




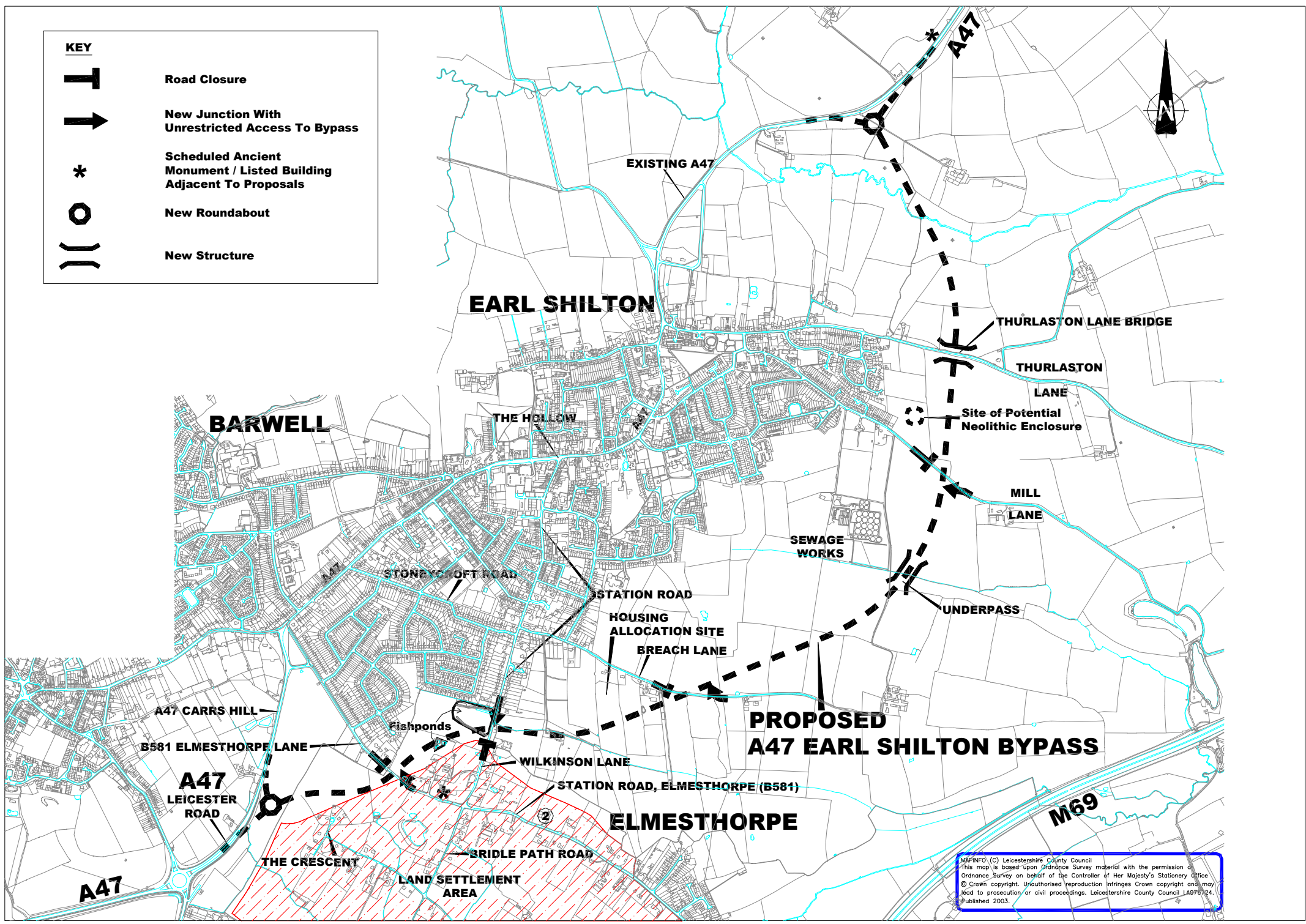


DEVELOPMENT CONTROL AND REGULATORY BOARD**13TH NOVEMBER 2003****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATIONS UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS****LEICESTERSHIRE COUNTY COUNCIL – CONSTRUCTION OF BYPASS TO
EARL SHILTON, INCLUDING CYCLEWAY/FOOTWAY, LANDSCAPING AND
STRUCTURES, LAND BETWEEN B4668 LEICESTER ROAD/A47 HINCKLEY
NORTHERN PERIMETER ROAD ROUNDABOUT AND A47 LEICESTER ROAD,
NORTH EAST OF EARL SHILTON (BLABY DISTRICT AND HINCKLEY &
BOSWORTH BOROUGH)****2003/0104/01 and 2003/0106/04 – 4th February 2003 and 31st January 2003****Background**

1. Members will recall that these applications were included in the report to the Regulatory Board which was held on the 17th July 2003. The applications were deferred from consideration at that meeting to enable a site visit by Members to take place. In the meantime the Director of Highways, Transportation and Waste Management requested the County Planning Authority to hold the determination of the applications in abeyance whilst further work was carried out in respect of traffic forecasts. The work is now complete and reference is made below to the summarised findings and their implications. This revised report to the Board deals with the key issues, various policy considerations, consultations and representations on the submitted applications, the Environmental Statement, the additional information submitted in June 2003 and the updated information (October 2003).
2. The site visit by Members is expected to take place on 12th November and any report on this visit will be given at the meeting.
3. These two applications relate to the construction of the proposed Earl Shilton Bypass between the A47 Hinckley Northern Perimeter Road from a new roundabout at Carrs Hill to the A47 Leicester Road north of Earl Shilton. The road passes through the areas covered by both Blaby District Council and Hinckley and Bosworth Borough Council – hence the need for two applications.

KEY

-  Road Closure
-  New Junction With Unrestricted Access To Bypass
-  Scheduled Ancient Monument / Listed Building Adjacent To Proposals
-  New Roundabout
-  New Structure



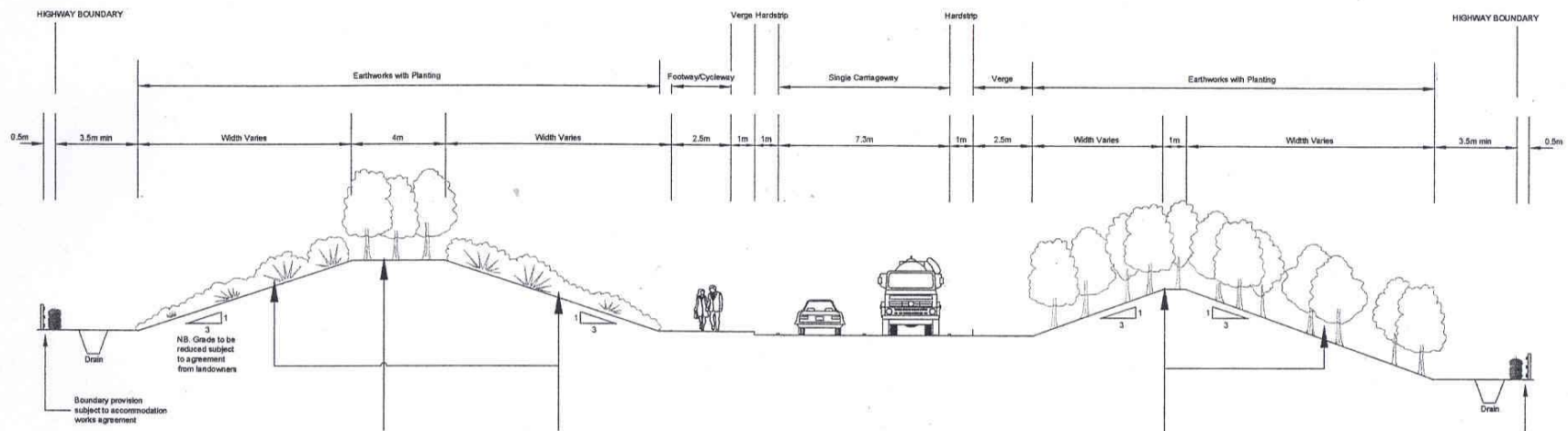
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 Published 2003.

2003/0104/01

NOTES:
 1. EARL SHILTON BOUNDARY UPTO 3m ABOVE CARRIAGEWAY LEVEL
 2. LAYOUT AS PRESENTED, MAY BE SUBJECT TO FURTHER AMENDMENTS FOLLOWING DETAILED DESIGN

← EARL SHILTON

ELMESTHORPE →



Woodland Structure Planting

- Suggested species to consist of:
- Oak
 - Ash
 - Field Maple
 - Birch
 - Hornbeam

- Suggested species to consist of:
- Dogwood
 - Rose
 - Guelder Rose

Scattered Tree Planting

- Suggested species to consist of blocks of single species, in groups of 7, 15 or 30, including:
- Oak
 - Ash
 - Field Maple
 - Birch
 - Hornbeam
 - Hazel

TYPICAL CROSS SECTION OF PROPOSED BYPASS BETWEEN ELMESTHORPE LANE AND STATION ROAD

REVISION	AMENDMENT	SIGNATURE	DATE	REV
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DEPARTMENT OF HIGHWAYS
 TRANSPORTATION AND
 WASTE MANAGEMENT

BRUCE JAMIESON
 DIRECTOR
 B.Sc (Hons), M.Sc., C.Eng., MICE, MInst.

TRANSPORT, PROGRAMMES
 AND IMPROVEMENTS

CLIENT:

TITLE:

EARL SHILTON BYPASS

TYPICAL CROSS SECTION

DRAWING NUMBER	SCALE
2362/H1/1/PA5	1 : 200
PREPARED BY: RJR	DATE: 31/1/03
CHECKED BY: BJE	SIZE: A3
APPROVED BY: HYNL	COORD. FILE:
AUTOCAD PROJECT DIR:	IC:\proj\0000\proj\Drawings\Primary App 03\
AUTOCAD FILENAME:	PA5
COUNTY HALL * GLENFIELD * LEICESTER * LE3 0RJ	
Tel: 0116 232232 * Direct Dial 2807274 * Fax: 286 7346	
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2003/0104/01 and 2003/0106/04 – continued

4. This road scheme is currently identified in the County Council's Local Transport Plan for construction in the final year of the Plan period up to 2006.
5. The Earl Shilton Bypass is included as a proposal in the current Leicestershire Structure Plan that covers the period up to 2006 and has also been carried forward into the Deposit Draft of the Leicestershire, Leicester and Rutland Structure Plan for the period up to 2011. Central Government funding for the Bypass scheme was confirmed in December 2000, subject to the satisfactory completion of statutory processes. Subject to the necessary approvals construction is programmed to commence in summer 2005, with an anticipated construction period of 15 months.

History of the Route

6. The corridor for the Earl Shilton Bypass was the subject of an extensive public consultation exercise during the mid-80's. The Preferred Route, the subject of these applications was endorsed by the Highways and Transportation Committee on 22nd January 1987 for inclusion in the Blaby South West and Hinckley Area Plans. The Bypass route, in the form of a preliminary outline, was adopted in the Hinckley Area Local Plan in 1991 following a Public Inquiry in 1989. The scheme in general terms was further endorsed at the 1997 Public Inquiry into the Hinckley and Bosworth Local Plan, subsequently adopted in 2001. The scheme was also adopted in the Blaby District Local Plan in September 1999 following an earlier Public Inquiry in 1996. In February 2001 the preliminary design commenced and following extensive site surveys and data collection the scheme layout was reviewed and modified.
7. The applicant's main reason for modifying the scheme was because of their view that there would be severe environmental impacts caused by a scheme in deep cutting underneath Elmesthorpe Lane. These impacts emerged following the detailed site surveys and data collection exercise.
8. An exhibition was held in October 2001 to consult the public and to seek views on this modified scheme layout. The proposals attracted overwhelming support, and as a result of the comments received a number of amendments have been made to the scheme. The County Council Cabinet approved the preferred scheme including these amendments in December 2002, which now forms the basis of the planning applications.
9. The principal modification centred on where the Local Plan Scheme passed beneath the proposed Elmesthorpe Lane bridge in deep cutting. Instead, on the exhibited plans, the level of the Bypass was raised and the proposed bridge was replaced by a closure of Elmesthorpe Lane either side of the Bypass. The Local Plan Scheme proposal to construct a roundabout junction with Station Road/ Wilkinson Lane remained unchanged.
10. Subsequent to the submission of planning applications on the 30th January 2003 for the Earl Shilton Bypass a public exhibition was held on 14th and 15th February 2003 to display the proposals that are now set out in the applications which are the subject of this report.

2003/0104/01 and 2003/0106/04 – continued

Description of Proposal

11. The Earl Shilton Bypass is approximately 5km (3.0 miles) long and follows the corridor established in the Local Plan that links the A47 Hinckley Northern Perimeter Road from a new roundabout at Carrs Hill to the A47 Leicester Road north of Earl Shilton. The proposed scheme will be single carriageway with off carriageway footway/cycleway facilities along the entire length of the new road. Quiet road surfacing material is proposed throughout its length.
12. A combined footway/cycleway 2.5m wide will be provided along the length of the bypass with connections to the existing cycle facilities along the Hinckley Northern Perimeter Road and to the side roads at each junction.

Carrs Hill to Station Road

13. At the western end, the proposed Bypass will link up with the A47 Hinckley Northern Perimeter Road by extending the existing carriageway to a new roundabout east of Carrs Hill. The Bypass would then follow the Local Plan corridor crossing Elmesthorpe Lane and Station Road close to existing ground levels. Earth mounding varying between 2m and 3m in height, except where the ends of the bunds are graded back to existing ground levels above the carriageway level, combined with block planting/soft landscaping is proposed to minimise visual and noise pollution on the nearby residential properties along this section. Street lighting will be installed between the A47 Carrs Hill roundabout and Station Road using lanterns designed to minimise light pollution on 8 – 10 m high columns.
14. Three arm traffic signal junctions are proposed where the Bypass meets Elmesthorpe Lane and Station Road/Wilkinson Lane. The traffic signals at both junctions will include safe crossing facilities for pedestrians and cyclists. There will be no vehicular access to the Bypass from Elmesthorpe Lane north of the Bypass, nor from Wilkinson Lane south of the Bypass. Elmesthorpe Lane south of the Bypass will be improved to carry traffic diverted from Wilkinson Lane. Footway improvements are also included in these proposals.
15. Along the southern stretch of Station Road adjacent to the Bypass, it is intended to implement speed management measures to control traffic. Outline proposals are the subject of a public consultation separate to this planning application.

Station Road to A47 North

16. From Station Road, the Bypass continues eastwards to cross Breach Lane close to existing ground levels. Breach Lane to the north of the Bypass will be stopped up to vehicular traffic, but access for pedestrians, cyclists and equestrians will be maintained. Between Breach Lane and Mill Lane the Bypass crosses open countryside, turning northwards. In this area the existing footpath and bridleway converge near the Sewage Works. These will be diverted through an underpass that will provide a safe crossing point for walkers, equestrians and for agricultural access. Where the Bypass crosses Mill Lane at ground level, Mill Lane will be stopped up to vehicular traffic from the west, but access for pedestrians and cyclists will be maintained.

2003/0104/01 and 2003/0106/04 – continued

17. Between Mill Lane and Thurlaston Lane the Bypass enters a deep cutting passing beneath the proposed Thurlaston Lane Bridge allowing a minimum headroom of 6.45m. The bridge will take the form of a 3 span deck and column bridge which will incorporate 1.8m high parapet and fence panels to equestrian route specification. There will be no vehicular connections between Thurlaston Lane and the Bypass but access will be provided for pedestrians and cyclists. From Thurlaston Lane the route continues in a northerly direction crossing over Thurlaston Brook before connecting to a new roundabout junction on the A47 Leicester Road, north of Earl Shilton. Much of the stretch of road between Thurlaston Lane and the new roundabout is on embankment. The proposal incorporates additional works in the vicinity of Bracknell Farm with the construction of a small balancing lagoon and the diversion of Thurlaston Brook.
18. Over the length of the bypass it is proposed that there will be two access road connections serving farms and properties that would otherwise be severed by the road scheme i.e. south of Breach Lane and south of Mill Lane and seven minor private accesses. For safety reasons these have been kept to a minimum.

Other features of the proposal

19. There are two important archaeological sites which are affected by the proposal. These are at the Medieval fish pond complex at Elmesthorpe in the vicinity of St Mary's Church and the possible Neolithic enclosure north of Mill Lane.
20. The route corridor of the Bypass passes through the Medieval fishpond complex, which is of local and regional importance and which is directly associated with the nationally important Scheduled Ancient Monument of Elmesthorpe Church which adjoins St. Mary's Church, a listed building. On the advice given by the Director of Community Services (Heritage Services), every effort has been made when designing the Bypass to preserve important archaeological remains in situ to comply with Central Government guidance. Raising the vertical alignment close to or above ground level through this area of archaeological interest seeks to minimise the excavation of the remains.
21. There is a listed milestone on the northern side of the Hinckley Road at the northern end of the bypass. This will not be physically affected by the proposed works but will need to be protected during the course of construction.
22. There are a number of footpaths and bridleways which will be affected by the proposed bypass. There is provision for amenity planting and landscaping of various pieces of land adjoining the road.
23. Though some mature trees will be lost as a result of the proposal several thousand new trees will be provided as part of the landscaping/planting element of the scheme.

2003/0104/01 and 2003/0106/04 – continued

Scheme Objectives

24. Traffic congestion and accidents are a problem along the A47, winding its way through Earl Shilton. Around 16,000 vehicles per day pass through the town centre dividing the shopping and community facilities that front the A47. Many of the junctions and accesses in the town centre are substandard, and footways to the east of the town centre are very narrow. Between January 1997 and December 2001 there were 115 personal injury accidents recorded on the A47 between the terminal points of the proposed Bypass, of which 20% involved pedestrians and cyclists.
25. The Earl Shilton Bypass aims to;
 - provide a suitable route to enable through traffic to bypass Earl Shilton, reducing congestion in the town centre;
 - enable complementary improvements to be made to the town centre;
 - enhance the environment by reducing noise and air pollution in the town centre;
 - assist economic growth, efficiency and competitiveness in the town by providing an effective road network;
 - help to reduce the number of personal injury accidents by reducing traffic through Earl Shilton and
 - allow the implementation of HGV weight restrictions in Earl Shilton.
26. The planning applications include an Environmental Impact Assessment which comprises an Environmental Statement containing information on the likely impact of the proposal on the locality from a wide range of issues such as air quality, landscape and noise etc. which will be taken to mitigate any impact from those matters; Volume 1 provides a summary and Volume 2 contains more detailed information.
27. Amended plans have been submitted which show alterations to the boundary of the application site at the northern end of the bypass to accommodate the grazing needs of a local farmer, to accommodate the provision of new and modified farm accesses and to omit the site of the listed milestone from the application area. Additional information was also submitted in June 2003 in support of the Environmental Statement in relation to noise and air quality issues.
28. Subsequent to the submission of the planning applications for the Earl Shilton Bypass in January 2003, further work was undertaken by the Director of Highways, Transportation and Waste Management as requested by the Department for Transport (DfT) to re-affirm the funding case for the scheme because of scheme cost increases. This new work, completed in July this year, although not strictly related to the consideration of the planning application, showed some differences in traffic forecasts that led the Director to undertake an investigation as to whether the information contained in the Environmental Statement remained valid.

2003/0104/01 and 2003/0106/04 – continued

29. In the light of this the County Planning Authority was asked to hold the determination of the applications in abeyance until work examining any implications of these differences could be undertaken. The work is now complete and is summarised elsewhere in this report (see end of section on Environmental Statement)
30. In the opinion of the Director of Highways, Transportation and Waste Management this latest work confirms that even under the worst case traffic growth scenario, the resulting effects are not significantly different from those presented in the Environmental Statement which accompanied the planning applications and that the overall conclusions of the Environmental Statement remain unaffected.
31. Consequently, the County Planning Authority has been requested to determine the application in the light of the existing Environmental Statement in the knowledge that the findings of the most recent traffic modelling exercise confirm that there will be no requirement to update the information in the Environmental Statement since the resulting effects do not result in any significant changes.
32. This information has been forwarded to various consultees and the local Action Groups have been made aware of the findings. Any comments that they wish to make have either been incorporated in the report below (see Consultation section) or will be reported at the meeting / sent to members if received beyond the prescribed closing date for comments of 31st October.

