

# **Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023**

## **Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023**

PINS Ref: NATTRAN/EM/HAO/299

### **LLC5: Proof of Evidence of Esme Portsmouth Planning**

**dated 20 May 2024**

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# 1 Introduction

## 1.1 Qualifications and Experience

1.2 I, Esme Portsmouth, am a Chartered Principal Planner at AECOM. I have been in this role since October 2021. I have worked in similar roles at AECOM since September 2012 having previously worked as planning assistant in two East Midlands Local Authorities between 2008 and 2012. In my role I am responsible for advising promoters of infrastructure projects through the planning process. I have worked on a range of other road schemes, providing planning advice and support including:

1.2.1 The Melton Mowbray Distributor Road (MMDR) Leicestershire;

1.2.2 Hollis Lane Link Road, Chesterfield:

1.2.3 Hogshaw roundabout, Buxton:

1.2.4 Ashbourne Airfield access road.

1.3 I hold a BA (Hons) degree in Geography from Portsmouth University and a MSc degree in Urban and Regional Planning from Sheffield Hallam University, and I have been a Chartered Member of the Royal Town Planning Institute since 2014. Accordingly, I have extensive experience in planning and have worked in this industry for approximately 14 years.

1.4 This proof of evidence is made in respect of the Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023 (the **SRO**) and the Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023 (the **CPO**) (together, the **Orders**) in connection with the Leicestershire County Council A511 Growth Corridor (also referred to in this Proof of Evidence as the **Scheme**).

1.5 The facts and matters set out in this proof of evidence are within my own knowledge. The facts set out below are true to the best of my knowledge and belief. Where reference is made to facts which are outside my knowledge, I set out the source of my information and I believe such information to be true.

1.6 I have been assisted by other professional advisors and officers of the Council with the preparation of this proof of evidence, some of whom will also provide evidence to the inquiry.

1.7 This process is not an Inquiry into the planning permission or the use of permitted development rights to bring forward the Scheme. The Scheme has all the permission it requires under the planning controls that exist and the Inquiry now is into how that Scheme is to be brought forward. It is therefore an Inquiry into the CPO and the SRO and in order to understand the justification for the use of such Orders it is necessary to understand the planning position.

## 1.8 Involvement with the Scheme

1.9 I have been working on the Scheme, comprised of various alterations to the road network and the addition of the Bardon Link Road as part of my role at AECOM since January 2021. The majority of my time and input has been, for reasons I identify below, in respect of the Bardon Link Road application. My role has involved, general planning agent advisory input for the proposed Bardon Link Road from an early stage of design.

- 1.10 I led the initial consultation with the Council's planning authority officers, holding pre-application advice discussions with the Council as planning authority in August 2021 (in this proof of evidence I refer to the Council in its role as planning authority as the **Planning Authority**). I supported the wider project team through providing advice on the design compliance with planning policy and facilitated public consultation events held in Coalville. I was responsible for the preparation of the Planning Statement and the Statement of Community Engagement submitted with the Original Bardon Link Road Application. I led the coordination of the planning application through to submission and continued to liaise with the Planning Authority following submission to the point of determination, including preparing responses to consultee comments.
- 1.11 Since consent was granted for the Original Bardon Link Road Application in January 2023, my direct involvement has been more limited with matters being progressed by others within the AECOM Planning Team. The preparation and submission of the S73 application was progressed by others within the AECOM Planning Team, however I have reviewed their files and am familiar with the S73 Bardon Link Road Planning Application and the S73 Bardon Link Road Planning Permission. My current role on the Scheme, is to manage the discharge of conditions attached to the S73 Bardon Link Road Planning Permission and to provide general planning advice to the Council through the process, including dealing with any other matter arising under the use of permitted development rights for those works not contained within the Original Bardon Link Road Planning Permission.
- 1.12 I have also separately considered the planning position of all other elements of the Scheme which do not benefit from express planning permission.

## 2 Scope of evidence

- 2.1 Within this evidence, I address matters relating to planning for the Scheme as a whole given it is a single proposal, which can be considered as consisting of a number of specific parts, which are known as Projects. There are nine Projects in total with the Bardon Link Road being one of them. However express planning permission is not required for highways improvement works forming part of the Scheme on all of the Projects save in respect of the Bardon Link Road. Those highways works are being carried out under permitted development rights and therefore benefit from deemed consent. As such those works will have limited planning harm and by virtue of the centrally granted planning permission through permitted development rights, do not require assessment by planning authorities. However, I have considered the position with regard to those works and discuss those below in this Proof of Evidence.
- 2.2 This Proof of Evidence will therefore relate to all the Projects but will in particular provide the details of the application process for the Bardon Link Road element of the Scheme including key stages and timescale for the preparation, submission, consultation and determination of the Bardon Link Road Planning Application.
- 2.3 The evidence provided in this Proof of Evidence has been prepared and is given in accordance with the guidance of my professional institute, the Royal Town Planning Institute, and I confirm that the opinions expressed are my true and professional opinions.
- 2.4 I set out the following evidence below in this Proof of Evidence:
- 2.4.1 The grant of planning permission;
  - 2.4.2 The decision making body;
  - 2.4.3 Pre-application consultation;
  - 2.4.4 Application documents;
  - 2.4.5 The post submission process;
  - 2.4.6 Planning conditions;
  - 2.4.7 Compliance with planning policy; and
  - 2.4.8 The planning benefits of the Scheme.
- 2.5 Separate Proofs of Evidence have been prepared for the following environmental topics. These have been prepared and are presented as appendices to this planning Proof of Evidence to address a number of specific topics relevant to the Scheme. Each has been prepared as a proof of evidence by a named individual should the need arise to call them as a witness, but each is submitted as a written representation as the contents are not thought to be controversial:
- 2.5.1 Landscape Proof of Evidence prepared by Nigel Weir (**Appendix EP1**);
  - 2.5.2 Noise Proof of Evidence prepared by Matthew Muirhead (**Appendix EP2**);
  - 2.5.3 Air Quality Proof of Evidence prepared by Rachel Perryman (**Appendix EP3**);

