

LEICESTERSHIRE COUNTY COUNCIL

NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD

**The Leicestershire County Council (A606 North and East
Melton Mowbray Distributor Road, Classified Road) Side Roads
Order 2020**

**The Leicestershire County Council (A606 North and East Melton
Mowbray Distributor Road) Compulsory Purchase Order 2020**

Proof of Evidence No. LCC 1

Addendum 1

Janna Rose Walker LLB MTPS

September 2021

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1. The Planning Position

- 1.1 The Council previously agreed to review the design at Thorpe Brook Bridge to enable the segregation of the bridleway from the farm access track subject to consideration of planning related matters. The Council subsequently committed to progressing a Non-Material Amendment (“NMA”) to the extant planning permission ref 2018/1204/06 to this effect. An update to the planning position is set out below.
- 1.2 On 18 August 2021 the Council submitted an application to LCC as the Planning Authority in accordance with s96A of the Town and Country Planning Act 1990 to make an NMA.
- 1.3 LCC as the Planning Authority approved the NMA on 10 September 2021. A copy of the approval is included in Addendum 1 Appendix A.
- 1.4 The effect of the NMA is to realign the bridleway which runs under the Thorpe Bridge, to move it further towards the west side of the bridge underpass. Separating the bridleway and having it pass under the structure on the opposite side of the brook will allow the safe simultaneous passage of livestock along the farm access path and equestrian users along the bridleway. The start and the end point of the bridleway remain unchanged.
- 1.5 The approved NMA alters two plans listed in the Decision Notice. The revised plans were submitted with the application. These plans replace versions P02 of the same plans and are:
 - Thorpe Brook Bridge Indicative General Arrangement (60542201-ACM-STRS3_BR_B02_Z -DR-T-0001 P03)
 - Indicative proposed NMU Routes Sheet 4 of 7 (60542201-ACM-ENMS3_GEN_ZZ_Z -DR-T-0004 P03)
- 1.6 The approved NMA has enabled the Council to propose further modifications to the SRO, details of which are set out in Chapter 3.

2. Objections and Representations

- 2.1 The Council committed to providing an update to the Inquiry in respect of a number of objections and also provides an update in respect of other objections where considered appropriate.
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2.2 Objections from Mr G. Brooker (DfTObj03)

2.2.1 The Latest Position

- a) The Council has prepared a response (Inquiry document reference number LCCREB1) to the Proof of Evidence submitted by Mr G. Brooker.
-

2.3 Objections raised by Network Rail (DfTObj07)

2.3.1 The Latest Position

- a) A Deed of Undertaking is now in agreed form and the Council anticipates the objection to be withdrawn forthwith.
-

2.4 Objection by Mr C. Skelton (DfTObj08)

2.4.1 The Latest Position

- a) The Council previously agreed to review the design at Thorpe Brook Bridge to enable the segregation of the bridleway from the farm access track subject to consideration of planning related matters. The Council subsequently committed to progressing an NMA to the extant planning permission to this effect.
- b) As described in Chapter 1, the Council applied for an NMA on 18 August 2021 to realign the bridleway which runs under the Thorpe Bridge, to move it further towards the west side of the bridge underpass. Separating the bridleway and having it pass under the structure on the opposite side of the brook will allow the safe simultaneous passage of livestock along the farm access path and equestrian users along the bridleway. The start and the end point of the bridleway remain unchanged.
- c) LCC as the Planning Authority approved the NMA on 10 September 2021.
- d) The approved NMA has enabled the Council to propose further modifications to the SRO, details of which are set out in Chapter 3.

- e) The Council has written to Mr Skelton to confirm that, provided that the Orders are confirmed by the Secretary of State in that form, the Council will implement the new design which segregates the bridleway from the farm access track.
-

2.5 Objection by BK and JC Holt (DfTObj09)

2.5.1 The Latest Position

- a) The Council understands this objection has been withdrawn and awaits confirmation of the same.
-

2.6 Objections by Hatton and Lovegrove (DfTObj15)

2.6.1 The Latest Position

- a) The Council has prepared a response (Inquiry document reference number LCCREB2) to the Proof of Evidence submitted by Hatton and Lovegrove.
-

2.7 Objections by Western Range Ltd. (DfTObj18)

2.7.1 The Latest Position

- a) Withdrawn.