Environmental Statement

33. The accompanying Environmental Statement (ES) provides an assessment of the environmental effect of the Earl Shilton Bypass scheme. In addition the statement describes existing conditions and discusses the effectiveness of the mitigating measures which form an integral part of the design and planning of the scheme. The assessment is supplemented by appendices on air quality; cultural heritage; disruption due to construction, ecology and nature conservation; landscape effects; traffic noise and vibration; pedestrians, cyclists, equestrians and community effects; vehicle travellers; water quality and drainage; geology and soils.
 - (i) Air Quality. The ES, together with the additional information provided, includes an assessment of the level of pollution likely to be generated from traffic in the area as a result of the bypass. It is suggested that the use of bunding and soft landscaping will mitigate the effects of air borne car pollution. The potential impact on local air quality has been assessed for 16 properties within 200m of existing roads and the proposed bypass. It is concluded that the reduction in traffic flows through the centre of Earl Shilton would have a beneficial effect on air quality. Calculations on predicted pollution levels at dwellings closest to the proposed bypass are lower than both the current levels and the 2005 objectives. Consequently, it is concluded that the scheme would have a neutral effect on air quality in its immediate vicinity. It should also be borne in mind that vehicle emissions are forecast to fall considerably below

2003/0104/01 and 2003/0106/04 – continued

current levels, which will have a greater influence on air quality than can be achieved through design measures.

- (ii) Cultural Heritage. An archaeological study has been carried out involving both field and desk-based studies. The planned scheme will directly impact upon four and pass close to another four sites with known archaeological remains. Impacts upon these sites are deemed to be zero or only slight, except for the medieval manorial site which would suffer severe impact upon known archaeological remains. This group of high quality archaeological remains is of local and regional importance. It contains St Marys Church, Elmesthorpe, a scheduled ancient monument and a listed building. The ES highlights the fact that because the scheme is not in deep cutting but is close to or above ground level in this location it minimises the excavation of the remains. The bypass would have a width of 30m which would have to be increased to a width of between 90 and 100m for a scheme in deep cutting. This would require additional excavation and could have an extremely damaging impact in archaeological terms. Mitigating measures are proposed to:- work in consultation with English Heritage and the County Council's heritage expert; preserve remains in situ or form a record, and the maintenance of an archaeological watching brief at the construction stage. The other important archaeological site is the possible Neolithic enclosure north of Mill Lane. The bypass would not directly affect the enclosure although adjacent features may be disturbed. Eight other listed buildings are located near the proposed bypass, but would suffer no impact. (The application has subsequently been amended to avoid the listed milestone at the eastern end of the bypass.)
- (iii) Ecology and Nature Conservation. Various ecological studies have been undertaken in the area although hampered by the Foot and Mouth Disease restrictions. The majority of the land is of low nature conservation value due to the dominance of intensive agriculture. However, the area is enhanced by the presence of ancient hedgerows, wetland habitats and mature trees. The majority of these habitats are not thought to be fragile, but hydrology changes may impact upon the habitats in the wetland areas. The key impacts identified relate to the loss of several mature trees, the diversion of Thurlaston Brook, two other watercourses affected and the loss of three ponds. This will lead to habitat fragmentation and the interruption of corridors of movement for wildlife. Indirectly there may be impact of pollution and changes in hydrological regime. Mitigation measures will include the absence of earthworks during bird breeding season, the replanting of lost trees and replacement of displaced hedgerows. Culvert and bridge designs will reduce habitat fragmentation and allow safe passage for bats, water vole, otters and kingfishers. Surveys have been carried out in respect of protected species which indicate that none are in existence. However, the applicant intends to carry out further studies to determine whether any protected species have recently been introduced which may require additional mitigation strategies to be agreed.

2003/0104/01 and 2003/0106/04 – continued

- (iv) Landscape Effects. A full study into the possible effects upon the landscape has been undertaken, concludes that the effects would have slight to moderate adverse impact on the surrounding area. The bypass would not be out of keeping within the whole area, as it would lie between the existing A47 and M69. The proposed bypass would rarely pass close to residential areas, and mitigation such as bunding and replanting of existing hedgerows should reduce any effects on the landscape to only negligible or slight for a limited number of dwellings over a 15-year period. Generally the majority of residential properties identified as receptors will experience first floor views only of the bypass. Few will experience both ground and first floor views. The landscape is of little special interest, with limited variation in topography, and any embankments and cut-ins have been designed to follow the topography where possible. Lighting columns would not have any further impact than existing lighting along the A47. It is anticipated that several mature trees would be lost, but mitigation would involve the planting of several thousand trees, which would more than offset this impact. Whilst the Elmesthorpe Land Settlement Association Area (ELSAA) has not been specifically named in the ES the impact on the area and the dwellings has been considered within the statement. In addition, the historical and cultural aspects are considered by cross-reference to other sections within the ES.
- (v) Land Use The land to be developed as part of the proposed bypass has been subjected to a land use and agricultural land quality survey and this has determined that around 30ha, of which more than half is moderate quality (sub-grade 3b), of agricultural land will be lost. The remainder is best and most versatile agricultural quality. The bypass will affect nine agricultural holdings, with the grazing capacity of 3 farms adversely affected. Many fields will become fragmented and many will suffer from loss of access, although mitigation such as the removal of species-poor hedgerows and new access routes will alleviate the vast majority of impacts. The majority of one horse paddock and a part of a smaller paddock will be lost and the northern most end of land allocated for a crematorium or community facility.
- (vi) Traffic Noise and Vibration Calculations are based on 18 hour weekday traffic flows prior to the opening of the new road and during the scheme's 15 year design period. The scheme will result in significant noise benefits for the area as a whole. On balance many more properties will experience a reduction in noise rather than an increase ie 5011 compared to 1332. In particular the urban areas of Barwell and Earl Shilton will see a predicted reduction in traffic levels of 25%. Many properties on the A47 through the centre of Earl Shilton will experience a reduction in noise levels. Calculation of noise levels for properties selected as typical along the route indicate that:- most properties will experience either a reduction or an imperceptible increase in noise level upon opening of the bypass. Properties on Breach Lane and Mill Lane near to the bypass will experience a significant increase in noise albeit from very low existing levels. It is concluded that the properties that will potentially be subject to the highest noise levels will be successfully protected by the proposed

2003/0104/01 and 2003/0106/04 – continued

mitigation measures. These include extensive earth mounding between 2 and 3m in height above the carriageway level, except where the ends of the bunds are graded back to existing ground levels, and quiet road surfacing material. The capacity of the new bypass and new access roads is well above predicted traffic levels, which should ensure generally free movement of traffic that will minimise engine noise. Although several footpaths and bridleways will also be subject to a significant increase in noise levels, mitigation such as the earth bunds and the sections of road in cutting, together with the use of quiet road surfacing will help reduce the noise levels throughout the whole length of the proposed route. The issue of vibration is perceived to be insignificant.

(vii) Pedestrians, Cyclists, Equestrians and Community Effects

The proposal provides pedestrian and cyclist facilities along the entire route of the bypass in the form of a 2.5m wide footway/cycleway with connections to the Hinckley Northern Perimeter Road and the side roads at each junction and at Thurlaston Lane. The ES has evaluated the environmental impact of the bypass on the above effects.

Community Severance is defined as the separation of residents from facilities and services within their community caused either by new and improved roads or changes in traffic flows. It is graded slight, moderate and severe and applies specifically to pedestrians. Cyclists and equestrians are less susceptible to severance because they can travel more quickly than people on foot. Four existing roads would be stopped up and four existing roads would be connected to the bypass:-

Stopped up

- Elmesthorpe Lane (on the north side of the bypass). Moderate degree of severance due to volume of traffic on the bypass. Pedestrian severance would be mitigated by the provision of a pedestrian phase in the traffic signal sequence. Crossing the bypass at the signal controlled junction would lead to a slight increase in journey time for pedestrians.
- Breach Lane (on the north side). Pedestrian and equestrian use is significant here and cycle use is limited (Nov 2001). Moderate degree of severance. As a result the distance for pedestrians would increase approx 65m and as a result of having to cross the bypass the journey time would be increased. Equestrians using the Lane on the south side will be able to use the new bridleway following the south side of the bypass to gain access to Wilkinson Lane, thereby maintaining the bridleway network. A new bridleway would be provided along the north side of the bypass to allow equestrians to access bridleway U16 at the proposed underpass – this would be the mitigation measure to maintain established routes used by equestrians.

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- Mill Lane (on the north side). Moderate degree of severance for cyclists and pedestrians. Severe degree of severance for equestrians. Pedestrians and cyclists would cross at grade on a slightly realigned route. The increase in journey distance is negligible although there would be an increase in time incurred in crossing the bypass. Equestrians would be diverted along Bridleway U16 via the underpass and return to Mill Lane using the new bridleway following the south/east side of the bypass. The increase in journey length is 740m approx.
- Wilkinson Lane (on the south side). The reduction in traffic using the Lane would benefit non vehicular users in terms of safety and amenity, although crossing the bypass would lead to a slight increase in journey time.

Connected

- Elmesthorpe Lane (on the south side) would be connected to the bypass using a traffic signal controlled three arm junction including a pedestrian phase. The approach to the bypass would be reconstructed with an improved alignment and footway width to make the route safer.
- Breach Lane (on the south side) would be connected to the bypass using a three arm priority junction via a small diversion.
- Mill Lane (on the south side) would be realigned and a three arm priority junction provided.
- Station Road (on the north side) would be connected to the bypass using a traffic signal controlled three arm junction including a pedestrian phase and a central refuge. Moderate degree of severance due to the volume of traffic on the bypass. The degree of severance for pedestrians would be mitigated by the provision of a pedestrian phase in the traffic signal sequence.

A number of public footpaths and bridleways would also be affected.

Stopped up

- Bridleway U20 - runs from Breach Lane to Station Road, Elmesthorpe. Pedestrians would be able to cross the bypass at grade using the diverted footpath. The journey distance would be increased by 20m approx and there would be a slight increase in journey time as a result of crossing the bypass.
- Footpath T89 – runs between Earl Shilton and Breach Lane (near Breach Lane Farm). Moderate degree of severance. Would be realigned along the north side of the bypass to the new junction with Breach Lane and then westwards down the Lane. The diversion

2003/0104/01 and 2003/0106/04 – continued

would increase the distance by 165m and the journey time would be increased by the need to cross the bypass.

- Footpath U17 – runs from Earl Shilton to Huit Farm and Bridleway U16 – runs from Mill Lane to Huit Farm. Slight degree of severance. Would be diverted and converge before passing under the bypass via the underpass. The realigned footpath and bridleway distances would be increased by 350m and 130m respectively.

The above has to be compared with the fact that the bypass would result in a reduction in the traffic flow across the whole of Earl Shilton. For instance the section of Elmesthorpe Lane from the north of the bypass to the Carrs Hill junction would see a reduction in traffic flow of 85% giving a substantial relief from existing severance. The section of Elmesthorpe Lane between the bypass and the Wilkinson Lane junction would be reconstructed with an improved alignment and footway. Despite an increase in traffic along this section the alignment would reduce the danger to pedestrians and cyclists using the road. Consequently, the bypass would produce a slight relief from existing severance.

The effect on community facilities has also been considered.

- St Marys Church. The entrance to the church is on Elmesthorpe Lane on the south side of the bypass. Pedestrians from the north would have to cross the bypass at either Elmesthorpe Lane or Station Road junctions. Provision will be made for a pedestrian phase within the traffic control signals. This will keep any increased journey time to a minimum and provide a safe crossing point.
- Social Centre. Access is gained from Wilkinson Lane. Pedestrians from the north would have to cross the bypass at either Elmesthorpe Lane or Station Road junctions. Provision will be made for a pedestrian phase within the traffic control signals. This will keep any increased journey time to a minimum and provide a safe crossing point.
- Allotment Garden near Breach Lane. Access from Earl Shilton will not be affected. Access from the south would have a moderate impact on access from footpath U20.

The reduction in traffic flowing through Earl Shilton should more than compensate for any changes to local routes. This reduction should ensure quicker and less stressful journeys and also reduce the risk of potential accidents.

- (viii) Water Quality and Drainage An assessment of the environmental implications of the scheme on water quality and drainage has been carried out. The foul water pumping station and the foul water rising main along the A47 Carrs Hill would be affected by the scheme, but this may be abandoned and relocated by Severn Trent Water Ltd. The scheme would also sever various natural land drainage paths. The scheme would impact

2003/0104/01 and 2003/0106/04 – continued

upon existing conditions by increasing storm water run-off and reducing response times, increasing the risk of flooding in local water courses and changes to existing drainage systems. The risk of flooding will be mitigated by the creation of balancing ponds and compensatory storage areas to store run-off and the creation of culverts and ditches. Site drainage is to be designed to mitigate the risks of pollutants entering groundwater.

- (ix) Geology and Soils. A full assessment of the geology, soils, hydrology and hydrogeology of the area of interest has been carried out. No significant issues were raised. The amount by which the groundwater level would be lowered due to drainage towards the cutting is likely to be insignificant. The construction of the embankments would not have an adverse effect on either the groundwater or surface water regimes within the area.
- (x) Construction Works. The construction phase is expected to last approximately 15 months. To mitigate the inevitable impacts caused by this type of scheme, the contractors will minimise the closing of routes of access, minimise dust and mud leaving the site and restrict working hours where possible. There will be an increase in lorry movements during this phase, but in general traffic will not be impacted upon due to the existing road network. It is anticipated that there will be a sufficient stretch of road in cutting to provide ample material for construction works. However, the quality of this material will need to be assessed and if necessary materials will be imported, possibly from a borrow pit. Any excess material will be transported to a recognised landfill site.
- (xi) Alternative Schemes. In addition to the scheme set out in the applications, two alternative bypass layouts have been considered during the project development. A detailed comparison of the three schemes was considered in a report to the County Council's Cabinet, 3 December 2002 and this report is referred to in section 14.1 of the A47 Earl Shilton Bypass E S Volume 1 (non-technical summary) as Appendix 1.

Alternative Scheme Options Considered

As part of the consultation process and in response to the two petitions received in Winter 2002, the Earl Shilton Bypass Residents Action Group requested that an alternative layout be considered in addition to that shown on the Local Plan. This alternative (referred to as the BRAG option) restricts access to the Bypass to its A47 terminal points only and requires the construction of a deep cutting from west of Elmesthorpe Lane to east of Station Road/Wilkinson Lane.

Both the Preferred Scheme and the BRAG option are variations on the Local Plan Scheme. The key differences occur along the route between the western terminal point of the A47 Carrs Hill roundabout and Breach Lane. From Breach Lane to the north east terminal point on the A47 Leicester Road, each of the three scheme options are identical in layout. The key differences between the three options are described more fully in the report to the County Council's Cabinet of 3 December 2002.

2003/0104/01 and 2003/0106/04 – continued

Appraisal of Scheme Options

All three scheme options meet the basic aim to remove through traffic and congestion from the centre of Earl Shilton. The detailed appraisal given in Appendix 7 of the Cabinet report, provides a framework comparing the three options against the existing situation (No Bypass) on local and national transport objectives, namely Environment, Safety, Economics, Accessibility, Health and Integration.

In the case of the Safety, Accessibility, Health and Integration objectives, the framework appraisal indicates that the benefits are similar for all three options in overall terms. However, in determining the case for the Preferred Scheme, the following summary highlights the key considerations relative to the Local Plan Scheme and the BRAG option in terms of Costs/Economics, Traffic and Environmental issues.

After due consideration of all the issues raised, the information in the Environmental Statement concludes that the Preferred Scheme will best provide a balanced solution to the transportation problems in Earl Shilton. Whilst the scheme appraisal has identified some disbenefits, the Preferred Scheme gives better overall traffic relief, has the least environmental impact, it is the least costly solution and represents best value for money against the other two options.

Updated traffic information - October 2003

34. Subsequent to the submission of the planning applications for the Earl Shilton Bypass in January 2003, further work was undertaken by the Director of Highways, Transportation and Waste Management as requested by the Department for Transport (DfT) to re-affirm the funding case for the scheme because of scheme cost increases. This new work, completed in July this year, although not strictly related to the consideration of the planning application, showed some differences in traffic forecasts that led the Director to undertake an investigation as to whether the information contained in the Environmental Statement remained valid. This information has been submitted by letter from the Director of Highways, Transportation and Waste Management dated 17th October 2003.
35. “The traffic model has been updated since the previous modelling work was reported to Cabinet in December 2002, to take account of the following;
- the recent implementation of a local safety scheme on the A47 through Earl Shilton
 - additional pockets of residential development
 - the signalised junctions at Station Road and Elmesthorpe Lane designed to operate under the worst case scenario with high traffic growth in the design year of 2021
36. This updated traffic model produces some changes to the previous traffic forecasts and hence potentially to noise and air quality predictions. Overall there would be greater benefit to the local community under this prediction

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because more traffic would be using the bypass because of the road safety scheme referred to above rather than the existing road network.

- 37 However, there would be increases and decreases in traffic forecasts for some roads. In taking the same reference year of 2001, for ease of comparison, the most noticeable change occurs on the southern section of Station Road between Stoneycroft Road and the Bypass. Key findings for this road are:
- an increase from 600 to 1700 extra vehicles average per day over and above the existing 2500 vehicles per day – this is the equivalent of one extra vehicle per minute each way in the peak period
 - noise at the worst affected property on Station Road (223) will marginally increase from 59.7 dBA to 60.1dBA (average across a sample of worst affected properties elsewhere is a change in the predicted level from 60.5dBA to 60.9dBA)
 - the levels of the various pollutants calculated to gauge air quality increase marginally.
- 38 It is important to note that this information represents a “worst case” scenario. If traffic at the worst case level were to materialise, traffic management action could be taken to control this, for example by adjusting the signal timings, although doing so would of course have a marginal impact on overall scheme benefits.
- 39 Noise and air pollutant levels have been re-calculated at the most sensitive residential locations using the revised traffic flows. Noise levels have been calculated in accordance with the HMSO publication ‘Calculation of Road Traffic Noise’, published 1998. Air Quality has been calculated in accordance with DMRB vol. 11 (revised Feb 2003). These results are shown in detail in the submission. The same guidance documents were used in the original Environmental Statement.
- 40 A revised traffic flow diagram for the 2001 reference year is attached as Appendix A to the submission.
- 41 In the opinion of the Director of Highways, Transportation and Waste Management this latest work confirms that even under the worst case traffic growth scenario, the resulting effects are only marginally different to those presented in the Environmental Statement which accompanied the planning applications and that the overall conclusions of the Environmental Statement remain unaffected and therefore do not need to be updated.”
- 42 The EIA Regulations require the ES to include details of the alternatives considered by the applicant and the reasons for the applicant’s choice of route for the bypass. In broad terms the applicant’s choice is based on the view that in overall terms the submitted scheme represents the least environmentally damaging scheme and the best value for money. The full version of the Environmental Statement, the further information submitted in respect of noise and air quality in June 2003 and the information submitted in respect of the updated traffic figures in October 2003 are available for members of the Board to view in detail from the persons named at the end of this report and also on the County Council’s website at www.leics.gov.uk/highways

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Planning Policy

National Policy Guidance

43. Planning Policy Guidance Note 1 (PPG1) – General Policy and Principles (Feb 1997). Includes advice on the primacy of the development plan in the determination of planning proposals, in the context of Section 54A of the 1990 Act. The relative advantages and disadvantages of various development options should be properly considered in a comprehensive manner through the Local Plan process.
44. Planning Policy Guidance Note 9 (PPG9) – Nature Conservation (October 1994). Advises that the presence of protected species is a material consideration in the determination of planning applications if the development is likely to result in harm to the species or its habitat.
45. Planning Policy Guidance Note 13 (PPG13) – Transport (March 2001). Annex C addresses infrastructure and states that care must be taken to avoid or minimise the environmental impact of any new transport infrastructure projects (including impact during construction). Wherever possible, appropriate measures should be implemented to mitigate the impacts of transport infrastructure.
46. Planning Policy Guidance Note 16 (PPG16) – Archaeology and Planning. The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether that monument is scheduled or unscheduled. The case for the preservation of archaeological remains must be assessed on the individual merits of each case, taking into account the archaeological policies in detailed development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the proposed development. There may be a need for the use of appropriate of conditions.
47. Where planning authorities decide that the physical preservation in situ of archaeological remains is not justified in the circumstances of the case and that development resulting in the destruction of the archaeological remains should proceed, it would be entirely reasonable for the planning authority to satisfy itself before granting planning permission, that the developer has made appropriate and satisfactory provision for the excavation and recording of the remains. Such excavation and recording should be carried out before development commences, working to a project brief prepared by the planning authority and taking advice from archaeological consultants. This can be achieved through agreements reached between the developer, the archaeologist and the planning authority. Such agreements should also provide for the subsequent publication of the results of the excavation.