- 2.5.4 Ecology Proof of Evidence prepared by Professor Max Wade (**Appendix EP4**);  
and
- 2.5.5 Climate Change Proof of Evidence prepared by Ian Davies (**Appendix EP5**).

### 3 Planning evidence

#### 3.1 Grant of planning permission

- 3.2 The Original Bardon Link Road Planning Application for the Bardon Link Road was validated by the Planning Authority on 25 May 2022 and granted on 12 January 2023 (application number: 2022/RegMa/0069/LCC). The Decision Notice is Document P1 in the List of Documents for reference. The description of development as presented within the Decision Notice is provided below:

*‘Construction of a link road extending southwards from the A511 Bardon Road comprising a new approximately 450 metre section of highway, with provision of a shared foot/cycleway, construction of a fourth arm on existing Bardon Road/Stephenson Way roundabout junction, underbridge beneath the railway, diversion of existing public right of way (PROW), demolition of four houses along the south side of the A511 and associated drainage works including a culvert through the railway embankment and balancing pond.’*

- 3.3 A Screening Opinion Request under Part 2, Regulation 6 of the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 (Document L10 in the List of Documents) was submitted to the Council on 15 April 2021. The screening opinion (reference 2020/EIASCR/054/LCC) from the Planning Authority dated 27 May 2021 determined that an Environmental Impact Assessment was not required for the application. A suite of environmental reports was however prepared in support of the Original Bardon Link Road Planning Application, comprising:

- 3.3.1 Air quality assessment (Document P15 in the List of Documents);
- 3.3.2 Aquatic ecology survey report (Document P14 in the List of Documents);
- 3.3.3 Arboricultural impact assessment (Document P7 in the List of Documents);
- 3.3.4 Biodiversity net gain assessment and report (Document P6 in the List of Documents);
- 3.3.5 Flood risk assessment and outline drainage strategy (Document P17 in the List of Documents);
- 3.3.6 Heritage statement (Document P18 in the List of Documents);
- 3.3.7 Landscape and visual appraisal (Document P20 in the List of Documents);
- 3.3.8 Noise assessment (Document P19 in the List of Documents);
- 3.3.9 Phase 1 geotechnical and geo-environmental desk study (Document P8 in the List of Documents);
- 3.3.10 Preliminary ecological appraisal (Document P13 in the List of Documents); and
- 3.3.11 Protected species reports (badgers, bats, reptiles, riparian mammals) (Documents P9-P12 in the List of Documents).

### 3.4 The Decision-Making Body

- 3.5 The Bardon Link Road is situated within North West Leicestershire in Leicestershire. The majority of planning applications in this area are determined by North West Leicestershire District Council (**NWLDC**) with the exception of those that are deemed to be 'County Matters,' such as highways matters, development at schools and minerals and waste applications. However, due to the Council being the applicant, this application was determined by the Council's planning department i.e the Planning Authority under Regulation 3 of the Town and Country Planning General Regulations 1992 (Document L11 in the List of Documents). Regulation 3 states that:

*'3. Subject to regulation 4, an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.*

*4. – (1) Regulation 3 does not apply in the case of an application for planning permission to develop land of an interested planning authority where –*

*(a) the authority do not intend to develop the land themselves or jointly with any person, and*

*(b) if it were not such land the application would fall to be determined by another body.'*

- 3.6 The Bardon Link Road is being developed by the Council Highways and involves some land owned by the Council. The Council is therefore an 'interested' planning authority and is intending to develop the land themselves. The application therefore meets the requirements of Regulation 3 and the exceptions in regulation 4 do not apply. The application was therefore determined properly by the Planning Authority rather than NWLDC.
- 3.7 The Planning Authority's Development Control and Regulatory Board resolved to approve the Original Bardon Link Road Planning Application subject to conditions on 12 January 2023. The committee report confirms that the principle of the proposal is in accordance with the policies and strategies of the Development Plan which makes provision for a link road, confirming that the development also complies with the policy requirements of the NPPF and would enable improvements to congestion levels as part of the wider Scheme.
- 3.8 A revision to the proposed drainage design and associated landscape proposals required a further application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 and 4. This Section 73 Bardon Link Road Planning Application was validated by the Planning Authority on 21 June 2023 and granted on 22 September 2023 (application number: 2023/VOCRMa/0055/LCC). The Decision Notice is Document P27 in



the List of Documents for reference. The Section 73 Bardon Link Road Planning Permission is the one that will be implemented as part of the Scheme.