3. Further Modifications

- 3.1 Attached at Addendum ,1 Appendix B, is a list of further Modifications which the Council would wish to be considered by the Inquiry. The modifications were submitted to the DfT and the Inquiry Programme Officer on 20 September 2021. They relate only to the SRO. I have attached them as an appendix to ensure that they can be identified from the evidence but I have also arranged for them to appear as a separate Inquiry Document (MOD18) so that they can be found with ease should any further matter arise following the publication of the evidence.
- 3.2 The need for modification number 62 arises from the NMA to the extant planning consent described in Chapter 1 and Paragraph 2.4.1. The modification will segregate the bridleway N4 from the private means of access 9 which will be used for agricultural purposes including the movement of cattle.
- 3.3 Modification numbers 63 to 68 inclusive are made at the request of Network Rail to ensure access for the purposes of Network Rail is provided along the length of Lag Lane.

Appendix A

Approved NMA

Esme Portsmith
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date:
My Ref:
Contact:
Phone:
Email:

10th September 2021

[REDACTED]
Mr. Brian O' Donovan
[REDACTED]
[REDACTED]

By email.

Dear Esme,

2021/NMA/0119/LCC– LEICESTERSHIRE COUNTY COUNCIL – NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 2018/1204/06 (2018/REG3MA/0182/LCC) - NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD

I am writing to you in regard to your application for a Non-Material Amendment dated 18th August 2021 in respect of the above proposal.

Your application has been considered in accordance with s96A of the Town and Country Planning Act 1990. This requires that in making a decision on whether a proposal constitutes a non-material amendment, the Local Planning Authority should have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

Your application (Ref. No. 2021/NMA/01119/LCC) is set out in the submitted documents:

Application Form (dated 18/8/2021)

Cover Letter (dated 18/8/2021)

Thorpe Brook Bridge Indicative General Arrangement (60542201-ACM-STR-S3_BR_B02_Z
DR-T-0001 P03) - dated 18/8/2021

Indicative proposed NMU Routes Sheet 4 of 7 (60542201-ACM-ENM-S3_GEN_ZZ_Z -DR-T-
0004 P03) – dated 18/8/2021

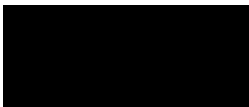
The application requests the following amendments to the original planning permission:

- Realignment of the bridleway which runs under the Thorpe Bridge, the bridleway will be shifted further towards the west side of the Bridge underpass.

I have assessed the effect of the amendment which I consider does not materially change the original planning permission. Accordingly, I can confirm that your proposed amendment (ref. no. 2021/NMA/0119/LCC) is hereby approved.

This letter and the application should be kept and read alongside the previously issued decision notice to the original application ref. 2018/1204/06 (2018/REG3MA/0182/LCC). Please be advised that this letter does not convey any additional approval which may be required under other legislative regimes.

Proper Officer of the Council:



Oliver Meek
Team Manager - Planning

Chief Executive's Department
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John Sinnott, CBE, MA, Dipl. PA, Chief Executive
Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance

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Appendix B
FURTHER MODIFICATIONS
16 SEPTEMBER 2021
**THE LEICESTERSHIRE COUNTY COUNCIL (A606 NORTH & EAST MELTON MOWBRAY
DISTRIBUTOR ROAD, CLASSIFIED ROAD) SIDE ROADS ORDER 2020**

No.	Sheet	Ref no.	Details
62	4	N4	Revised realignment of bridleway N4.
63	5	16	Description details amended to include access for the purposes of Network Rail.
64	5A	16	Description details amended to include access for the purposes of Network Rail.
65	6	16	Description details amended to include access for the purposes of Network Rail.
66	6A	16	Description details amended to include access for the purposes of Network Rail.
67	7	16	Description details amended to include access for the purposes of Network Rail.
68	7A	16	Description details amended to include access for the purposes of Network Rail.

Notes

1. Number 62: The alignment of bridleway N4 has been modified following landowner negotiations and to segregate the bridleway N4 from the private means of access 9 which will be used for agricultural purposes including the movement of cattle. The modification has been enabled by the approval on 10 September 2021 of a s96A non-material amendment to the extant planning permission for the realignment of bridleway N4.
2. Numbers 63 to 68 inclusive: Proposed modification made at the request of Network Rail.