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48. Planning Policy Guidance Note 24 (PPG24) – Planning and Noise (Sept 1994)
The impact of noise can be material consideration in the determination of planning applications.
49. The guidance outlines general measures which can be introduced to mitigate the impact of noise and ensure that development does not cause an unacceptable degree of disturbance. It is suggested that mitigating measures should be proportionate and reasonable and may include:- engineering measures (such as the containment of noise generated or protection of surrounding buildings by insulation or screening); layout measures (such as adequate distances and natural screening) and administrative measures (such as limiting use or specifying an acceptable noise limit).
50. There may be circumstances when it is acceptable or even desirable, the guidance suggests, in order to meet other planning objectives, to allow noise generating activities near or adjoining a noise sensitive development, (housing is regarded as such development). In such cases measures should be provided to reduce the impact of noise. Authorities should also take into account that the background noise level in rural areas is very low.
51. Regional Planning Guidance for the East Midlands (RPG8) (January 2002) The A47 Earl Shilton Bypass is listed in paragraph 75 of the guidance as a scheme with provisional acceptance for Government funding. The scheme contributes to the Regional Planning Objectives of maintaining good transportation links and ensuring that transport is safe and efficient. It is also in accordance with the guidance that new road schemes should be provided where considerable environmental improvements would result.

Development Plan Considerations

52. The Development Plan in this instance is made up of the Leicestershire Structure Plan, the Hinckley and Bosworth Local Plan and the Blaby Local Plan. Although they do not form part of the development plan consideration also needs to be given to the policies contained in the Leicestershire Local Transport Plan and the emerging Leicestershire, Leicester & Rutland Structure Plan, in particular those relating to transport issues.

Strategic Policy Considerations

53. In the context of the adopted Leicestershire Structure Plan, the provision of an A47 Earl Shilton Bypass is identified as a major County road scheme, in Transport Policy 3, to be implemented by 2006. The scheme would also help to achieve the objectives of Transport Policy 2, namely improved safety, enhanced environment, reduced congestion and minimising the impact of traffic in shopping areas.

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54. The scheme makes provision for cyclist and pedestrian crossing facilities where appropriate and provides convenient links to the existing cycle route network in accordance with Transport Policy 9. The scheme will provide an alternative route for heavy lorries away from the town centre in line with the objectives of Transport Policy 10.
55. Strategy Policy 4 provides that development in the countryside will not be appropriate if it has a significant adverse effect on the character and appearance of the landscape.
56. Environment Policy 2 states that measures will be taken to identify, protect, preserve and enhance areas, sites and buildings of historic, architectural or archaeological importance. Planning applications for development adjacent to archaeological or other historical sites and buildings will be considered against the need to ensure their preservation. Planning permission will not normally be granted for development which would affect a scheduled ancient monument or its setting or amenity value. In areas of archaeological potential planning permission will not normally be granted without proper evaluation of the archaeological implications of the proposed development.
57. Other policies in the Environment Chapter relate to the protection of watercourses as wildlife and amenity area (Environment Policy 9) and the provision of comprehensive landscaping for new development (Environment Policy 11).
58. Environment Policy 7 provides for the protection and conservation of ecological features, including the need for appropriate conditions to minimise disturbance and provide new habitats. It states that development will not be permitted which could adversely affect sites of county and district level interest, unless there is an overriding national or local need.
59. In the Deposit Draft Structure Plan for Leicester, Leicestershire and Rutland (LLRSP) for the period 1996-2016 the proposed modifications recommend the Earl Shilton bypass scheme be specifically identified as part of the Accessibility and Transport Policy 10 – New Roads, Road Improvements and Traffic Management. The policy states that where justified as part of an integrated and sustainable transport solution, bypasses and other new roads will be constructed where the environmental and road safety benefits to the locality bypassed exceed the environmental disbenefits of road construction to a degree which justifies the investment. The policy also suggests that alterations to existing roads and traffic management schemes will be carried out to :- improve the local environment; encourage walking and cycling; provide better operating conditions for public transport and improve road safety. Accessibility and Transport Policy 11 – Transport Routes of the Plan states that land reserved for routes for, inter alia, highways will be identified in local plans and safeguarded from other development.

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60. Accessibility and Transport Policy 2 and 3 (as proposed to be modified) refer to provision for walking and cycling respectively in all development proposals.
61. Strategy Policy 5 (as proposed to be modified) states, inter alia, that provision for and the promotion of walking, cycling and public transport will generally be given greater priority than provision for private transport.
62. Strategy Policy 9 (as proposed to be modified) suggests that development in the countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. Transport infrastructure is acceptable provided that it can be demonstrated that there is an overriding need for the development to be located in the countryside and appropriate works of mitigation are to be undertaken.
63. Other Policies of the emerging Plan, (as proposed to be modified), include Environment Policy 1 (archaeology) and Environment Policy 3 and 3A (ecology and habitat protection) which reflect the intention of policies relating to these matters in the adopted Structure Plan. Resource Management Policy 1 seeks to ensure that all new development will minimise or avoid air, noise, water, land and light pollution.

Leicestershire Local Transport Plan

64. The Plan identifies the Earl Shilton Bypass for construction work to be commenced in the final year of the Plan period up to 2006 and is one of three major schemes in the LLTP area during the period of the Plan. It is identified as a proposal under the Economic, Development, Environmental and Integration Objectives within the Hinckley/Earl Shilton area. The Plan contains an explanation (at Chapter 5e) regarding the benefits that the bypass would provide.

Local Plan Considerations

65. The Hinckley and Bosworth Local Plan was adopted in 2001. Reference is made in the Plan to the 'specified highway network' which has been identified in the Leicestershire Structure Plan. The proposed Earl Shilton Bypass is designated as part of the specified road network within the plan area and is shown on the proposals map. The route is protected from other development by Policy T2. Reference is made to the construction of the Bypass and its relationship to development proposals in Policy RES1(j) in relation to land at Breach Lane, Earl Shilton.
66. Policy T2 – Protection of the lines of proposed improvements to the specified road network of the Local Plan provides that planning permission will not be granted for development on land that would prejudice the construction of the Earl Shilton Bypass as shown on the Proposal Map. The line of the Bypass is identified diagrammatically on the Proposals Plan.

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67. Policy RES1(j) sets out the criteria under which planning permission will be granted for residential land (5.25ha) south of Breach Lane, Earl Shilton. Criterion (c) requires that the primary vehicular access to the site will be accessed directly from a new junction on the Earl Shilton Bypass. Criterion (e) relates to the requirement for substantial block planting and landscaping along the southern boundary of the site.
68. The majority of the Bypass route through the Borough is within an area identified on the Local Plan as open countryside and subject to Policy NE5- Development in the Countryside. Planning permission will be granted for built and other forms of development including, inter alia, public utilities where there would be no significant adverse environmental impact, there is effective landscaping and the proposed development would be acceptable in highway terms.
69. Policy NE3 relates to development in the Green Wedge at the western end of the new road, between Barwell and Earl Shilton, and sets out criteria to protect the open character of the area whilst allowing development such as, inter alia, transport routes. These criteria include no adverse effect on its open and undeveloped character, not undermining the physical separation or character of the settlements and development in keeping with the scale and character of the surrounding area. Only a small proportion of the road is proposed in this location.
70. Policies BE5, BE12, BE13, BE14, BE15 and BE16 provide for the safeguarding of listed buildings, scheduled ancient monuments and archaeological sites and remains; requiring the preservation and/or excavation and recording of such features in appropriate cases. Certain other policies in the Natural Environment section of the Plan relate to requirements for appropriate landscaping (NE12), safeguarding sites of local ecological importance and nature conservation (NE6 and NE7) and protected species (NE8).
71. Policies NE13, NE14, NE15 and NE17 seek to protect natural watercourses, river corridors and the water environment.
72. The Blaby District Local Plan was adopted in 1999. Policy T17(ii) – Land Safeguarded for Road Schemes and Improvements states that the route of the Bypass will be safeguarded from development that would prejudice implementation of the scheme. The majority of the planning application boundary is within the area identified for the bypass diagrammatically on the Proposals Plan, with the exception of that part of Elmesthorpe Lane where highway improvements are proposed.
73. The application site is included in an area of open countryside where Policy C2 will apply. This policy states, inter alia, that planning permission will not be granted for development which would have a significantly adverse effect on the appearance or character of the landscape. The line of the Bypass adjoins land to the south allocated as the Elmesthorpe Land Settlement Association Area to which Policy C11 applies which reiterates Policy C2.

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74. The line of the bypass is in close proximity to a scheduled ancient monument (SAM) – Elmesthorpe Church, to which Policies CE1 and CE2 apply. These policies seek, inter alia, to ensure that no development will be granted which would adversely affect the preservation or setting of the SAM.
75. A small area of land to the north of the Bypass line is allocated as part of a Green Wedge (forming part of the wedge protecting the land between Barwell and Earl Shilton and subject to Policy C3(vi)).
76. Policy CE19 suggests that planning permission should not be granted for development adversely affecting a site of ecological importance unless certain criteria are met including:- suitability; the benefits of the scheme compared to the losses and that compensation/enhancement is provided.

Consultations**Hinckley and Bosworth Borough Council – Planning**

77. Has no objection in principle subject to the following aspects of the proposal being controlled by condition or other legal agreement:-
- a) consideration should be given to a limitation of the hours of construction work where the route of the bypass is close to residential properties.
 - b) appropriate measures should be taken to mitigate the effects of the development on identified archaeological sites, including the Scheduled Ancient Monument.
 - c) the incorporation into the scheme of additional noise mitigation measures for Breach Lane Farm.
 - d) implementation of woodland planting and other landscaping schemes at an early stage of the development in order to minimise the impact of the scheme on the wider landscape.
 - e) a prohibition of contractors vehicles accessing the route of the bypass via the existing road network within Earl Shilton.

Hinckley and Bosworth Borough Council – Environmental Health Officer

78. The Environment Agency has identified a former landfill site within 250m of the proposed road. The Council's records indicate a former above-ground ashpit serving the local area which ceased to be used approximately 30 years ago. Care will need to be taken when excavating the tipped material which should be disposed of in an appropriate way and should not be used as any part of the development.

Blaby District Council – Planning and Environmental Health

79. The District Council welcomes the fact that the proposed scheme incorporates some design amendments in response to earlier Council representations. However, it reiterates its fundamental requirement that the section of the bypass

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passing through Elmesthorpe should be in cutting. The Council considers that some of the environmental impacts of the proposed scheme would be more severe than a bypass in cutting and that the following matters give cause for concern:

- i) a full cost benefit analysis has not been undertaken. This would have better assisted a more rigorous assessment of the proposal against the emerging Leicestershire, Leicester and Rutland Structure Plan Accessibility and Transport Policy 10: Road Traffic Improvements and the Management of Traffic;
- ii) the landscape and visual impact assessment fails to demonstrate that sufficient account has been taken of the impact of the proposed bypass on the special character of the Elmesthorpe Land Settlement Association Area (ELSAA). It also fails to demonstrate that account has been taken of the visual impact of the proposed lighting on the section of the bypass between Carrs Lane and Wilkinson Lane and
- iii) the noise impact assessment fails to demonstrate that all noise sensitive properties have been adequately investigated. In addition the noise impact predictions for certain properties has produced results which require re-examination.

Notwithstanding the fundamental concerns regarding the application, as expressed above, if the County Council is minded to grant planning permission it is requested that:-

- (a) the highway improvements proposed for Elmesthorpe Lane should be enhanced to incorporate a combined footway / cycleway, traffic calming measures, a 'village entrance' feature to prevent vehicles speeding on this section of highway and landscaping;
- (b) consideration should be given to additional bunding to mitigate the noise impact on 2 Station Road (NB:- Blaby District Council's comments erroneously originally referred to 1 Station Road) and, in addition, the noise impact survey predictions for properties on The Crescent (Nos. 34,35,36, 37 & 38), 44 Elmesthorpe Lane, Church Farm and 3 Station Road should be re-examined, along with noise breakout issues (particularly regarding 14 Wilkinson Lane) and, subject to the resultant findings, additional noise mitigation measures should be provided;
- (c) this Council should be consulted by Leicestershire County Council prior to the commencement of works regarding the noise impact arising from construction works;
- (d) quiet road surfacing should be used for the entire length of the proposed Earl Shilton Bypass;

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- (e) bunding should be provided along the whole route at a height of at least 2m above the finished ground level of the road; (It should be noted for clarification that the wording of these comments from the District Council actually mean that the bunding should be provided in the locations as shown on the submitted plan and are not meant to require that bunding should be provided along the whole length of the bypass)
- (f) the section of bunding on the southern side of the proposed bypass between Elmesthorpe Lane and Wilkinson Lane should be landscaped with 'woodland structure planting' rather than 'scattered tree planting' to mitigate the visual impact of the scheme;
- (g) woodland structure planting should be provided along all of the eastern embankment of the proposed bypass at its northern end where it passes close to Bracknell Farm to mitigate the visual impact of the scheme;
- (h) the landscaping should include a number of spiky leafed species (in the interests of air quality), particularly where the route passes close to residential areas;
- (i) an appropriate condition should be attached to protect any species protected by law which are found as a result of subsequent ecological surveys;
- (j) an appropriate condition should be attached to ensure that a comprehensive archaeological assessment is undertaken and to ensure that archaeological remains are preserved in-situ or are appropriately recorded; and
- (k) an appropriate condition should be attached to ensure that the location and design of the proposed lighting minimises the effects of light pollution.

Blaby District Council - Environmental Health Officer

- 80 The formal views of Blaby District Council above set out comments which include those relating to environmental health issues. Set out below are the Environmental Health Officer's conclusions upon which those comments are based, taking into account further information which was supplied to him in respect of noise issues in June 2003.

Noise

Details submitted show that by comparison of noise levels for the year 2006 with and without the bypass the difference in sound level to be expected at the time the bypass opens. This suggests that out of 36 receptors there will be:-

- no change in noise level for 21 (58%)
- a reduction of between 1 and 9 dB can be expected with 9 properties (25%) on Wilkinson Lane which will become a no through road

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- 5 (41%) will be subject to an increase of up to 3dB. This is deemed acceptable according to road design guidance documents
- 1 property – 2, Station Road, Elmesthorpe has a calculated increase of greater than 3dB (NB:- Blaby District Council's comments erroneously originally referred to 1, Station Road, Elmesthorpe)

The same exercise was carried out for the year 2021 and this has given similar results with the only notable difference is one property which will decrease in sound level rather than remain unchanged.

He concluded that on the information submitted, including the further information, on the premise that use is made of quiet road surfacing material and that earth bunding is provided along the entire length of the carriageway at a height of at least 2m above the finished level of the road that only one property will be significantly affected as a result of the bypass proposal. (It should be noted for clarification that the wording of these comments from the District Council actually mean that the bunding should be provided in the locations as shown on the submitted plan and are not meant to require that bunding should be provided along the whole length of the bypass.)

A number of other properties have been identified whose residents, although they are not identified as being adversely affected through the prediction process, are likely to have a greater perception of impact. These have been identified as the dwellings at 34,35,36,37 and 38 The Crescent, Elmesthorpe; 44 Elmesthorpe Road; Church Farm, Elmesthorpe; 2 and 3, Station Road, Elmesthorpe and 14, Wilkinson Lane. (NB Blaby District Council original comments erroneously referred to 1, Station Road, Elmesthorpe). It may be necessary to provide additional mitigation measures in respect of these properties. It will be necessary to specify the method for controlling noise impact arising from construction works.

Air Quality

It is concluded that the background pollutant levels associated with the proposed bypass are judged not to exceed the national air quality objectives and are acceptable. The landscaping scheme should be designed to incorporate a number of spiky leafed species, particularly where the route passes close to residential areas.

81 Stoney Stanton Parish Council

- There is concern that local traffic from Stoney Stanton, Sapcote and Elmesthorpe will have long detours to get to Earl Shilton as Station Road/Wilkinson Road have been blocked. Why cannot a bridge/underpass be provided as is the case with Thurlaston Lane? Farm accesses are compromised.
- The large roundabout will severely impact onto the area of open countryside.
- Two sets of traffic lights onto the bypass will cause large tailbacks and congestion.

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- There is concern that Stoney Stanton will become even more congested and busy due to traffic using it as a through route rather than use the bypass. The new roundabout will only serve to encourage this.

Elmesthorpe Parish Council

82 The Parish Council has previously made objections regarding the chosen route and construction of the bypass. The following points have been raised:-

- The closure of Wilkinson Lane and Elmesthorpe Lane are going to have a detrimental effect on Elmesthorpe residents' journeys.
- The traffic light junction may well hinder the potential flow of traffic and cause a build up of traffic and again prevent local residents from readily accessing their local roads.
- The number of junctions proposed along the bypass could lead to the safety of local residents being put at risk.
- The impact of the proposed soundproofing will decrease, as the residents are further away from the earth mounds. The prospect of increased traffic noise is a major concern to the residents close to the proposed route.
- The cost of the bypass has increased from £8.9 million and yet the promised cuttings included in the Blaby Local Plan have still not materialised.

Further comments have been received which include comments specifically related to the *updated traffic information* and this has been extracted from the Parish Council's letter. The remainder of the letter contains general comments on the bypass proposals which have been highlighted elsewhere in the report. A full copy of the Parish Council's letter may be viewed in the Members' Group Rooms.

The PC would like to draw attention to the extra volume of traffic on the southern end of the bypass between Carr's Hill and Elmesthorpe Lane. The bypass in this area passes within metres of properties in The Crescent and very close to other homes in Billington Road West. LCC has once again revised upwards the volume of traffic here – to 15,200 per day despite the fact that the recommended daily flow of traffic on such a bypass is 13,000 vehicles per day. The road may cope at day 1 but what happens after 5, 10 or 15 years? No figures are given in the reappraisal but Volume 2 of the ES suggests a 43% increase on this section after 15 years which would take traffic to almost 22,000 a day – 9,000 more than recommended.

Earl Shilton Parish Council

83 It is acknowledged that the scheme as submitted might not be the best and does not meet with universal approval from the general public. Non-the-less, due to the financial constraints in position at the moment and the fear that further modification would jeopardise the whole project, the consensus of parish councillors is that the proposal should be supported although a majority of councillors had no comment to make on the proposal.

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Thurlaston Parish Council

- 84 No observation

National Grid

- 85 The proposal is in close proximity to the 400K volt overhead line. There is no objection subject to conditions regarding the methods of working and to cover safety issues.

East Midlands Electricity

- 86 There is no objection in principle to the proposed new road although it should be noted that there is a number of Low Voltage and 11KV overhead lines that will be directly affected by the route of the bypass. These will need to be diverted to EME's specifications to accommodate the works at the Council's cost.

Energis Communications Ltd

- 87 There are no installations of the company affected by the proposal.

Transco

- 88 There is a National Transmission pipeline in the vicinity of the proposal. The pipeline will need to be diverted in the vicinity of the Thurlaston Brook area. The following condition should be incorporated into any consent:-

Transco requires that appropriate protection be provided to its National Transmission System pipeline (Feeder No4) in the area affected by the Earl Shilton bypass and that it be fully reimbursed for all costs incurred in respect of such works, the extent of which are yet to be determined, in accordance with its standard conditions of contract.

Severn Trent Water

- 89 No objection subject to the imposition of conditions relating to the disposal of surface water and the removal of apparatus.

Environment Agency

- 90 No objection in principle subject to conditions relating to the disposal of surface water and the crossing of watercourses. There is a former landfill site within 250m of the proposed development at the Breach Farm. The site appears to have been an over ground tip until the late 1930s for the disposal of ashes etc. The site appears to have not accepted waste for the last 30 years. The Environmental Health Department of the Hinckley and Bosworth Borough Council should be consulted for additional information.

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Heritage Services (Ecology)

- 91 It is recommended that, immediately before construction begins, the site be surveyed in locations where trees/ buildings are to be removed and along the whole route of the bypass for the presence of protected species unless it has been shown conclusively in any previous survey that none are likely to be adversely affected. If this is the case a watching brief should be maintained by the applicant/developer throughout the course of the works. If necessary badger/amphibian tunnels should be constructed as work progresses.

Ecologically sensitive areas such as Thurlaston Brook, near or on the route of the bypass, which are to be retained, should be protected by a stout post and rail fence before works commence to protect them from damage by machinery etc. Future landscaping should be used as an opportunity to create appropriate habitats (as prioritised in the County Biodiversity Action Plan). The use of native species and local stock is strongly recommended. Any hedgerows to be breached should be compensated for so that overall no linear habitat is lost. The applicant should be required to devise and implement a management plan to maintain and enhance the diversity of species, habitat and structure.

Heritage Services (Archaeology)

- 92 The route of the proposed bypass cuts through an area of high archaeological importance. A series of Medieval fishponds associated with the scheduled Elmesthorpe Church will be affected directly by the route. An additional area of importance lies to the east of Station Road as a possible Neolithic enclosure has been traced by aerial photography. This feature lies immediately adjacent to the bypass route. However, the route of the bypass is designated in the relevant Local Plans and no archaeological objection was raised at that time.

Consequently, no objection is made to the grant of planning permission. However, it will be necessary for an extensive programme of recording work to be implemented to mitigate the impact of development. Most of the archaeological work will need to be completed before any development work commences on the bypass and, therefore, the applicant will need to ensure that a formal timetable is drawn up and that it is incorporated properly into the development programme. Therefore, any grant of planning permission should be subject to a condition relating to this mitigation work.

