley Road, Ellistown, Coalville, LE67 1LF	Replacement of existing contractor's fixed heras site fencing with 2.4m high matching weldmesh fencing and gates as shown on attached proposals drawing.	Received: 06/09/2024 Resolution: 20/02/2025 Decision Date: 20/02/2025 Decision: Approved Total weeks For Determination: 24