English Heritage

- 93 The proposed route of the bypass runs through an area of high archaeological importance, including the Scheduled Ancient Monument at St Marys Church, Elmesthorpe. There is no objection to the proposals on condition that the issues set out below are addressed.

Impact on the setting of the church. Although concerns were raised regarding the widening and realignment of Elmesthorpe Lane between Wilkinson Lane and the bypass, these appear to have been minimised by the positioning of the roadway within a slight cutting and, therefore, preserving the southern view of

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the church. To retain the current historic character and setting of the scheduled monument it should be a condition that the hedge be reinstated on completion of the road widening works. To the north of the church the bypass is hidden from view by the position of farm buildings and trees lining the carriageway.

The archaeological implications beyond the scheduled area are dealt with appropriately by PPG16. The views expressed by the Head of Heritage Services - Archaeology are supported.

English Heritage has no further comment to make on the proposal as a result of the updated traffic information.

English Nature

- 94 No objection in principle. The likely impact of the proposal on nature conservation appears to be relatively low and is unlikely to affect any statutory nature conservation sites in the area. However, whilst records do not indicate the presence of any protected species within the application area, additional information should be provided to ascertain the current position regarding their presence or absence and any impact on them. It would be preferable to assess this and provide details of mitigation before the application is determined. If development is to be implemented over a considerable period of time the situation regarding protected species should be reviewed periodically and especially immediately before any operations are carried out. The mitigation works set out in the environmental statement with regard to reducing the impact on hedgerows, watercourses and mature trees is welcomed and need to be followed through. If planning permission is granted conditions should be imposed to ensure the identification and protection of protected species.

Countryside Agency

- 95 No comment

Ramblers' Association

- 96 Pleased to note the provision of an underpass to accommodate footpath U17 and Bridleway U16 with a minimal diversion. Noted that footpath Y86 will only be marginally affected by the proposal and the crossing to the pavement will probably be less hazardous than at present. More concerned with the provisions for non-motorised users in other locations.

Mill Lane and Breach Lane both provide useful links to and from the PROW network, but there appears to be no safety provision at their crossing with the proposed by pass. The proposed partial closure of T89 to force the use of Breach Lane as a crossing point therefore gives no safety benefits to offset the inconvenience of the loss of the direct route.

Although the proposed diversion of U20/U21 to the Wilkinson Lane/Station Road junction should ensure a safer crossing, it will provide a longer and less attractive route into Earl Shilton, alongside what will become a busy link road from the village centre, compared with the route currently available.

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97 **Leicestershire & Rutland Bridleways Association**

- Crossing of B581 (Station Road, Elmesthorpe/Elmesthorpe Lane) from Wilkinson Lane into Bridle Path Road – this junction needs to be made safer for all users;
- Crossing of B5364/B581- consider incorporating a horse rider phase into the traffic lights;
- An alternative crossing to replace that lost at Breach Lane is recommended. This could take the form of a bridleway along the northern side of the bypass between Breach Lane and Station Road/Wilkinson Lane – at least for the length immediately east of Station Road as far as BW U20;
- A bridleway should be incorporated within the highway boundary between Station Road and Elmesthorpe Lane;
- Rideable routes should be provided between Mill Lane and the current A47 in the west margin;
- A bridleway should be considered along the top of the cutting between Mill Lane and Thurlaston Lane and
- Is it necessary to stop up the bridleway rights on the southern tail of BW U20

98 **The British Horse Society**

- Although a new bridleway is proposed for Mill Lane to link via an underpass with U16 there is concern that riders may use the cycle way/footway on the town side of the bypass and cross the bypass itself.
- Consider a bridleway between Mill Lane and Thurlaston Lane on the county side of the bypass.

Right to Ride Network (cycling)

- 99 There is an objection to the fact that the proposed bypass has a pedestrian/cycle track along one side only (the north side). This creates danger for cyclists, who will have to cross the bypass to access the track. This type of traffic crossing is when over 80% of cyclist/motorist collisions occur. If cyclists have to cross the bypass in order to gain the cycle track then the safety advantage of the track is more than negated by the need to cross the road resulting in an overall reduction in journey safety for the cyclist. Consequently, it would be preferable for a track on both sides of the bypass or for the road to be widened so as to allow an on-road cycle lane on the opposite side to the track.

Transport 2000

- 100 The junctions as proposed look badly designed and thought out and will lead to extra queuing vehicles and consequent extra pollution. Creating new roads releases suppressed demand and transfers the problem of congestion elsewhere rather than reducing congestion and vehicle pollution per se. A proposal is needed which reduces the overall volume of traffic. The application does not appear to set out the origin and destination of traffic currently

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transversing Earl Shilton. Therefore, it is difficult to justify any claims about the estimated use of the bypass. It is considered that the junction of Station Road and Stoneycroft Road is not big enough to accommodate the proposed mini roundabout.

The Church of England – Leicester Diocese

101 No objection

Elmesthorpe Church Parochial Church Council

102 Objects to the proposal because of the chosen location where it is intended to block off Elmesthorpe Lane and Wilkinson Lane. This will cause inconvenience to many of the parishioners who come from the Coronation estate and the south side of Earl Shilton, both for church services and Village Hall events.

Bypass Residents Action Group (BRAG)

103 “NB: We ask that the whole of this document is brought to the attention of councillors making the decision on this planning application and is included in the formal circulated papers.

BACKGROUND:- For information the Bypass Residents Action Group was formed in November 2001 after the first exhibition of proposals for the Earl Shilton bypass in October 2001. These proposals caused such an outcry that more than 150 people attended a public meeting.

A number of representatives were nominated to pursue the interests of residents of Earl Shilton and Elmesthorpe - all believe that Earl Shilton needs a bypass but want it built in line with the wishes of those who will have to live in the vicinity of the route and surrounding residential areas.

It should be noted that we have joined forces on this issue with members of the original Bypass Action Group who campaigned for the road in the first place but do not agree with Earl Shilton's traffic problems being moved from one place to another.

Following the October 2001 exhibition the two main concerns about the design proposed at that stage were the severing of Elmesthorpe Lane and the increase in traffic on Station Road. Soon afterwards officers put forward a new design which in essence is the plan approved by Cabinet and for which planning permission is now being sought.

Officers say this new design was in response to residents' concerns. This is transparently not the case as Elmesthorpe Lane is still severed and Station Road will still suffer an unacceptable increase in traffic.

In November 2002 BRAG held its own exhibitions of the design being proposed by the County Council which, in all important details, is exactly the same as that being proposed now. Almost 600 people attended those exhibitions (250 more

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than attended LCC's own display in February 2003) and 97 per cent were against the scheme, which cuts off two local roads and introduces two three-way traffic light junctions.

A petition of 413 signatures gathered by BRAG and presented to the County Council in January 2002 asked that the Earl Shilton bypass proposals be subject to a public enquiry before planning permission was sought.

A further petition of 100 per cent of residents of Bridle Path, Billington Road and The Crescent, Elmesthorpe, objected to the scheme with junctions and asked the County Council to honour its original commitment for the bypass to be in cutting by Elmesthorpe and with Elmesthorpe Lane bridged.

We now believe that the current plan is such a departure from the original concept presented to Government for funding that the application should be voluntarily referred to the Secretary of State and a full public enquiry held. As a group we strongly object to Leicestershire County Council making the decision on its own planning application.

OUR CONCERNS ABOUT THE CURRENT PROPOSALS

- i) SAFETY:- There are many areas of the proposals giving cause for safety concerns including:
- The effect on those living on roads which will suffer an increase in traffic, particularly Station Road, Earl Shilton. Motorists will have difficulty getting out of side roads and even their own drives, leading to frustration and accident potential.
 - Pedestrians, including parents with prams and elderly people, crossing the bypass will have to run the gauntlet of a large amount of traffic travelling at speeds significantly in excess of those currently experienced in the centre of Earl Shilton.
 - More junctions on the bypass will mean more accidents along it. These will be at speeds greater than those currently in Earl Shilton - and have the potential to be much more serious with the speed restrictions being 40mph and 60mph. Of course, the higher the speeds involved, the greater the risk of serious injury or death. It is a fact that in the period considered in the appraisal for funding submitted to the Government Office for the East Midlands, there had (thankfully) not been one fatal accident on the A47 between the terminal points of the bypass. (There has been one such accident since, on the de-restricted area very close to the proposed roundabout on the A47 north of Earl Shilton.)
 - The County Council has already acknowledged grave safety concerns on Station Road by proposing traffic calming measures. Extra traffic created by the proposed junction can only make the situation worse on this most narrow stretch where there is a footpath

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on only one side and residents' doorsteps are only yards from the pavement edge. Station Road is too narrow to cope safely with the extra traffic that the bypass would generate and its width cannot be increased.

ii) NOISE AND POLLUTION FROM INCREASED TRAFFIC:

- The busiest section of the proposed bypass is between the A47 Carrs Hill and Station Road - unfortunately this is also where the bypass runs closest to homes. Though we are not experts, common sense would tell you that some of the noise increase/decrease estimates in the environmental statement are questionable at best. The road is unnecessarily close to properties in The Crescent, Elmesthorpe.
- The proposed earth mounds are no substitute for a road in deep cutting when it comes to protection against noise. There will inevitably be gaps in bunding, which will allow noise to travel. The current plan does not offer nearby residents any guarantees showing only "bund up to 3m high" or "bund up to 2m high". Those directly on the route would have no comeback once the road is built. Bunding is also unsightly and changes the landscape forever. Of course there can be no bunding on Station Road, which has a steep gradient climbing from bypass into village. These homes will be blighted by the noise and vibration from accelerating vehicles, particularly HGVs. Homes on the Land Settlement area and Elmesthorpe Lane will also suffer noise and vibration as traffic climbs the gradient on the bypass going north.
- Trees planted at the time of construction will take years to have any filtering effect on noise.

iii) LOCAL TRAFFIC FLOW:- It is proposed that two roads are cut off in this plan - Wilkinson Lane, Elmesthorpe and Elmesthorpe Lane, Earl Shilton - and that two three-arm traffic-light junctions are introduced. This will have a huge impact on local journeys with local residents disadvantaged every day. Going about our daily lives will become a logistical nightmare, particularly at peak times.

Officers tell us categorically that "there will be no traffic jams on the bypass or feeder roads". Residents don't share their confidence, having the benefit of local knowledge and daily experience of similar junctions locally: for example Ashby Road, Hinckley; Carr's Hill, Earl Shilton; and The Hollow, Earl Shilton. There will be no going back if the bypass is constructed in this way.

Much emphasis is placed in the Environmental Statement on the relief of stress on drivers able to use the bypass instead of the current A47 but no mention is made of the frustration that will be experienced by local road users.

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- iv) **TRAFFIC FLOWS AND FORECASTS:-** We question the traffic figures, which contain many anomalies that have not been adequately explained by LCC officers.
- v) **LIGHT POLLUTION:-** Junctions on the bypass at Elvesthorpe Lane and Station Road mean that these areas will suffer a large increase in artificial light. Tree planting along the route, even where there are bunds, will never obliterate this illumination, even with the low-impact design proposed. This is particularly pertinent where the road runs close to Elvesthorpe Land Settlement homes, which are in an area of designated countryside and covered by special planning policy.
- vi) **UNDESIRABLE ACTIVITY:-** Roads being cut off will invite undesirable activity at those dead ends and will be a worry to those residents who live there.
- vii) **CULTURAL HERITAGE:-** It is accepted that the impact will be on the mediaeval area surrounding St Mary's Church, Elvesthorpe will be severe and will compromise the integrity of the site. Government advice is that remains should be preserved in situ "wherever possible" - salvage recording is not an acceptable alternative where there is such a strong likelihood of more sites being unearthed (4.4.5).

In conclusion, the current proposals for the Earl Shilton Bypass are unacceptable to a great many local residents and will redistribute traffic to the benefit of some but to the serious detriment of many others. Even the people who campaigned for the road in the first place do not agree with Earl Shilton's traffic problems being moved from one place to another."

Additionally, BRAG has forwarded to the authority a number of voting forms which were produced as a result of exhibitions put on by BRAG in association with BAG which showed the County Council's preferred scheme with junctions and its own alternative 'true bypass'. Around 600 people attended the exhibitions and each was asked to vote which scheme was preferred. Nine people wanted the scheme with junctions.

Elvesthorpe Residents Association

- 104 The Association covers Elvesthorpe residents who live in Bridle Path, Billington Road East, Billington Road West and The Crescent. This is a small group covering just over 30 households which believes that all the disbenefits of the Earl Shilton Bypass scheme will be dumped on their doorsteps. Residents in this designated area of countryside, which is covered by a special Blaby District Council planning policy to protect it from development, will be the victims of noise, fumes and light pollution and severe inconvenience if this misconceived plan goes ahead.

The reasons are:

- i) The cost of the bypass has gone up from £8.9m to £13.6m since the County Council's first exhibition in October 2001. However, design

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changes at the southern end of the bypass route (i.e. between the A47 at Carrs Hill and Elmesthorpe Lane have resulted in a net DECREASE on this busiest section of the bypass of £1.342m - all to the detriment of Elmesthorpe residents. The original bid to the Government Office for the East Midlands for funding included Elmesthorpe Lane being bridged over the bypass in a cutting.

- ii) Queuing of traffic between the A47 Carrs Hill and Elmesthorpe Lane and at the traffic light junction on Elmesthorpe Lane is inevitable. As a result residents will suffer from noise and fumes. It is accepted that this will be the busiest section of the bypass. The planning application says that the increase in noise at one property in The Crescent, which will have the bypass at the bottom of the garden, will be just 1.1 decibels. How can this be with 14,300 vehicles passing within 50 metres compared to none now? The road is unnecessarily close to The Crescent properties when there is such a large area of land to work with. Also the proposed earth mounds may have an impact on noise if you stand immediately behind them. But it is a fact that their effectiveness is reduced over a relatively short distance. There is no substitute for the proper cutting which was promised when the bypass route was included in the Blaby Local Plan (see minutes of Blaby District Council Planning Committee, November 25 1986). The pollution potential from 14,300 slowing and accelerating vehicles, including a large number of HGVs is obvious. Ultimately, of course, none of this will be able to be proved one way or the other after the bypass is open and local residents will have to live with the consequences 24 hours a day.
- iii) There is no street lighting on our part of the Land Settlements yet you are planning to impose on us the equivalent of motorway lighting which will stand high above the proposed bunding and will never be obliterated by the planting. This is designated countryside, which should not be treated as an urban area.
- iv) Two roads will be shut off by the County Council plan - Wilkinson Lane, Elmesthorpe and Elmesthorpe Lane, Earl Shilton. This will have a huge impact on local journeys. Residents will be massively inconvenienced by this and by the additional two traffic light junctions which they will have to negotiate to go about their everyday lives.

Settlement residents wanting to get up Station Road into Earl Shilton - for shopping, for instance, or to go to the doctor's - will first have to get out of Bridle Path onto Elmesthorpe Lane then join a queue at the Elmesthorpe Lane bypass junction to turn right onto the bypass. They will then queue again at the Station Road bypass junction to get off the bypass before proceeding up Station Road. Additionally pedestrians, including parents with prams and elderly people, cyclists and horse riders will have to cross the bypass at both Elmesthorpe Lane and Station Road running the gauntlet of up to 14,300 vehicles per day. It is a fact that the more junctions there are along the bypass, the more these members of the community will be at risk.

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Also, Elmesthorpe Lane from the Elmesthorpe side will suffer a large increase in traffic as a feeder road to the bypass.

Although improvements to the carriageway are planned, the impact on Settlement residents will be severe. Increased traffic is forecast through the village of Elmesthorpe which already suffers from too many HGVs and speeding cars. Land Settlement residents already have difficulty getting out at the top of Bridle Path, a situation which will only get substantially worse.

The Environmental Statement supporting the planning application goes to great lengths to examine the impact of the bypass on driver stress - unfortunately it makes no mention at all of the frustration that will be caused to local motorists.

The County Council's proposal will redistribute traffic to the benefit of some but to the detriment of many others who will have to live with its daily effects.

The current plan is unacceptable to Elmesthorpe people but 7.4.4. on Page 23 of the supporting Environmental Statement tells us all we need to know about the County Council's attitude towards our plight:

Paraphrased, it says that because this area already suffers from the impact of roads it is quite acceptable for even more traffic to be foisted on to our local environment.

We do not agree. Almost a year ago, we presented to the County Council a petition signed by 100 per cent of households of this area objecting to the scheme with junctions and asking the County Council to honour its original commitment for the bypass to be in cutting by Elmesthorpe and with Elmesthorpe Lane bridged.

Finally, the current plan is such a departure from the original concept presented to Government for funding that we believe that the application should be voluntarily referred to the Secretary of State and a planning public enquiry held.

Comments on Updated Traffic Information

105. These comments are submitted by the Bypass Residents Action Group and Elmesthorpe Land Settlement residents following receipt of updated Earl Shilton bypass environmental data dated October 17.
- 106 "Firstly, residents are not surprised that the traffic forecast figures continue to support our original objections. For instance, we were extremely sceptical that only 600 extra vehicles per day would use the southern end of Station Road, Earl Shilton to access the new road, as outlined to Cabinet last December. We have been proved correct and county council has now had to revise its forecast of extra traffic upward by almost 300 per cent from 600 vehicles to 1,700 per day.

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- 107 Officers may dismiss this as a mere two vehicles per minute at peak periods but that is 120 vehicles every hour on a road that is totally ill-equipped to cope even now, let alone with an increase of 70 per cent on current use.
- 108 Station Road at this point is very narrow with a pavement of little more than a yard wide on one side only. It is the most unsuitable feeder road to the bypass imaginable.
- 109 Station Road, Elmesthorpe is the other feeder road to the bypass and will have an extra 100 vehicles per day. This doesn't sound much but it is a narrow road winding through a rural community. There are several road accesses to small housing estates, several businesses, and more than 40 private drives giving on to it.
- 110 Traffic on this route is also a problem NOW - how will it be able to cope in the future? Though there are improvements planned for Elmesthorpe Lane, Elmesthorpe within this application, no provision has been made for improvements to Station Road.
- 111 Do members realise that more traffic is currently passing through Elmesthorpe village using a "B" road than will be using the vast majority of the purpose-designed bypass?
- 112 Leicestershire County Council says the recommended daily flow of traffic is 13,000 vehicles a day for a road design such as that envisaged for the Earl Shilton bypass - that is a single carriageway with junctions.
- 113 However, the forecast for the Carr's Hill to Elmesthorpe Lane section has just been revised up to 15,200 vehicles a day. In December 2002 the forecast was 14,300 (when will they get it right?). These 15,200 vehicles will quite literally be at the bottom of people's gardens (goodness knows why bearing in mind the size of the field being used). No amount of earth works will mitigate the impact in terms of noise, vibration and light pollution.
- 114 The road may cope at Day One but what happens after five, 10 or 15 years? Volume Two of the Environmental Statement supporting the planning application suggests something like a 43% increase on this section after 15 years which would take traffic to almost 22,000 a day - 9,000 more than recommended. And of course the figures do not take account of development that inevitably accompanies any road scheme. No amount of tinkering with traffic lights will avoid the inevitable queues on both bypass and feeder roads that we have predicted all along.
- 115 Leicestershire County Council is in fact making a very good case for this road to be a true bypass without junctions and with existing local roads bridged.
- 116 It is interesting to note how the revised data has been presented. First of all, only 2021 figures have been given in relation to noise assessment, not comparisons with the predicted situation for 2006 when the bypass is scheduled to open. Also only five properties have been highlighted when there were 10 others in the original environmental statement.

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- 117 As a consequence, the "worst-affected" property on Station Road, No. 223, is said to have a marginal increase from 59.7 dBA to 60.1dBA and councillors could be forgiven for thinking that this is the total increase. It is NOT! The predicted level for 2006 without bypass is actually 55.2. The change is almost 5dBA not the 0.4dBA officers would have you believe. Only 3dBA is needed to be perceptible to the human ear.
- 118 On Page 1 of the update, officers admit that they may have to adjust traffic signals to control the attractiveness of the Station Road feeder access. They also admit that this would impact on overall scheme benefits. Can we ask at this stage what impact they would forecast by these adjustments? The people who have to live on this feeder road would like to know before more than £14m of government money is spent on a scheme which many local residents already believe does not provide a suitable solution for Earl Shilton's congestion.
- 119 Paragraph Four states that the new figures offer greater benefit to the local community because more traffic is using the bypass rather than existing routes.
- 120 Is Station Road not an existing route? It will have an additional 1,700 vehicles a day and is certainly a greater disbenefit than originally envisaged.
- 121 Other changes which show greater disbenefits or less improvement than LCC predicted when the scheme went to Cabinet in December 2002 include:
- Breach Lane, Earl Shilton: 600 vehicle a day reduction revised down to 400 vehicles a day
 - Alexander Avenue , Earl Shilton: 500 vehicle a day reduction revised down to 400 vehicles a day
 - The Hollow, Earl Shilton: 4,500 vehicle a day reduction revised down to 3,900 vehicles a day
 - The Common, Barwell: up from 500 extra vehicles a day to 700 extra a day.
- 122 How can all these disbenefits now add up to a scheme that is better for local communities?
- 123 Attached to this letter are full comments on the County Council's reappraisal that have been submitted to Government Office for the East Midlands. In this we highlight other important points about officer's perceptions about the impact of the proposed bypass on the local communities.
- 124 Importantly, it is stated that the resident communities (of both Earl Shilton and Elmesthorpe) will be unaffected in terms of accessibility. Also, referring to community severance, LCC states that the scheme will affect potentially two classified roads. In fact Elmesthorpe Lane, Earl Shilton and Wilkinson Lane, Elmesthorpe are being made into dead ends. How is this "potentially"? The only two roads linking these two villages are being closed and residents will have no option but to use the bypass (clogging it up in the process) to get from one to the other for shopping, church, social gatherings etc.

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- 125 A better way to totally sever the communities of Earl Shilton and Elmesthorpe is hard to imagine.
- 126 We would like all our comments, including those relating to the reappraisal sent to GOEM, to be presented in full to members of the Development Control and Regulatory Board in order that they can be taken into account when:
- a. members undertake their site visit, and
 - b. when the bypass planning application is considered.”

(Director’s Note - Members should note that the residents comments made to GOEM about the reappraisal of the scheme, referred to above, are available to view in the Member Group Rooms.)

Earl Shilton Bypass Action Group (BAG)

- 127 There has been support for the by pass in principle for many years. However, it is considered that this scheme is ill conceived since:-
- i) The problems of congestion, noise and air pollution, vibration and safety aspects which presently exist on the A47 are only being moved to another area.
 - ii) The introduction of threeway light controlled junctions at Elmesthorpe Lane and Station Road and the severing of Elmesthorpe Lane and Wilkinson Lane will bisect the community and cause great inconvenience to residents.
 - iii) Information submitted with the application indicates that there will be significant increase in the volume of traffic along Station Road as it will become a feeder road to the bypass. This road is ill equipped to cope with this increase, with little scope for improvement leading to noise, pollution and vibration problems for residents particularly associated with the stopping and starting movements at the light controlled junction with the bypass. The traffic calming measures proposed will not alleviate these problems and may exacerbate them.
 - iv) It is appreciated that cost is a factor. By substituting a controlled junction where Thurlaston Lane crosses the bypass instead of a bridge would save costs which could be used elsewhere.
 - v) The road is not a bypass but a distributor road. This is not what people campaigned for and supported. Published figures indicate that 14,350 vehicles will be using the bypass daily. On present day volumes this will leave 4450 still using the A47.
128. The objective has always been to direct through traffic around the village and to ensure that it moves as quickly as possible. A true bypass with the minimum number of junctions would achieve this, retain the status quo with regard to other roads in the area and would minimise the environmental issues and inconveniences which this scheme would bring about.

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Landowners Affected by the Scheme

- 129 Representations have been made by Taylor Woodrow Developments with regard to land owned by Mr Mullard; Mr Burgess of Huit Farm, Breach Lane; Mr Klenk of Stanmaur Farm, Breach Lane and others in respect of the impact of the new road on their landholdings.
- 130 Taylor Woodrow Developments has an interest in land adjacent to the proposed bypass between Elmesthorpe Lane and Station Road. Objection is raised to the proposal since the proposed highways configuration would sterilise the land for the purpose of future residential or other development. In particular there is concern that the proposed signal control junctions with Elmesthorpe Lane and Station Road would not provide means of access to the site in the event of development taking place. It is considered that consideration should be given now to the future access to the land. It would appear that the revised junction configuration for Station Road would make the provision of a new site access from Station Road within the site boundary very difficult to achieve. Direct access from the A47 meanwhile may be of concern to the authority. It is not clear whether the proposed junctions could be altered at a later stage in order to accommodate the adjacent site. Until this concern of access is resolved the objection to the scheme cannot be withdrawn.
- 131 Mr Burgess is the owner farmer of Huit Farm which is located to the south of the bypass. Various discussions have taken place between the highway authority, Mr Burgess and his agent regarding the continued operation of Huit Farm following construction of the bypass. Future vehicular access arrangements have been agreed and are incorporated in the submitted scheme.
- 132 Land at Huit Farm and Bridleway U16 and Footpath U17 which cross the farm would be severed by the bypass. Alternative arrangements have had to be found to enable vehicular access to be retained and for the bridleway routes to continue across the road. It was originally proposed that a river culvert proposed in the vicinity of Huit Farm would be extended to accommodate both agricultural vehicles and the affected bridleways and this was acceptable to Mr Burgess. However, other consultations, including those with rights of way organisations, suggested that the proposed rights of way network required some modifications to ensure continuity of the existing network as a result of the road proposals. This involved the addition of a four metre wide bridleway on the south side of the Bypass between Wilkinson Lane and Breach Lane, the addition of a four metre wide bridleway on the north-west side of the Bypass between Breach Lane and the proposed underpass adjacent to the sewage works, and the addition of a four metre wide bridleway on the east side of the Bypass between the proposed underpass adjacent to the sewage works and Mill Lane. These new bridleway links were incorporated into the scheme. These new routes are proposed to follow the new highway boundary in order to form links between the severed paths and they will also avoid the need for equestrians to cross the carriageway of the Bypass. The new underpass proposed at the convergence of footpath U17 and bridlepath U16 will assist in facilitating this layout.

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- 133 Mr Burgess' concern is that he was not consulted on the location of the bridleways proposed adjacent to the bypass and which would cross his land, and the worsening of the existing trespass & vandalism problem he currently suffers, as a direct result of the additional bridleways.
- 134 Although it is to be regretted that Mr. Burgess was not consulted on these amendments the Director of H.T.& W.M. has suggested that nevertheless, this exercise would not have changed the scheme design at the planning submission stage.
135. With regard to Mr Klenks concerns,
- (a) The length of Breach Lane to the north of Mr Klenks land (Stanmaur Farm) is required to provide access to land farmed from Breach Farm, Breach Lane. Mr Klenk has suggested that this access should either be provided directly from the Bypass or alternatively the farmer could use an alternative existing access further east on Breach Lane as the land to the east, south and west is under the ownership of Breach Farm. However, the access off the Bypass to Breach Lane is conveniently placed to serve all farm accesses in this vicinity, and for safety reasons the number of accesses have been deliberately kept to a minimum for safety reasons. Furthermore, under the proposals the farmer at Breach Farm will incur a diversion route of over 1.5Km (approximately one mile) to access his land off Breach Lane. If the farmer used his existing access further east on Breach Lane he would have a further diversion of 700 metres (just under half a mile) to reach the same part of his land just off Breach Lane.
 - (b) The County Council will endeavour to retain as much of the existing hedgerows as possible under the proposals.
 - (c) At present the water authority have not indicated a desire to extend the water main in Breach Lane further south-east beyond the line of the proposed Bypass. However the County Council will approach the water authority again to reaffirm this. In the event that an extension of the water main is required a suitable duct can easily be incorporated into the scheme design.
 - (d) The adjacent landowner, presently Mr Klenk, will have the first option to purchase land owned by the County Council if deemed not to be required for the scheme following completion of construction.
- 136 The concerns of other various landowners, including Mr & Mrs Smith, about field accesses have been resolved by the submission of the amended plans.

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Publicity

- 137 This proposal has been advertised in the local press and by numerous site notices along the route. Individual letters have been posted to residents in the vicinity of the proposal. A public exhibition displaying the proposal contained in the planning applications was held on 14th and 15th February 2003 in Earl Shilton.
- 138 Amended plans have been submitted which show alterations to the boundary of the application site at the northern end of the bypass to accommodate the grazing needs of a local farmer, to accommodate the provision of new and modified farm accesses and to omit the site of the listed milestone from the application area. These plans and the additional information submitted in respect of noise and air quality have been advertised in the local press.

Representations Received

- 139 Representations have been received from a total of 240 people. The representations include a number of specific objections to the proposal made by 115 people. Some 125 people have written in support of the proposal. The comments made are summarised below.
- 140 A full set of the written representations made by the public will be made available for members to view in the various group rooms prior to the meeting of the Board.
- 141 The representations received from those people in favour of the scheme as proposed suggest that:-
- the proposal would be of benefit to the village of Earl Shilton generally and should improve the traffic situation and safety in the village centre. There is currently experienced speeding vehicles, congestion at peak times, traffic accidents, difficulties crossing the main road for pedestrians, blocked traffic from HGVs, vibration within properties from the heavy traffic etc etc..
 - the earlier the bypass is built the cheaper the construction will be.
- 142 The representations received from those people against the scheme are as follows:-
- i) Reconsider the original route (1938) on the other side of Earl Shilton *(For information it should be noted that the corridor of the Preferred Route to the south of Earl Shilton was established following extensive consultation and review in 1985 and 1986. This consultation and review considered a number of alternative routes, including three to the north of Earl Shilton amongst others. The decision was taken to provide the route to which the present proposals adhere. The Scheme in a preliminary outline form was adopted in the Hinckley Area Local Plan in 1991 following a Public Inquiry in 1989. The Scheme attracted no opposition and was further endorsed at the 1997 Public Inquiry into the Hinckley and*

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Bosworth Local Plan, subsequently adopted in 2001. The Scheme was also adopted in the Blaby District Local Plan in September 1999 following an earlier Public Inquiry in 1996. Furthermore, the completion of the Hinckley Northern Perimeter Road in March 1996 effectively committed the Earl Shilton Bypass to a southern route option.)

- ii) Money should not be an issue for not pursuing a scheme with cuttings and bridges. It is an admission that the new proposals are not the best option available but the best possible with the finance available.
- iii) In the format submitted it is not a by pass but a ring road, potentially to alleviate congestion from the main A47 with too many points of access/junctions. The traffic will be redistributed from the town centre on to residential roads and semi rural roads with rat runs through estates
- v) The submitted scheme is such a departure from the original concept in 2000 that it should be referred to the Secretary of State and a public inquiry held.
- vi) There should be bridges/cuttings at Station Road, Elmesthorpe Lane like the proposed bridge at Thurlaston Lane. Omit the traffic calming scheme/bunds/traffic lights (2 x 3way junctions with lights + 2 roundabouts) and put the saved costs towards cuttings/bridges
- vii) Why should it cost extra to bridge Elmesthorpe Lane given the existing ground levels.

(For information it should be noted that the deep cutting required to accommodate the Bypass beneath Elmesthorpe Lane would involve additional land take and require the demolition of a commercial depot or the provision of a costly retaining structure. Additional construction costs would also be incurred with the excavation of the cutting and the construction of the bridge structure itself.)

- viii) Extra traffic lights and junctions will lead to increase in journey times/delays/inconvenience/pollution/noise/accident black spots (at speeds greater than those existing in the centre of Earl Shilton)/hold up in traffic flow/queuing traffic on roads gaining access to bypass eg Station Road/Elmesthorpe Lane/difficulties for residents in gaining access/ egress from Station Road drives. The two traffic junctions with lights are too close together affecting the flow of traffic
- ix) Reduction of traffic in Earl Shilton will lead to closure of shops. Better to improve traffic flow through Earl Shilton – ban parking especially in The Hollow and synchronise traffic lights and remove HGVs from the town centre. There will also be difficulty in reaching shops through increased journey time/accessibility. Detrimental effect of volume of traffic on house foundations/sewer pipes

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- x) Remove HGVs from the town centre and help M69/A47 intersection by providing an additional junction at Potters Marston with feeder road to crossroads between Thurlaston and Desford on A47.
- xi) What improvements will there be for Earl Shilton if the bypass is constructed in its current form.
- xii) The speed management measures proposed for Station Road etc acknowledge that there will be risk of safety for the elderly and children
- xiii) There will be additional traffic on Station Road associated with the Breach Lane development and bus and school pick up points. The inhabitants in the vicinity will be marginalised with access to neighbouring villages and Hinckley town curtailed with consequent increase in journey length/time/cost/change in school bus routes for secondary schools and catchment areas.
- xiv) Station Road/Breach Lane is not wide enough and therefore is not designed to accept the extra volume of traffic with narrow footpaths on the eastern side, no footpath on the other side. It is already heavily trafficked and this will be worsened
- xv) Pedestrian crossing at traffic lights to cross bypass is unsafe e.g. at Station Road
- xvi) Effect on environment of traffic safety measures on Station Road – ramps/ mini roundabout –noise from traffic starting up/stopping/pollution. Consider a speed reduction camera. Position of speed ramp/table outside individual houses will lead to difficulties/hazard in accessing properties
- xvii) Rather than bisect Elmesthorpe Lane and Wilkinson Lane put in a large roundabout associated with the sewerage works access and housing development and provide a new road to link up with Montgomery Road/Alexander Avenue
- xviii) Why couldn't the roundabout on the northern perimeter road be worked into the new scheme instead of creating another one 100 yards up Carrs Hill.

(For information it should be noted that it is not possible, within the existing constraints, to accommodate the construction of an additional arm for the Bypass on the existing roundabout at the junction of the A47 Carrs Hill with the Hinckley Northern Perimeter Road.)
- xix) Mill Lane is a popular route to walk/ride – there is no provision to cross the bypass. Why not start the cutting before Mill Lane so that the bypass passes under the Lane or provide an underpass/footbridge OR encourage HGVs to use the M69 rather than the A47 by use of signing and weight limits

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- xx) Why not a roundabout at Wilkinson Lane to keep traffic flowing.
- xxi) Wilkinson Lane – narrow/one pavement/drives bordering road
- xxii) The improvements to Elmesthorpe Lane on the approach to the bypass from the east will encourage traffic to accelerate toward the bypass through Elmesthorpe village.

(For information it should be noted that the proposals do not include modifications/improvements to the B581 through Elmesthorpe village and it is not expected that existing conditions will change under the bypass proposals. At the junction of Wilkinson Lane/Bridlepath Road with the B581 the traffic patterns will change as Wilkinson Lane will be stopped up to vehicular traffic at its northern end. This will result in less turning movements at the junction, and this coupled with improved visibility, due to the Elmesthorpe Lane improvement, is expected to maintain or improve existing conditions at this junction.)
- xxiii) Breach Lane – no pedestrian facilities to cross
- xxiv) Social and environmental cost should outweigh the monetary cost of road/dissection of community ties/risk factor for the safety of children (there will be hazardous walk to schools and church from Elmesthorpe)/health implications associated with pollution.
- xxv) The closure of Elmesthorpe Lane would split the community for access to church, village hall, schools, walking etc and would be dangerous to cross
- xxvi) Introduction of road into countryside around Earl Shilton (in particular Breach Lane) will spoil the beauty/tranquillity/well used leisure facility. In particular the well loved walking route along Elmesthorpe Lane will be lost
- xxvii) The closure of roads eg Elmesthorpe Lane, Earl Shilton and Wilkinson Lane, Elmesthorpe would increase the potential for illegal traveller camps, burnt out cars and fly tipping.
- xxviii) The new road will lead to built development on land on the south side of Earl Shilton between the village and the road. This will spoil the edge of the village and lead to an increase of traffic on the road.
- xxix) The footpaths connecting Earl Shilton and Elmesthorpe need to be improved.
- xxx) Visual intrusion of road:- 2m – 3m height of bunds will only give minimal visual benefit and the introduction of traffic will lead to an increase in noise levels. Gaps in the bunding will allow noise to break out. There is no guarantee that the height of the bunding in particular locations will be adequate since it is to vary between 2-3m.

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- xxxii) Lack of cutting means higher noise levels/pollution/effect on air quality and intrusive lighting and visual blight to landscape with earth mounds across open countryside.
- xxxiii) Trees should be thicker along sections of the road immediately to the north and south of Mill Lane and the houses close to the road to reduce the visual impact and noise.
- xxxiiii) Although trees are promised to soften the effect of the bypass these will take time to have any effect. Planting should be carried out in advance of construction works.
- xxxv) The proposed lighting on the bypass in the vicinity of ELSAA will be obtrusive and out of character with the area. The proposed bunding and tree planting will not be of sufficient height to obscure them.
- xxxvi) Severing of village – hardship to village road users, adding time and traffic congestion to local journeys leading to driver stress and frustration
- xxxvii) Delays for emergency services

Assessment of Proposal

- 143 The Earl Shilton Bypass scheme has been planned for many years and the current line was approved in 1985. The scheme seeks to improve conditions along the A47 in Earl Shilton by removing traffic and congestion. This will allow improvements to be made to Earl Shilton Town Centre, including HGV weight restrictions, in order to provide a safe, accessible and environmentally more attractive place for the local community.
- 144 The proposal needs to be assessed against National and Regional Guidance, the Policies of the current Development Plan, the emerging policies of the replacement Structure Plan, the findings of the Environmental Statement (ES) accompanying the application and the measures it proposes to mitigate any impact that is identified. The ES that has been submitted – together with the additional information submitted in respect of noise and air quality (June 2003) - in support of the proposal, highlights a number of key issues and identifies where impacts will occur and what measures will be taken to mitigate them. The findings of the ES confirm that there will be overall environmental benefits from the road scheme, with a substantial number of local residents benefiting from a reduction in traffic and its associated impacts and a relatively small number experiencing a marginal increase in impacts. Measures are included in the proposals to off-set the impact on some residents and ensure that they remain within acceptable levels.
- 145 Representations and comments received from the public, action groups and consultees also need to be taken into account. These are set out in the report.

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- 146 Whilst some residents, action groups and other consultees are promoting the investigation and adoption of an alternative scheme, this option was effectively discounted by the Cabinet in December 2002. The Board is required to consider the application as submitted, and decide whether or not it is acceptable on the basis of the relevant material planning considerations, rather than compare it to any alternative proposal. Consent should be refused only if 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.
- 147 It will be necessary to consider the detailed impact of the scheme and a number of key issues that have been identified as a result of the consultation process many of which have been addressed in the findings of the Environmental Statement and the measures set out therein to mitigate against any impacts on the environment. The key issues are addressed below. The additional information produced by the Director of Highways, Transportation and Waste Management regarding traffic forecasts is such as to be unlikely to result in any significant change in the environmental effects of the development and this has been supported by information supplied in October 2003 by the applicant. This confirms that even under the worst case traffic growth scenario, the resulting effects are only marginally different to those presented in the Environmental Statement which accompanied the applications and that the overall conclusions of the ES remain unaffected.

Principle of Development**The Development Plan**

- 148 The Leicestershire Structure Plan, the emerging Leicestershire, Leicester and Rutland Structure Plan and the Leicestershire Local Transport Plan all include proposals for a bypass to Earl Shilton. Land is safeguarded in the Hinckley and Bosworth Local Plan and the Blaby District Local Plan for the construction of the bypass on the south east side of Earl Shilton. Therefore, the bypass scheme accords, in principle, with the policies of the Development Plan specifically relating to its allocation and protection from development.
- 149 Highway improvements are proposed along Elmesthorpe Lane between Wilkinson Lane and the bypass, as a result of the predicted increased traffic flows. These works will involve widening and realignment with improved pedestrian facilities. The Lane is located in an area designated as the open countryside and the proposal to improve it needs to be assessed against the relevant policies of the Structure Plan and Blaby District Local Plan. These policies suggest that development in the countryside will not be appropriate if it has an adverse effect on the character and appearance of the countryside. Although it will be necessary for a hedgerow to be removed to carry out the improvements this will be replaced. Otherwise the improvement work will be carried out within the confines of the existing highway. Consequently, it is considered that the proposal would not have an adverse effect on the open countryside.

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- 150 Additionally there are policies in the development plan which suggest that no development will be granted which would adversely affect the preservation or setting of the Scheduled Ancient Monument (SAM), St Marys Church to the east of the Lane.
- 151 In order to preserve the setting of the SAM it is English Heritage's view that this should be in keeping with the landscape character (ie hedges should be retained), bunding should be avoided (none is proposed in this location) and there will be a need for archaeological work on any buried remains within the road corridor, (this could be required by condition). The design of the Elmesthorpe Lane improvement reflects this and replacement hedging will be required by condition for that which will be removed on the west side of the road. Appropriate conditions can be imposed to cover these issues.
- 152 On balance, therefore, although it is to be regretted that the hedgerows are to be removed they will be replaced and there will be a benefit in highway safety terms. There would not be any direct impact on the SAM. Consequently, it can be concluded that in principle the bypass proposal is in accordance with the policies of the development plan.

Environmental Impacts153 Landscape and Visual Impact

- i) A Landscape and Visual Impact Assessment has been undertaken to identify the landscape and visual impacts of the proposal on the local landscape character including the impact in the 15th year after opening. The general conclusions of that assessment are set out in the section relating to the Environmental Statement. Generally whilst the road will have some influence on the surrounding character and would result in a notable change to the landscape fabric of the road corridor itself and its surroundings it is concluded that this would be restricted in extent and can be effectively mitigated. The majority of residential properties identified as receptors will experience first floor views only and few will experience both ground and first floor views.

It is the intention that bunding and tree planting will be provided which will form an effective screen to traffic on the bypass from sensitive residential areas, akin to the equivalent of a bypass in cutting. The planning application drawings show that bunding will be provided 'up to 2m' and 'up to 3m' in height. This means that the bunding will be at 2m or 3m above the finished carriageway level, except where either the bund tapers back to ground level (e.g at a gap in the bunding for a farm access, or where the bunding is no longer required to screen properties adjacent to the new road) or where the bypass passes into cutting and the bunding again is not required. It should be noted that where possible bunding has been overlapped to avoid noise breakout. This has not been possible at all locations, particularly where it has been identified that the personal safety and security of pedestrians, cyclists and equestrians could become an issue. There would be no gaps in the bunding in the vicinity of The Crescent.

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The scheme will result in the loss of several mature trees and a number of hedgerow field boundaries will be partly or wholly destroyed. This will have some impact on the surrounding character of the countryside. However, by utilising the existing topography of the undulating agricultural landscape and employing a limited cut and fill approach, incorporating substantial woodland planting, the character of the landscape should not be particularly harmful in the long term.

It is unlikely that any planting could be carried out in advance of the road scheme. Statutory procedures will not be completed until six months prior to the commencement of works. Until these procedures have been completed no physical work can take place on site associated with the bypass. In any event, it would be impossible to carry out any planting until the bunding has been completed which would not be possible until excavation of the bypass starts. Furthermore, it is likely that any landscaping in advance of the works would hinder the works operation.

- ii) Concern has been expressed that the assessment of the impact of the road fails to demonstrate that sufficient account has been taken of the impact of the bypass on the special character of the Elmesthorpe Land Settlement Association Area (ELSAA) and the amenities of residents in that location. It is considered by many that the bypass should be in cutting at this point. However, the Director of HT&WM has indicated that due to the undulating nature of the land, many homes in ELSAA would have still required earthbundings to screen their properties even if the bypass was constructed in cutting beneath Elmesthorpe Lane. It should be noted that in any event the cutting would only have extended a relatively short distance to the west of Elmesthorpe Lane and would have returned to grade before the bypass reached Wilkinson Lane. Consequently, the effect on the landscape and the special character of ELSAA would have been much the same even if the bypass had been in cutting at this point. Furthermore, the cutting would have had a more detrimental effect on the archaeological remains in the area of the fishponds, referred to elsewhere in the assessment.

The ELSAA is an area of special character lying outside the limits of the built-up area and is protected in planning terms from inappropriate development. It is identified in the ES as Zone B within the assessment of the landscape impact. The Local Plan clearly indicates and safeguards the route of the Bypass, which is shown as adjoining the ELSAA. Whilst the ELSAA has not been specifically named in the ES the impact on the area and the dwellings has been considered within the statement. In addition, the historical and cultural aspects are considered by cross-reference to other sections within the ES.

ELSAA is divided into two unequal size areas by Elmesthorpe Lane. The smaller is to the eastern side of the Lane on the higher land closest to Earl Shilton and is visually and physically divorced from the larger section which lies to the west of Elmesthorpe Lane.

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The western section, which lies on lower lying, relatively level land contains a well defined primarily original ELSAA layout of single track roads edged by regularly cut hedgerows. Although some of the detached properties alongside these roads appear little altered, the majority have now been enlarged and their immediate grounds altered to such a degree that their historic ELSAA significance has been substantially diluted.

Viewed from the surrounding area it is primarily the occurrence of the larger detached properties, within an otherwise agricultural landscape, which marks the ELSAA out as being different from the remaining valley bottom area between Earl Shilton and the outskirts of Hinckley.

The landscape impact of the proposed bypass on ELSAA. The proposed bypass route would cross through the fishponds area in the eastern section of ELSAA and pass to the north – eastern corner of the western section near The Crescent. As stated previously, the eastern section of ELSAA is visually and physically divorced from the western section. Because of this the impact the bypass will have on its historic links will be negligible.

In the western section of ELSAA, although the bypass route passes close to ELSAA properties at the head of The Crescent, the land it crosses is predominantly composed of large, open arable fields. Reference to historic Ordnance Survey maps shows that a large number of dividing hedgerows have been removed from these fields. This action has compounded the visual landscape differences between the field pattern along this section of the bypass route and the smaller fields, which are found close to the ELSAA properties.

Looking from the western ELSAA section back towards Earl Shilton, Ellmesthorpe Lane and the hedgerows, copses and properties along it sit towards the top of a shallow ridge. The consequence of this is that they form a well defined green backdrop when viewed from the roads and the properties in and around The Crescent. It should also be noted that two of the houses at the head of The Crescent have substantial conifer, or other types of hedge, along the eastern and northern boundaries of their gardens, which restrict their views even more.

The bypass proposals include extensive bunding between the western section of ELSAA and the new road. Although the bunding and the highway itself will cut into ELSAA, as was previously mentioned, they will be constructed on land, which is currently large arable fields. The planting on the bunds is proposed as woodland blocks. Consequently, the green back drop which currently limits views from areas like The Crescent would be preserved, albeit closer to the properties located within the ELSAA than it currently is. A condition is recommended to be imposed which requires a detailed landscape scheme to be submitted and this could take this requirement into account.

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It should be noted that it is proposed that in this location earth mounding will be provided up to 3m in height above the proposed road level. This combined with the woodland planting should effectively screen the properties well from the bypass. Although woodland planting could take around 5 years to reach a stage where it will act as a visual screen to traffic using the bypass this may be helpful to protect the amenities of the residents to some extent (may still be able to see HGVs and other taller vehicles) and to improve any adverse impact on the landscape. There should not be any adverse impact on the landscape in view of the comments made about the character of the landscape above. In any event the height of the bunding together with the tree planting is required to ensure that the properties are mitigated against the noise impacts of the bypass. On balance it is concluded that if the road is located at grade in this location the provision of bunding and planting will be a fundamental requirement in order to screen the activities on the road from local residents in the interest of residential amenity (visual and noise) and to minimise the effect of the proposal on the surrounding area.

- iii) Responses received suggest that on the south side of the bypass between Elmesthorpe Lane and Wilkinson Lane there should be more than scattered tree planting on the bunds. The visual impact assessment drawing (Figure 5 of the ES Vol 2) identifies this section of the bypass as having a substantially adverse impact on the landscape. This is because the properties to the south of the bypass would be at a higher level than the bypass. Consequently, it would be unreasonable to increase the height of the bunding or the amount of planting to improve the mitigation since they would not have any beneficial effect from the point of view of these properties. Although the planting is shown as scattered tree planting at 5-7m centres, rather than at 1-2m centres like the woodland planting, it will be underplanted with smaller shrubs adding up to a well landscaped area overall. Consequently, the proposed level of bunding and planting is considered to be acceptable in this location.
- iv) The Landscape and Visual Assessment identifies the need for mitigation on the eastern side of that part of the bypass which is proposed to be constructed on embankment running south from the proposed A47 roundabout (at the eastern end of the bypass) (Fig 5 of the ES Vol 2). This is of concern since the bypass will be prominent in the surrounding fairly flat and open landscape. The embankment will be planted with trees underplanted with shrubs. There is a gap of some 80m where it is not possible to provide tree planting since this is the location where the road passes under the overhead electricity lines and pylons and the maximum clearance is required. It may, however, be possible to provide a barrier fence for visual and noise mitigation particularly for Bracknell Farm. The landscaping condition which is proposed could take account of this.

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- v) It is proposed to realign and widen Elvesthorpe Lane on its approach to the south side of the bypass and it will be necessary to remove existing hedges to accommodate these works. There is no indication that this will be replaced. Additional landscaping/hedging will be required in this location to soften the impact of this work on the surrounding area and the landscaping condition which is proposed would take account of this.
- vi) Concerns have been expressed about the effect of the proposal on properties in Mill Lane and that additional planting should be provided in this location. Although where the bypass crosses Mill Lane it is more or less at existing ground level, it will initially be screened in part by the combination of the existing hedgerow structure and the cemetery planting. In addition to this, the road will lie between 290 and 300m from the nearest property on Mill Lane and none of the houses there actually face towards the proposed bypass. The accommodation works hedgerow planting will provide some additional visual screening, although it is acknowledged that in the longer term the authority will have no control after the three year maintenance period. This is because it is heavily dependent on whatever hedgerow management regime the landowner wishes to use.
- vii) Responses suggest that the ES fails to demonstrate that account has been taken of the visual impact of the proposed lighting on the section of the bypass between Carrs Lane and Wilkinson Lane (this length of road runs between the housing on the southern side of Earl Shilton and the north side of the western portion of ELSAA).

The effect of the street lighting at the proposed junctions on the A47 has been considered in the overall impact assessment. The lighting is required in the interest of highway safety on what is expected to be the most heavily trafficked section of the bypass. However, it is important that there is not any unnecessary level of lighting or light spillage, nor any nuisance caused to nearby residents nor that it is significantly out of keeping with the character or appearance of the area. Between Carrs Hill and Station Road, the proposed extensive planting on the earth bunding will help to mitigate the effect of the proposed lighting. It should be borne in mind that on the south side near to the ELSAA it is proposed that there will only be scattered tree planting. The imposition of a condition to require woodland planting in this location could also assist in any mitigation of the proposed lighting. The Director of H,T & WM has indicated that further consideration will be given to the impact of street lighting along this section of the route during the detail design of the landscaping and planting scheme. The street lighting design and layout will be carefully chosen in accordance with current County Council and national policies. It will incorporate modern style cut-off design of lanterns to minimise light pollution. The imposition of a condition requiring the submission of details of the design and layout of the proposed lighting is recommended.

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Consequently, it is concluded that whilst it cannot be disguised that a bypass development will be present in the landscape:-

- i) there will not be an unacceptable impact on the landscape character and visual appearance since the effects of the bypass can be mitigated by utilising the existing topography of the undulating agricultural landscape, employing a limited cut and fill approach, incorporating substantial woodland planting and barrier fencing and will generally be absorbed into the existing topographical features of the overall landscape;
- ii) There will not be an unacceptable adverse impact on the special character of the ELSAA or the visual amenities of residents in this area;
- iii) The works to Elmesthorpe Lane will be acceptable subject to the replacement of hedgerows;
- iv) There will not be an unacceptable effect created by the provision of street lighting of the appropriate design and
- v) Although there will be a loss of several mature trees and a number of hedgerow field boundaries will be partly or wholly destroyed there will be substantial woodland planting and some hedgerows will be replaced.

Noise

- 154 PPG 24 outlines general measures which can be introduced to mitigate the impact of noise and ensure that development does not cause an unacceptable degree of disturbance. In this instance those general measures will be met by substantial earth bunds varying between 2m and 3m in height together with planted material, the use of quiet surfacing for the roadway and the imposition of conditions regarding the hours of construction to mitigate the effect of the bypass in noise terms.
- 155 The findings of the ES regarding the expected noise impact and means of mitigation is set out above in the section relating to the ES. This concluded that the scheme will result in significant noise benefits for the area as a whole. On balance many more properties will experience a reduction in noise rather than an increase ie 5011 compared to 1332. In particular the urban areas of Barwell and Earl Shilton will see a predicted reduction in traffic levels of 25%. Consequently, many properties on the A47 through the centre of Earl Shilton will experience a reduction in noise levels. Calculation of noise levels for properties selected as typical along the route indicate that:- most properties will experience either a reduction or an imperceptible increase in noise level upon opening of the bypass. Properties on Breach Lane and Mill Lane near to the bypass will experience a significant increase in noise albeit from very low existing levels. It is concluded that the properties that will potentially be subject to the highest noise levels will be successfully protected by the proposed mitigation measures. These include extensive earth bunding in appropriate locations and quiet road surfacing material.

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- 156 Due to the lie of the land, many of the homes in the ELSAA would still require earth bunding to screen their properties even if the bypass was constructed in cutting beneath Elmesthorpe Lane. The planning application drawings show bunding to be 'up to 2m' and 'up to 3m' in height. This means that the bunding will be at 2m or 3m above the finished carriageway level, except where either the bund tapers back to ground level (e.g at a gap in the bunding for a farm access, or where the bunding is no longer required to screen properties adjacent to the new road) or where the bypass passes into cut and the bund again is not required. It should be noted, where possible bunding has been overlapped to avoid noise breakout. This has not been possible at all locations, particularly where it has been identified that the personal safety and security of pedestrians, cyclists and equestrians could become an issue.
- 157 Concern has been expressed that the noise impact assessment fails to demonstrate that all noise sensitive properties have been adequately investigated. In addition the noise impact predictions for certain properties has produced results which the Environmental Health Officer of Blaby District Council considers require re-examination.
- 158 Further information has been prepared regarding the issue of noise which was supplied in particular to the Environmental Health Officer at Blaby District Council. His findings and conclusions are set out above in the section relating to Consultation responses. He concluded that on the information submitted, on the premise that use is made of quiet road surfacing material and that earth bunding is provided along the entire length of the carriageway at a height of at least 2m above the finished level of the road that only one property will be significantly affected as a result of the bypass proposal. (It should be noted for clarification that the wording of these comments from the District Council actually mean that the bunding should be provided in the locations as shown on the submitted plan and are not meant to refer to require that bunding should be provided along the whole length of the bypass). Consequently he confirms that there are more predicted reductions than increases in noise for Blaby District residents as a result of the scheme.
- 159 In respect of the matters which he considered required further investigation these relate to:-
- the effect that increased localised mitigation would have on the north facing elevation of 2, Station Road, Elmesthorpe, (the one property identified as being significantly affected and the one property which would have an increase in noise above 3dBA) and, although the ES concluded that there would either be no change or decreases in noise levels:-
- the need to assess further the perceived impact on 3, Station Road and Church Farm, Elmesthorpe Lane and
 - further clarification on the perceived noise impact on 44 Elmesthorpe Lane, 14 Wilkinson Lane and 34,35,36,37,38, The Crescent

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160. At 2, Station Road, the dBA calculated to exist at 2006 (when the bypass is due to open) on the north elevation is calculated to increase from 32.2dBA to 44.0 dBA, an increase of 8.0dBA. Although this calculated increase is high it is believed that the existing actual ambient level is higher than the calculated level suggests. A level of 36dBA would suggest a level typical of a building isolated in the countryside. It should be noted that this property is in fact adjoined on the south side by Station Road and therefore is not in an isolated position. Furthermore, on the south elevation the calculated existing dBA is 61.6 increasing to 65.8dBA.
161. Measurements of actual ambient levels have subsequently been taken at this property. The readings suggest that the existing background/ambient noise level is significantly higher than the predicted 'worst case scenario' with the bypass in place.
162. The calculated noise level on the north façade of 2 Station Road in the submitted scheme ES with the bypass in place in the 2021 design year is 45.8 dB(A). Site measurements undertaken on 15th July 2003 show the ambient noise level on the north façade of 2 Station Road, Elmesthorpe to be 53.4dB(A). Consequently the residents of the property would not perceive a high level of increase in noise levels as a result of the bypass and therefore the comments of the Environmental Health Officer are no longer valid with regard to this issue.
163. The EHO considers that the property at 44, Elmesthorpe Lane will experience significant traffic flow increases on Elmesthorpe Lane and is located very near to the proposed bypass. It should be noted that there will be a reduction in road noise on the Lane due to the use of quiet road surfacing on the realigned and improved length of Elmesthorpe Lane. The calculations suggest that the noise level will in fact decrease marginally by 1.2 dBA but this is not likely to be appreciated by the human ear. Church Farm, Elmesthorpe would be further from the bypass than 44 Elmesthorpe Lane and consequently, it would be expected that the property would receive even less impact. Further there is a depot and offices nearby and is likely to have a higher ambient noise level than 44, Elmesthorpe Lane. For the properties in The Crescent there will be a marginal increase of 1.1dBA at the worst measurement which will be barely perceptible. Noise is currently being picked up now from surrounding roads – Elmesthorpe Lane and Carrs Hill. Although the bypass will be closer to the properties than these existing roads the bunds will give relief from not only noise from the bypass but from the existing roads.
164. The proposed earth bunding up to 3m above the proposed road level will provide shielding for The Crescent from traffic using both the existing roads and the Bypass. The use of quiet surfacing on the Bypass will reduce noise to a predicted level which is not discernibly higher than the present level. The bunding will be extensively planted with woodland species to provide an attractive screen to the Bypass. There will be no gaps in the bunding in the vicinity of The Crescent.

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- 165 Where there is bunding near Elmesthorpe Lane and in the vicinity of properties on The Crescent consideration has been given to the EHO's comments and it is considered that no better mitigation measures are available which would not have an adverse effect on the visual appearance of the area and in itself would lead to little betterment in noise terms. To close gaps in the bunding for the properties near Elmesthorpe Lane (where it is proposed to place access to crossing points) would lead to severance problems and security problems for pedestrians/ cyclists/ equestrians wishing to cross the bypass. On balance therefore it is not considered appropriate that additional works should be requested or that the gaps in the bunding be closed. The landscape condition seeks to ensure that consideration will be given to overlapping the bunds where possible.
- 166 The Hinckley and Bosworth Borough Council has commented in particular that on balance there will be more properties experiencing a reduction in noise than others exposed to higher levels. The increases are however marginal although consideration should be given to improving mitigation measures for Breach Lane Farm. The noise level here would increase from 47dBA to 51.2dBA which would be a perceptible change.
- 167 The updated traffic model produces some changes to the previous traffic forecasts and hence potentially to noise predictions. Overall there would be greater benefit to the local community under this prediction because more traffic would be using the bypass rather than the existing road network. Noise levels have been re-calculated at the most sensitive residential locations using the revised traffic flows.
- 168 However, it should be noted that under a 'worst case' scenario there would be increases and decreases in traffic forecasts for some roads. In taking the same reference year of 2001, for ease of comparison, the most noticeable change occurs on the southern section of Station Road between Stoneycroft Road and the Bypass. Key findings for this road are:
- an increase from 600 to 1700 extra vehicles per day over and above the existing 2500 vehicles per day – this is the equivalent of one extra vehicle per minute each way in the peak period
 - noise at the worst affected property on Station Road (223) will marginally increase from 59.7 dBA to 60.1dBA (average across a sample of worst affected properties is a change in the predicted level from 60.5dBA to 60.9dBA)
- 169 Consequently, on balance many more properties will experience a reduction in noise than an increase. Over 5000 properties in Earl Shilton will benefit from decreased traffic noise, whilst some 1300 properties will see an increase in traffic noise. Many properties on the A47 through the centre of Earl Shilton will experience a reduction in noise levels. For those properties which have been identified where there will be a relative increase in noise levels or where there may be a perceived impact this is likely to be just perceptible. Those properties

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that experience a perceptible increase in noise levels have very low existing noise levels and under the proposals the increased levels are still considered to be low. Mitigation measures in the form of earth mounding will be provided both sides of the bypass in areas of sensitivity and quiet road surfacing material will be used throughout the scheme. The scheme will result in significant noise benefits for the area as a whole. On balance it is considered that no objection should be made to the proposal on these grounds.

Air Quality

170. The findings of the ES regarding the expected noise impact and means of mitigation is set out above in the section relating to the ES. This concluded that air quality would remain approximately the same in the immediate vicinity of the scheme with a general benefit on the existing network where traffic flows are reduced. It should also be borne in mind that vehicle emissions are forecast to fall considerably below current levels, which will have a greater influence on air quality than can be achieved through design measures.
171. The Environmental Health Officer at Blaby District Council similarly concluded that the background pollutant levels associated with the proposed bypass are judged not to exceed the national air quality objectives and are acceptable. It is suggested that the landscaping scheme should be designed to incorporate a number of spiky leafed species, particularly where the route passes close to residential areas. This request can be taken on board through the imposition of a requirement to submit a landscape scheme for approval.
172. Air pollutant levels have been recalculated at the most sensitive residential locations using the revised traffic flows (October 2003 update) which concludes that none of the chosen sensitive residential properties closest to the scheme would have any significant change in terms of air pollution from that set out in the ES.
173. Overall the air quality impacts of the proposal are considered to be acceptable, subject to the imposition of conditions.

Health Issues

174. The ES appraisal indicates that the benefits are similar for the proposed scheme and for a scheme with the bypass in a cutting. This principally relates to the effect of emissions from vehicles on human health. National Air Quality objectives are not exceeded and therefore there is no objection on the grounds of impact on human health.

Ecology and Nature Conservation

175. The ES has identified that there will be a loss of several mature trees. However, the landscaping proposals involve the planting of several thousand trees and in time these will offset the loss of mature trees. The hedgerows to be lost will be

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replaced on a like for like basis. Conditions are recommended to be imposed with regard to the landscaping of the scheme which will ensure that this planting will be done and in an appropriate manner. There is a requirement for further ecological investigation and appropriate mitigation, as identified in a number of consultation responses.

- 176 The Council is aware of its responsibility to ensure that protected species are preserved and that if any are present within the application area that mitigation works will be required. Development is unlikely to commence until Summer 2005 following the procedures still to be followed in respect of the road scheme. Consequently, it is intended to carry out surveys of the site in advance of the commencement of any works and the results of which and any associated mitigation works will be submitted to the planning authority for approval. The need for this further work will be required through the imposition of conditions.

Cultural Heritage

- 177 The ES has identified that the greatest impact in archaeological terms will be on the medieval manorial site, including a fishpond complex, which is of local and regional importance and which is directly associated with the nationally important Scheduled Ancient Monument and listed building of St Marys Church, Elmesthorpe. The manorial complex would suffer severe impact upon known archaeological remains. This group of high quality archaeological remains is of local and regional importance. The ES highlights the fact that because the scheme is not in deep cutting but is close to or above ground level in this location it minimises the excavation of the remains. In this way many archaeological remains can be preserved in situ. The proposed bypass has a width of 30m which would have to be increased to a width of between 90 and 100m for a scheme in deep cutting. This would require additional excavation and could have an extremely damaging impact in archaeological terms. On the advice given by the County Council's heritage expert, every effort has been made when designing the Bypass to preserve important archaeological remains in situ to comply with Central Government guidance. Mitigating measures are proposed to:- work in consultation with English Heritage and the County Council's heritage expert; preserve remains in situ or form a record, and the maintenance of an archaeological watching brief at the construction stage. The other nationally important archaeological site is the possible Neolithic enclosure north of Mill Lane. The bypass would not directly affect the enclosure although adjacent features may be disturbed.
- 178 English Heritage has been consulted on the scheme and has commented that there may be an impact on the scheduled and listed St Marys Church, Elmesthorpe by virtue of increased traffic noise and dust. As the proposed road passes close by the visual impact on the setting of the buildings needs to be considered. However, English Heritage concludes that as the topography and other properties mainly hide the route i.e. the southern view from the church has been preserved and to the north of the Church the Bypass is hidden from view by the position of farm buildings and trees adjacent to the route, the bypass

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does not materially conflict with the historic landscape and outlook from the ancient monument. With regard to the Elmesthorpe Lane improvement, it is English Heritage's view that this should be in keeping with the landscape character (ie hedges should be retained), bunding should be avoided and there will be a need for archaeological work on any buried remains within the road corridor. The design of the Elmesthorpe Lane improvement reflects this and a replacement hedge is proposed for that which will be removed. Appropriate conditions can be imposed to cover these issues.

- 179 Eight other listed buildings are located near the proposed bypass, but would suffer no impact. An amended plan has been submitted which shows minor alterations to the boundary of the application site at the eastern end of the bypass to accommodate inter alia the omission of the site of the listed milestone from the application area. The carriageway immediately adjacent to the milestone will be resurfaced and the kerb line on the opposite (south) side of the carriageway will be realigned to tie in with the proposed bypass alignment. Consequently, the listed milestone and the surrounding verge and footway will remain undisturbed but will be required to be protected during the course of construction.
- 180 Consequently, it is concluded that, there would be potentially a significant impact on the archaeological features of the manorial site since the location of the bypass will be close to or above ground level. The mitigation measures proposed and the imposition of appropriate conditions would ensure that the proposal has the minimum impact on matters of archaeological and historical importance. Furthermore, the line of the bypass is included in the adopted development plan and no archaeological objection was raised at that time. Consequently, it is considered that on balance the overall proposal, including improvements to Elmesthorpe Lane, is acceptable in terms of its effect on listed buildings, the scheduled ancient monument and other archaeological features.

Pedestrians, Cyclists, Equestrians and Community Severance/Effects

- 181 The bypass scheme proposes that a number of existing highways, footpaths and bridleways will need to be either closed off or diverted where they adjoin the bypass. These locations are set out in the section above, regarding the ES, and these are principally Elmesthorpe Lane, Breach Lane, Mill Lane, Wilkinson Lane, Bridleway U20 and Footpaths U17 and T89.
- 182 Although there are concerns expressed by local residents about the need to cross the bypass pedestrian route lengths will remain largely unaffected. Signalled crossings will be provided in these locations where appropriate and there are significant flows of pedestrians, cyclists and equestrians to enable them to cross in safety. By comparison the number of pedestrians crossing the A47 through the centre of Earl Shilton is many times greater than those expected to cross the Bypass at Elmesthorpe Lane and Station Road.

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- 183 There are a number of footpaths and bridleways which will be affected by the proposed bypass but the scheme provides for diversions etc to provide alternative routes for these and to maintain the essential continuity of the PROW network. In general terms these diversions would lead to slight or moderate degrees of severance.
- 184 There is a concern that there is an inadequate provision for pedestrians/cyclists and equestrians to cross the bypass in association with the Public Rights of Way (PROW) network. This is particularly the case at the junctions where Breach Lane, Wilkinson Lane/Station Road and Mill Lane adjoin the bypass.
- 185 Over the majority of its length a cycletrack/footway is located on the Earl Shilton side of the Bypass with pedestrian/cyclist links to all the side roads. At the points where most cyclists/pedestrians/equestrians may need to cross the Bypass i.e., Elmesthorpe Lane and Station Road, signal controlled crossing facilities will be provided. At Thurlaston Lane, a bridge will be provided to carry both vehicular traffic and cyclists/pedestrians/equestrians over the Bypass.
- 186 Breach Lane and Mill Lane are the only minor crossing points where cyclists/pedestrians/equestrians would need to cross the Bypass unaided. This is because the traffic will be able to travel in these locations at speeds up to 60mph and it is considered dangerous to provide signalled crossings in such circumstances. It is recognised that Breach Lane and Mill Lane, both at grade with the bypass, are popular recreational routes for pedestrians / cyclists / equestrians who will wish to continue using these routes when the Bypass is in place. To assist this movement, gates or stiles will be provided in the highway boundary together with a new footway/cycleway adjacent to the carriageway, which will safely lead pedestrians and cyclists to a crossing point.
- 187 Furthermore a new bridleway will be provided along the northern highway boundary that will link Breach Lane to a proposed underpass in the vicinity of Mill Lane and, similarly, a new length of bridleway on the eastern highway boundary to link this underpass with Mill Lane. These will serve as alternative recreational paths for pedestrians and cyclists and avoid the necessity for a road crossing. In addition, the bridleway will provide equestrians with uninterrupted routes leading back to Breach Lane south of the Bypass or onto Mill Lane east of the Bypass, again avoiding the need to cross the main carriageway. In view of the recreational nature of these journeys and the comparatively low number of people needing to directly cross the Bypass, it is considered, therefore, that there are insufficient grounds for the construction of a bridge or underpass at these locations. The amount of traffic on that section of the bypass is expected to be relatively light – 7,400 per day, mostly at peak times. Leisure users of the PROW network tend to be at evening/ weekends when traffic flows are lightest and, therefore, there should be minimal conflict between road and PROW network users crossing at grade. To provide an over bridge at Breach Lane would require a bridge wide enough for use by horses/cyclists/ pedestrians. It would have to cross the bypass on an angle thus increasing its size and overall its visual effect may be unacceptable. Consequently, on balance it is considered that it would not be necessary to

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require the provision of alternative crossing facilities in this location. In addition, cyclists who choose not to use the dedicated cycle track, have the benefit of 1m wide strips on either side of the new road.

- 188 Mill Lane is a recognised equestrian route and has a riding school located to the east of the proposed bypass. To avoid the need for equestrians to cross the bypass at Mill Lane it is proposed to provide a bridleway link along the eastern perimeter of the bypass between Mill Lane southward to the culvert, designed for equestrian use, located adjacent to the sewage works. At this point the new bridleway link passes under the culvert and connects to the existing bridleway (U16) that runs due north back to Mill Lane west of the bypass.
- 189 There will be the opportunity at Station Road/Wilkinson Lane for pedestrians and cyclists to cross using a signal controlled junction. It is considered that there would be little effect on users gaining access by these means from Earl Shilton to community facilities at St Marys Church, the Social Centre and the Allotments on the south side of the bypass and vice versa.
- 190 The submitted plan does not include any formal provision for equestrians to cross at the Station Road/Wilkinson Lane signal controlled crossing. There are many locations in the County where public bridleways cross existing main roads and horse riders are generally capable of negotiating such crossings safely as long as visibility is good and there are no physical obstructions placed in the highway to prevent their safe progress. Consequently, there should be adequate provision for equestrians to cross. This is especially in view of the concerns expressed about the provision of a signalled crossing point for equestrians as an alternative to the at-grade crossing proposed at Breach Lane, referred to above. It is proposed that a condition be imposed requiring the provision of adequate crossing facilities for equestrian users in this location.
- 191 Concern has been expressed by a farmer, Mr Burgess, who is affected by the diversion route for one of the bridleways along the northern side of the bypass. He suggests that his land currently suffers from trespass by users of the footpath network now. It is considered that the proposed severance of the majority of his land by the bypass from the built up area of Earl Shilton and the consequent effects on the PROW network would prevent the use of the informal paths which exist now since the public would not be able to gain access to land to the same degree from nearby housing estates on the north side of the bypass. The public will only be able to use the formal access points onto the PROW network.
- 192 Furthermore, it is considered that the scheme will improve his existing security concerns by bringing his farmland 'into the open', hence deterring the existing antisocial activity. In themselves there is no objection from a planning point of view to the proposed amendments to the bridleway system insofar as they affect Mr Burgess's land and they would ensure that the rights of way network would be retained in an efficient way avoiding the need for pedestrians and equestrians to cross the bypass.

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- 193 Other concerns may be covered by the imposition of conditions relating to the provision of 3m wide bridleways, suitably constructed and surfaced; the maintenance of planted material adjoining bridleways and other PROWS; the provision of waymarking signs and road safety markings on the bypass and that correct legal procedures are followed before diversions or extinguishments of existing PROWS are carried out.
- 194 Suggestions have been made that the highway improvements proposed for Elmesthorpe Lane should be enhanced to incorporate a combined footway / cycleway, traffic calming measures, a 'village entrance' feature to prevent vehicles speeding on this section of highway and landscaping. As a result of the predicted increased traffic flows on Elmesthorpe Lane it is proposed to improve this highway between Wilkinson Lane and the bypass. These works will involve widening and realignment with improved pedestrian facilities. Additional signing will be provided on Station Road in advance of the section to be improved. There is concern that improvements like road widening and realignment with improved pedestrian facilities may result in speeding traffic entering Elmesthorpe. It is suggested that since the improvements include the provision of an upgraded footway it would be advantageous if this could be a combined footway/cycleway to link in with the facilities of the bypass and to form an integrated part of the suggested traffic calming measures.
- 195 In response it should be noted that the proposed improvement to Elmesthorpe Lane between the Bypass and Wilkinson Lane will involve widening and the realignment of this existing narrow and twisting length of road which has poor visibility. The improvements will provide a wider footpath and will reduce the speed of traffic. Consequently, the carriageway and footpath will be safer for all users including cyclists. The introduction of a new junction incorporating traffic signal control will act as a traffic management/calming feature in itself. It is not considered appropriate that this new rural section of road linking to the bypass requires traffic calming measures as the improvement in itself would result in safer conditions than the existing situation. Furthermore, a safe cycle route, albeit longer for journeys originating on Elmesthorpe Lane immediately north of the Bypass, to the Wilkinson Lane/Elmesthorpe Lane/ Bridle Path Road/Station Road, Elmesthorpe crossroads exists. This would be via Wilkinson Lane which is to be stopped up to vehicular traffic where it would meet the Bypass.
- 196 There is concern that the closure of Mill Lane, Breach Lane and particularly Elmesthorpe Lane and Wilkinson Lane will lead to additional journey times for car users, extra queuing vehicles at junctions etc..
- 197 The junctions of the bypass with Elmesthorpe Lane and Station Road have been specifically designed to cater for the predicted peak hour flows at 2021 and therefore will function normally without undue delays or queuing even at the worst case scenario of high growth. These queues will normally disperse during each green traffic signal phase and will not lead to unacceptable levels of noise or pollution. The bypass has been designed using traffic flow predictions derived from a traffic model. This is based on traffic survey data and 'Origin and Destination' data of road users collected through roadside interview surveys.

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- 198 The model has been thoroughly validated and provides a satisfactory representation of traffic flows on the road network.
- 199 The proposed junctions at Elmesthorpe Lane and Station Road will not prevent the scheme from functioning as a bypass. Furthermore, they will provide access to the Bypass and help to reduce the existing rat running problem in the residential areas of the village and the overall number of accidents. They will be signal controlled with safe crossing facilities for pedestrians and cyclists.
- 200 It is considered that the proposed junction layouts will not have an overly significant impact or massively inconvenience local residents. The closure of Wilkinson Lane increases the journey length for drivers travelling between Station Road and Elmesthorpe by approximately 400m. However, a greater proportion of drivers travelling to and from Hinckley will experience a reduction in their journey distance of approximately 600m. For local traffic movement between Earl Shilton and Stoney Stanton, Sapcote and Elmesthorpe, a detour of some 0.4km would lead to a slight increase in journey time. Parishioners living in the vicinity of Station Road wishing to travel to the St Mary Church and the Village Hall by car would have to travel approximately a further 200m. There would be no additional journey length for pedestrians. Parishioners living in the Coronation Estate would travel some additional 700m by car although there would again be no additional journey length for pedestrians. These additional journey lengths are not considered to be unacceptable whilst travelling by car.
- 201 The bypass is forecast to have a negligible impact on traffic flows on Station Road through the village of Elmesthorpe. Furthermore the stopping up of Wilkinson Lane will reduce the amount of turning traffic at the Elmesthorpe Lane/Wilkinson Lane cross roads making it easier for drivers to negotiate the junction.
- 202 The reduction in traffic flowing through Earl Shilton should more than compensate for any changes to local routes. This reduction should ensure quicker and less stressful journeys and also reduce the risk of potential accidents. Consequently, the scheme will fulfill its objective of relieving Earl Shilton of through-traffic and will therefore function as a bypass.

Increase in traffic on Station Road, Earl Shilton – traffic calming

- 203 There is expected to be an increase of 1,700 vehicles extra per day in the worst case scenario upon opening of the bypass along Station Road between the bypass and Stoneycroft Road. However, it is intended to restrict the flow of HGVs along this road which happens at present. It is proposed to provide traffic calming on this stretch of road to mitigate the effects on residents. This additional flow will not lead to a significant increase in noise and pollution or difficulties for motorists wishing to gain access on to Station Road. The proposed traffic calming will also address the existing speeding problem along the road.

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- 204 Consequently, it is concluded that safe crossings will be provided for pedestrians; there will be safe crossings for and maintenance of continuity of the PROW network and the bypass will provide a balanced solution to the transportation problems in Earl Shilton.

Land Owners Affected by the Scheme

- 205 Representations have been made by Taylor Woodrow Developments with regard to land owned by Mr Mullard, Mr Burgess of Huit Farm, Breach Lane, Mr Klenk of Stanmaur Farm, Breach Lane and others in respect of the impact of the new road on their landholdings.
- 206 It should be noted that the land in which Taylor Woodrow is interested was considered at the Public Inquiry into objections to the Blaby District Local Plan, and the inspector did not support residential development on this land. Neither did Blaby District Council. Reference should be made to the policies of the adopted Blaby District Local Plan which protect this land from development (the land is allocated predominantly as open countryside and partly as green wedge) whilst the Bypass proposal has been accepted and is subject to a policy which protects land for this purpose. Even if the land were allocated for development in the future, there are likely to be access difficulties. Adding complexity to the proposed junction of the Bypass with Station Road is unlikely to be in the public interest, and neither is a new junction on the Bypass to serve such a small development in this location.
- 207 With regard to Mr Burgess' concerns. Mr Burgess has explained that the proximity of the urban area of Earl Shilton to the farmland is currently giving rise to trespass and vandalism damage amongst many other problems. These difficulties will undoubtedly continue irrespective of the proposals for the Bypass and it is not considered that these are a direct consequence of the scheme. However, it is clear that the proposals will require the stopping up/modification to existing routes and as well as the provision of new accesses and tracks, it may provide the opportunity to protect against and discourage some of the trespass/vandalism problems that Mr Burgess is currently experiencing. A further meeting has taken place with Mr Burgess to try to allay his fears but, however, he still considers these to be relevant. The present position and the rationale behind the scheme proposals including maintaining the existing rights of way network and the above points were discussed. Though Mr Burgess was not reassured, it is considered that the scheme will improve his existing security concerns by bringing his farmland 'into the open', hence deterring the existing antisocial activity. In themselves there is no objection from a planning point of view to the proposed amendments to the bridleway system insofar as they affect Mr Burgess' land and they would ensure that the rights of way network would be retained in an efficient way avoiding the need for pedestrians and equestrians to cross the bypass.
- 208 The maintenance of bridleways, where a bridleway falls within the highway boundary is the responsibility of the highway authority. Elsewhere maintenance of bridleways is the responsibility of the landowner. The configuration of the

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bridleway fences, determined by individual landowners needs, will determine whether a bridleway falls within or outside the highway boundary. This detail is subject to discussions with land owners which is normal practice once the statutory procedures have been successfully completed, usually about six months or so prior to commencement of construction. If bridleways lie outside the highway boundary and the landowner is required to maintain the bridleway then the landowner is duly compensated.

- 209 The Director of Highways, Transportation and Waste Management is of the view that the statutory procedures in themselves ensure that Mr Burgess will have ample opportunity to voice his concerns in the event of planning approval being given and if objections to the scheme remain. This is because after the publication of Compulsory Purchase and Side Road Orders, the Secretary of State for Transport will have the opportunity to call a public inquiry into the scheme proposals. An independent inspector will then be appointed to evaluate his objections.
- 210 The concerns of other various landowners, including Mr & Mrs Smith, about field accesses have been resolved by the submission of the amended plans.

Human Rights Considerations

- 211 When making planning judgements the County Council now has to consider whether their decisions are compatible with the Human Rights Act, which gave effect to the European Convention on Human Rights in English law. The planning system is generally concerned with qualified rights, including the right to respect for private property and family life, the right to freedom of expression and the right to the peaceful enjoyment of property. Interference with these rights is permissible in certain circumstances. Any interference must however be proportionate to the intended objective, i.e. even if a particular policy or action which interferes with a Convention Right is aimed at pursuing a legitimate aim, this will not justify the interference if the means used to achieve the aim are excessive. Any interference with a Convention Right should therefore be carefully designed to meet the objective in question and must not be arbitrary or unfair. There has been a suggestion by objectors that there is a breach of human rights by the fact that the County Council is determining its own development proposals. Similar principles applied in a number of cases known as Alconbury where the Secretary of State was determining applications for developments for which he was responsible. The courts decided that the Secretary of State was entitled to proceed. The analogy that can be made between that ruling and the County Council is that the procedures laid down for the County Council to determine its own applications are equally lawful. Whilst the County Council as an overall body may not be seen to be independent and impartial the individual officers involved in discharging its statutory functions could properly be so regarded.
- 212 The planning system regulates the competing and often conflicting demands for the use and development of land in the public interest. It aims to balance the freedoms of one set of individuals to develop land against the impact that those

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developments may have on the rights of other individuals and the wider community. The County Council, nevertheless has a duty to determine planning applications for developments in accordance with the development plan unless material considerations indicate otherwise.

- 213 In this case, the proposed development may have an effect, either perceived or real, on the rights of people to the peaceful enjoyment of their private property by virtue of visual, noise and other potential environmental impacts.
- 214 Given the nature of the proposed development, the potential effects when subject to controls, are not considered to be of a scale that would, on balance, outweigh the wider benefits that would accrue in granting planning permission. In other words, the interference with people's human rights that could occur should this proposal be allowed is justified given the scale of the proposal and its relative impacts when set against policy objectives and the wider community interest.

Water Quality and Drainage

- 215 The mitigation measures proposed can be designed in detail to be effective in virtually neutralising the impact of the bypass on the landscape in terms of drainage and flooding susceptibility.

Geology and Soils

- 216 No significant issues have been raised. The amount by which the groundwater level would be lowered due to drainage towards the cutting is likely to be insignificant. The construction of the embankments would not have an adverse effect on either the groundwater or surface water regimes within the area site.

Construction Works

- 217 The construction phase is expected to last approximately 15 months. To mitigate the inevitable impacts caused by this type of scheme, the contractors will minimise the closing of routes of access, minimise dust and mud leaving the site and restrict working hours where possible. There will be an increase in lorry movements during this phase, but in general traffic will not be impacted upon due to the existing road network. There will be no construction access taken through Earl Shilton. This will be taken directly from at either end of the bypass where it will form a junction with the A47 and will follow the corridor of the bypass. Conditions are recommended which will require the hours of operation to be agreed in advance of construction work commencing. It is anticipated that there will be a sufficient stretch of road in cutting to provide ample material for construction works. However, the quality of this material will need to be assessed and if necessary materials will be imported, possibly from a borrow pit. If a borrow pit is required outside the line of the application then a separate planning permission will be required. The applicant should be advised of this in the context of any future contract being let for the scheme. Any excess material will be transported to a recognised landfill site.

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Benefits

Traffic Relief and Accident Reduction

- 218 Traffic congestion and accidents are a problem along the A47 winding its way through Earl Shilton. Around 16,000 vehicles per day pass through the town centre bisecting the many shopping and community facilities that front it. Due to the congestion on the A47, “rat running” on unsuitable residential roads is also a problem in Earl Shilton. Footways are as little as 1.2m wide and many of the junctions and accesses are substandard. Between January 1997 and December 2001 there were 115 personal injury accidents recorded on the A47 between the terminal points of the proposed Bypass of which 23 involved pedestrians and cyclists.
- 219 A local safety scheme is currently being implemented in Earl Shilton and whilst this will help to reduce the level of accidents on the A47 through Earl Shilton it is expected to lead to an increase in both the level of congestion and rat-running traffic.
- 220 Upon the opening of the bypass both the original scheme and the scheme submitted for planning consideration will relieve about 30% of the existing traffic in the town centre and this is likely to remove the need for local people to continue to rat run. However the original scheme would have resulted in an increase of 2,100 vehicles ‘average annual daily traffic’ (AADT) traffic on a 350m length of Station Road directly north of the proposed new road whereas the submitted scheme will result in an increase of 1,700 vehicles AADT, in the worst case scenario. Both schemes would result in a decrease in traffic on the longer northern 650m length of Station Road of 600 vehicles AADT (original scheme) and 800 (previously 700) vehicles AADT (submitted scheme).
- 221 On balance the submitted scheme gives better overall traffic relief to the town as it carries the highest traffic flow on the Bypass and diverts significant volumes of traffic, especially HGVs, away from most of the sensitive roads in the town. This is also reflected in the scheme’s economic benefits where the calculated travel time savings are greatest for the submitted scheme than any other alternative considered. There would be benefits for the residents of Station Road through the provision of traffic calming.

Environment and Air Quality

- 222 Over 5000 properties in Earl Shilton will benefit from decreased traffic noise, whilst some 1300 properties will see an increase in traffic noise. However, no properties will need to qualify for an offer of noise insulation and with the exception of some properties on Breach Lane, Mill Lane, and Station Road (Elmesthorpe) the noise increases are imperceptible due to the combination of earth bunding and quiet road surfacing. Those properties that experience a perceptible increase in noise levels have very low existing noise levels, and under the proposals the increased levels are still considered to be low. The scheme will result in significant noise benefits for the area as a whole. Air pollution in the town centre will also be improved as a consequence of the bypass.

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- 223 Any existing detrimental effects on house foundations/sewer pipes caused by traffic volumes will be reduced under the bypass proposals as traffic volumes on residential roads including the A47 through Earl Shilton will reduce.
- 224 The bypass would allow the environment to be enhanced by reducing noise and air pollution in the town centre.

Costs

- 225 Concern has been expressed that the Cost Benefit Analysis carried out in respect of the scheme does not give consideration in monetary terms to any environmental disbenefits of the scheme. The appraisal included in the report to the Cabinet on 3rd December 2002 showed a Net Present Value of £10.8m (1994 prices). This figure was arrived at by deducting the scheme cost (£13.6m out-turn prices, £5.5m in 1994 prices) from the accident savings (£7.6m) and travel time savings (£8.7m). This results in a benefits to cost ratio of 3.0 based upon low traffic growth. The emerging LLRSP states that bypasses will only be constructed where the environmental and road safety benefits to the locality bypassed exceed the environmental disbenefits of road construction to a degree which justifies the investment. Although this would be a worthwhile exercise Government guidance does not require this to be considered in scheme appraisals at the present time and has not provided guidance to highway authorities on the means of such assessment. Consequently, although this has not been quantified in monetary terms for the purpose of the cost benefit analysis it is clear from the findings of the Environmental Statement that there will be an overall decrease in noise and air pollution and consequently there will be obvious overall benefits from the scheme for a greater number of people than those that will receive disbenefits. Furthermore although cognisance has to be taken of the emerging LLRSP this document is unlikely to be adopted until next year.

Fulfils Development Plan implementation

- 226 The proposal will allow the provisions of the Local Plans to be implemented. The scheme is included in both the Blaby District Local Plan and the Hinckley and Bosworth Local Plan.
- 227 In particular Policy RES1(j) of the Hinckley and Bosworth Local Plan allocates residential development of land south of Breach Lane which requires amongst other criteria, primary vehicular access to the site directly from a new junction on the Earl Shilton Bypass.
- 228 The aim of the Bypass is to improve conditions along the A47 in Earl Shilton by removing through traffic and congestion. This will enable complementary improvements to be made to the town centre, including HGV weight restrictions in order to provide a safe, accessible and environmentally more attractive place for the local community. It will also enhance the environment by reducing noise and air pollution in the town centre; assist economic growth, efficiency and competitiveness in the town by providing an effective road network; help to reduce the number of personal injury accidents by reducing traffic through Earl Shilton.

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229 **Conclusions**

- a. In principle the proposal is in accordance with the policies of the Development Plan.
- b. There will not be an unacceptable impact on the landscape character and visual appearance since the effects of the bypass will be mitigated by utilising the existing topography of the undulating agricultural landscape, employing a limited cut and fill approach, incorporating substantial woodland planting including replacement planting for trees and hedgerows lost, sensitive lighting design and barrier fencing and will generally be absorbed into the existing topographical features of the overall landscape.
- c. There will not be an unacceptable adverse impact on the special character of the ELSAA or the visual amenities of residents in this area.
- d. It is accepted that a few properties will have a direct or perceived impact on them from a noise point of view. However, a large number of properties will benefit from a reduction in noise impact. The proposed mitigation measures should ensure that any noise increases are kept to a minimum by a combination of earthbundling and quiet road surfacing. On balance it is considered that no objection should be made to the proposal on these grounds.
- e. Overall the air quality impacts of the proposal are considered to be acceptable, subject to the imposition of conditions. National Air Quality objectives are not exceeded and therefore, there is no objection on the grounds of impact on human health.
- f. The impact on ecology is limited but there will be a need to ensure that protected species are safeguarded when the bypass is to be constructed.
- g. There would be a significant impact on the medieval manorial complex, however, mitigating measures are proposed to meet government advice and development plan requirements. The scheme would not have a material impact on St Mary's Church, a scheduled Ancient Monument, the Neolithic enclosure or on the listed milestone.
- h. The proposal makes adequate provision for pedestrians, cyclists and equestrians along the line of the bypass and generally in terms of alternative arrangements where routes have been severed or otherwise diverted. Consideration will be given to adequate provision for equestrians to cross the bypass at Station Road/Wilkinson Lane.
- i. The bypass will provide a balanced solution to the transportation problems in Earl Shilton. Whilst some residents will experience some disbenefits, overall there will be significant benefits experienced by the vast majority of residents in Earl Shilton. The improvements to Elmesthorpe Lane and traffic calming to Station Road etc will also be to the benefit of local residents.

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- j. It is considered that a thorough assessment has been undertaken of the issues involved with the construction of this major engineering project and it would appear that significant environmental benefits in terms of the reduction in predicted traffic flow through the centre of Earl Shilton will be realised. Mitigation measures incorporated into the scheme to minimise the environmental impact along the route of the proposed scheme are considered to be well conceived and appropriate for the development. Whilst some residents along the route will experience some disbenefits, overall there will be significant benefits experienced by the vast majority of residents in Earl Shilton. Appropriate conditions are recommended to be imposed to mitigate the various environmental impacts of the development and to secure a satisfactory design through the submission of details. Account has been taken of the recent work carried out by the Director of H.T. & WM which confirms that even under the worst case scenario the resulting effects are only marginally different to those presented in the ES which accompanied the applications and that the overall conclusions of the ES remain unaffected.
- k. Consequently, it is concluded that the proposal, as set out in the applications accompanied by the ES, the additional information submitted in June 2003 and October 2003 is, on balance, in accordance with national planning policy guidance, policies of the development plan and emerging LLRSP, is acceptable in planning terms, does not contravene human rights and is recommended for approval accordingly.

Recommendation

Permit both planning applications, subject to the following conditions:

Definition of Permission

1. The development hereby permitted shall be begun within five years of the date of this permission.
2. This consent relates to the application as amended by revised plans numbered 2003/0106A/04 and 2003/0104A/0, (drawings numbered 2362/H1/1/PA6;7;8).
3. This consent relates to the application as supported by additional information regarding noise and air quality from the Director of Highways, Transportation and Waste Management dated June 2003.

Noise, Light and Method of Working

4. None of the contractors heavy plant vehicles shall take access to the route of the bypass or ancillary works via the existing road network within Earl Shilton other than from the junction of the bypass with the A47.
5. Quiet road surfacing shall be used for the entire length of the carriageways of the proposed Bypass hereby permitted.

2003/0104/01 and 2003/0106/04 – continued

6. Before development commences details shall be submitted to and agreed in writing by the Director of Community Services of the location and design of the proposed lighting columns and the light fittings. The design of the light fittings shall be such that the effects of light pollution are minimised.

Landscaping and Public Rights of Way

7. Notwithstanding the details shown on the submitted plan, before any development is commenced on site, a landscape scheme shall be submitted to and approved in writing by the Director of Community Services. The scheme shall indicate:-
 - a) the treatment proposed for all ground surfaces, together with the numbers, types, species of planted materials, their disposition and a timescale for the individual areas of planting.
 - b) the compensation being made for any hedgerow to be breached so that no overall linear habitat is lost. The hedge which is to be lost in the vicinity of Elmesthorpe Church shall be reinstated on completion of the road widening works to Elmesthorpe Lane in such a way as to retain the current historic character and setting of the church.
 - c) that the section of bunding on the southern side of the proposed bypass between Elmesthorpe Lane and Wilkinson Lane will be landscaped with 'woodland structure planting' rather than 'scattered tree planting' to mitigate the visual and noise impact of the scheme;
 - d) a suitable barrier fence in the 80m wide gap provided for the clearance of the overhead electricity lines and pylons along the eastern embankment of the proposed bypass at its northern end where it passes close to Bracknell Farm to mitigate the visual impact of the scheme;
 - e) the inclusion of a number of spiky leafed species (in the interests of air quality), particularly where the route passes close to residential areas;
 - f) the design of the bunding which shall be provided along the route at a height of at least 2m and 3m above the finished ground level of the road in the locations indicated on the submitted plan except where the bunds are to be tapered down to surrounding ground levels. The bunding mounds should be tapered and overlapped in the vicinity of 'gaps' wherever possible to reduce the amount of noise breakout from the road.
8. The approved landscape scheme referred to in condition above, especially the woodland planting, shall be carried out at the earliest possible opportunity in the course of the development and all planted material shall be suitably maintained and replaced as necessary by the applicant(s) or owners of the land at the time for a period of not less than 10 years from the date of planting.

2003/0104/01 and 2003/0106/04 – continued

9. The approved landscape scheme shall be accompanied by a detailed proposal and programme (management plan) of habitat creation, which shall be submitted to and approved in writing by the Director of Community Services before development commences.
10. Before the development hereby permitted is commenced including site works of any kind, existing trees, shrubs or hedges to be retained shall be protected by fences in accordance with BS5837 erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details to be agreed by the Director of Community Services. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected, vehicular movement take place within these fences; no change in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the Director of Community Services. No tree shall be used as an anchorage, nor shall any item whatsoever be affixed to any retained tree. If trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.
11. Before development commences details shall be submitted to and approved in writing by the Director of Community Services with regard to the provision of a crossing facility for equestrians at the junction of Station Road/Wilkinson Lane and the bypass.
12. On completion of the bypass, waymark signs and finger posts shall be provided at appropriate locations to be first agreed in writing with the Director of Community Services.
13. All new bridleways shall be laid out with a minimum usable width of 3m and finished with an all weather surface of gravel or similar material in appropriate locations to be first agreed in writing with the Director of Community Services.

Surface and Foul Water Drainage

14. Before any development commences, including site works of any kind, details of the means of disposal of all surface waters shall be submitted to and approved in writing by the Director of Community Services. Such a scheme shall consider the use of Sustainable Drainage Techniques. The disposal scheme shall include details of:-
 - a) The proposed method of limiting any outflow from the development to the maximum allowable rate i.e greenfield site run-off (please note that the average figure taken for a 1 in 1 year greenfield site run-off is 5 l/s/ha).

2003/0104/01 and 2003/0106/04 – continued

- b) The drainage calculations that demonstrate how the system deals with the surface water run-off from the development up to a 1 in a 100 year flood event.

All schemes required by this condition shall be implemented in accordance with the details and timetable agreed.

15. Before development commences a scheme for the provision and implementation of a surface water run-off limitation shall be submitted to and approved in writing by the Director of Community Services. The scheme shall be implemented in accordance with the approved programme and details before development commences.
16. There shall be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions shall be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
17. Before development commences details of the means of crossing of watercourses shall be submitted to and approved in writing by the Director of Community Services. These shall be subsequently implemented in accordance with the approved details.
18. There shall not be any apparatus belonging to Severn Trent Water diverted or moved without the prior written consent of the Director of Community Services.

National Grid and Gas Services

19. Before development commences details shall be submitted to and approved in writing by the Director of Community Services of the appropriate protection which shall be provided to the TRANSCO National Transmission System pipeline (Feeder No4) in the area of the Bypass.
20. There shall not be any changes proposed or carried out in ground levels within the vicinity of the overhead line which will reduce safety clearances to the line without the prior written consent of the Director of Community Services.
21. There shall be no encroachment within 5.3m of the 40k volt conductors when under their worst condition of maximum sag and swing.
22. There shall not be any trees planted directly beneath or immediately adjacent to the overhead lines.
23. There shall not be any excavations or test boreholes carried out that would disturb overhead line tower foundations.

2003/0104/01 and 2003/0106/04 – continued

Landfill Site

24. The tipped material from the former landfill site at Breach Farm (ashpit) shall be excavated with care to the satisfaction of the Director of Community Services and disposed of in an appropriate way to an authorised site and shall not be used as any part of the development.

Ecology

25. The mitigation measures referred to in condition 25 above shall set out the detailed design, methods statement and timetable of works to mitigate for harm to any protected species discovered and shall be approved in writing by the Director of Community Services and carried out as part of the development. No development shall take place except in accordance with the agreed details.
26. No development shall take place within the application area, including sites works of any kind, until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the County Planning Authority. This scheme shall specify details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. This shall include the provision of a stout post and rail fence around all ecologically sensitive areas, including the Thurlaston Brook, near or on the route of the bypass which are to be retained before works commence to protect them from damage by machinery.

Archaeology and Listed Building

27. Before the development hereby permitted is commenced including site works of any kind the listed milestone on the north side of the A47 at the northern end of the scheme shall be protected by a fence in accordance with details to be agreed by the Director of Community Services. No materials whatsoever shall be stored, rubbish dumped, fires lit, other activities or any change in ground level take place within this fence without the previous written consent of the Director of Community Services. The milestone shall not be used as an anchorage, nor shall any item whatsoever be affixed to it. If trenches for services are required in the fenced off area they shall be excavated and backfilled by hand.
28. No development shall take place within the area indicated, (this would be the line of the bypass) including sites works of any kind, until the applicant (or their agent or successors in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing with the Director of Community Services.

2003/0104/01 and 2003/0106/04 – continued

29. At least one week prior to the commencement of development, including site works of any kind, written notice shall be given to Leicestershire County Council Heritage Services of the intention to commence works. Access shall then be afforded to the appointed archaeological contractor to provide for an archaeological Watching Brief during site works. This will be done in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Director of Community Services.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, and to enable the County Planning Authority to review the position at the end of this period.
- 2&3 For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
- 4,5&6 To minimise the impact of the development on the surrounding area.
7. To enhance the appearance of the development, reduce its visual impact on the locality and in order to minimise the impact of the scheme on the wider landscape.
8. In order to minimise the impact of the scheme on the wider landscape and to ensure that the work is carried out within a reasonable period and is properly maintained.
9. To ensure that appropriate measures are taken to compensate for the loss and positive replacement of natural habitats.
10. To ensure that the proper steps are taken to safeguard the existing trees, shrubs and hedges during the course of the construction of the development
11. To ensure there is an opportunity for formal crossing of the bypass by equestrians.
12. In the interests of public amenity.
13. To provide a suitable surface for equestrian use.
14. To ensure that the development is provided with a satisfactory means of drainage and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 15&16 To ensure that there will be no increased risk of flooding to other land/properties due to the impedance of flood flows and/or reduction of flood storage capacity.

2003/0104/01 and 2003/0106/04 – continued

- 17&18 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.
- 19,20, In the interests of safety in the vicinity of the gas pipeline and overhead
21,22 electricity line and pylons.
&23.
24. To prevent the risk of contamination
- 25 To ensure that appropriate measures are taken to protect features of
&26. importance to nature conservation, including protected species and their habitats, and reduce ecological impacts of the development.
27. To ensure that the proper steps are taken to safeguard the listed milestone during the course of the construction of the development
- 28&29 To ensure satisfactory archaeological investigation and recording during development."

Notes to Applicant:

- (i) Your attention is drawn to the contents of the letter dated 19th March 2003 from the Environment Agency setting out advice relating to the submission of details for various matters associated with land drainage and the crossing of watercourses. Reference is also made to the existence of a former landfill site within 250m of the proposed development.
- (ii) Your attention is drawn to the contents of the letters dated 20th February, 28th March and 22nd April 2003 from Transco attached to this consent.
- (iii) Your attention is drawn to the contents of the letter dated 12th February 2003 from Severn Trent Water attached to this consent.
- (iv) Your attention is drawn to the contents of the letter dated 2nd April 2003 from National Grid attached to this consent setting out working methods and safe working practices.
- (v) Your attention is drawn to the contents of the letter dated 18th February 2003 from the Director of Community Services, Heritage Services - Ecology Unit and the letter dated 6th May 2003 from English Nature attached to this consent setting out advice and requirements with regard to protected species, landscaping and the creation of habitats.
- (vi) Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, should birds or bats be present in any trees affected by the development any site clearance operations should only be undertaken during the months of October to February inclusive.

2003/0104/01 and 2003/0106/04 – continued

- (vii) Your attention is drawn to the contents of the memorandum dated 9th June 2003 from the Director of Community Services, Heritage Services – Archaeology Unit attached to this consent setting out advice and requirements with regard to archaeological matters.
- (viii) Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpaths and bridleways which cross the site to which the application relates. If it is intended to divert or stop up the footpaths or bridleways the appropriate legal steps must be taken before development commences.
- (x) Where new bridleways or existing public rights of way are to run alongside trees or hedges or other plantings which form part of the bypass' landscape scheme then it will be important for provision to be made for their future maintenance in order to prevent obstruction of the rights of way network.
- (xi) Consideration should be given to the provision of road signs on the bypass which alert motorists to locations where rights of way users may be crossing the bypass.
- (xii) You are advised to make early contact with the Environmental Health Officers of Blaby District Council and Hinckley & Bosworth Borough Council regarding the working methodologies for construction to be included in the tender documents for the scheme.
- (xiii) You are advised that if there is a need for the importation of material from a new borrow pit in association with the construction of the bypass, then an additional planning permission will be required for that pit.

Policies and Proposals of the Development Plan relevant to this decision

Leicestershire Structure Plan:-

Strategy Policy 4; Environment Policies 2, 7, 9, 11; Transport Policies 2, 3, 9, 10

Hinckley & Bosworth Local Plan:-

Policies T2, RES1(j), NE5, NE3, NE6, NE7, NE8, NE12, NE13, NE14, NE15, NE17, BE5, BE12, BE13, BE14, BE15 and BE16,

Blaby District Local Plan:-

Policies T17, C2, C3, C11, CE1, CE2, and CE19

Background Papers

- A47 Earl Shilton Bypass – Environment Statement Volume 1 (January 2003) -Leicestershire County Council
- A47 Earl Shilton Bypass – Environment Statement Volume 1 (January 2003) - Leicestershire County Council
- Report to Cabinet Meeting 3rd December 2002 by Director of Highways, Transportation and Waste Management re Earl Shilton Bypass

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- A47 Earl Shilton Bypass – Further Information relating to Noise and Air Quality Issues (June 2003) -Leicestershire County Council
- Update of Traffic Forecasts – October 2003

Circulation Under Sensitive Issues Procedures

Mr. D.R. Bown, CC,
Mr. E.F. White, CC
Mr. P.G. Winkless, CC
Mrs. R. Camamile, CC

Officers to Contact

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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.