### **3.9 Pre-Application Consultation**

3.10 Extensive pre-application consultation was carried out prior to the submission of the planning application including:

3.10.1 Public consultation events in September 2019, to introduce and discuss the Scheme;

3.10.2 Public consultation in September – October 2021, to present the Bardon Link Road element of the Scheme;

3.10.3 A letter-drop to the directly effected neighbours of the scheme was undertaken by the applicant in September 2021;

3.10.4 Following the letter drop, the applicant made a second visit to these properties to give residents an opportunity to discuss the scheme proposals directly;

3.10.5 Staffed drop-in events at the Hermitage Park Hotel, Coalville;

3.10.6 A further information letter was distributed to a wider area (1,700 properties) in September 2021;

3.10.7 Posters were displayed at key locations; social media live feeds were published and a media release was issued to The Coalville Times detailing the Bardon Link Road proposal and the dates for the drop-in consultation events;

3.10.8 An online consultation page was available on the Council's website throughout the consultation period which provided details of the Bardon Link Road scheme and a feedback option; and

3.10.9 Direct engagement was held with the lead Council Member and the relevant County Councillors.

3.11 A feedback form was made available to gather feedback with 68 feedback forms received. A further 13 emails were received via the dedicated scheme email inbox and 201 visitor sessions were logged on the online consultation website. The feedback received presented a number of key themes including concern over speed limits, the environmental impact, congestion with consultees agreeing there is a current congestion issue in the area and impacts on pollution particularly during the construction phase of development.

3.12 The Statement of Community Engagement (Document P4 in the List of Documents) submitted with the full planning application presents a full overview of the consultation carried out, the feedback received through the consultation process and how the applicant took on board the comments received.

### **3.13 Application Documents**

3.14 Due to the size and scale of the proposed scheme, the Original Bardon Link Road Planning Application was a 'major' application. The application was not considered to constitute Environmental Impact Assessment (EIA) development, following confirmation via scoping

opinion obtained from the Planning Authority and as such an Environmental Statement was not prepared in support of the application, a suite of environmental reports was prepared to support the application and inform the potential mitigation measures.

- 3.15 The Original Bardon Link Road Planning Application was accompanied by the documents listed in table 1.1 below. The amended column specifies whether the document was amended as part of the S73 Bardon Link Road Planning Application.

**Table 1.1: Planning Application Supporting Documents**

Document	Author	Contents	Amended Y/N
Application form and certificates	AECOM	Planning application form, ownership certificates notices and agricultural holding declaration.	Y: a S73 application form was submitted for the S73.
Arboricultural Impact Assessment	AECOM	Survey of trees and hedgerows in the vicinity of the planning application site boundary.	Y: an addendum to the original report was submitted to inform the S73 application in response to the required design change.
Geo-Environmental Phase 1 Desk Study	AECOM	Report to assess the potential contamination issues on the site and to review the effects of the geological conditions and site activities	N
Transport Assessment	AECOM	Transport Assessment of the Bardon Link Road	N
Statement of Community Engagement	AECOM	Statement setting out the strategy taken on community and stakeholder engagement, feedback received and how the applicant has taken that feedback into consideration.	N
Planning Statement	AECOM	Statement presenting the policy compliance of the new road.	N
Location Plan	AECOM	Plan showing the application site boundary and land controlled by LCC in the vicinity of the application site.	N
Long Sections / Cross Sections/ Driveway Works Plans/ Visibility Splays/ Auto Tracking	LCC	Cross sections and long sections taken at points along the route. Highways plans to illustrate visibility and manoeuvrability of vehicles on the new road.	N
Landscape Masterplan	AECOM	Plans showing proposed measures to landscape the new road.	A revised landscape masterplan was submitted in support of the S73 application to reflect the change in design.
Landscape and Visual Appraisal	AECOM	Report to present a high-level summary of effects on landscape character and visual amenity within the immediate and wider landscape.	Y: A Landscape and Visual Appraisal addendum document was prepared in support of the S73 application.

Document	Author	Contents	Amended Y/N
Noise Report	AECOM	Report assessing the likely noise and vibration during construction and operation of the new road.	N
Heritage Statement	AECOM	Report to assess the likely impact of heritage assets as a result of the new road.	N
Air Quality Assessment	AECOM	Report to assess the impact on air quality during construction and operation of the new road.	N
Preliminary Ecological Appraisal	AECOM	A high-level ecological appraisal of the application site to establish the existing conditions, identify ecological constraints to the development, identify mitigation measures and to identify any opportunities for the development to deliver ecological enhancement.	N
Protected Species Reports: • Badgers • Reptiles • Riparian Mammals • Aquatic Ecology • Bat Preliminary Roost Assessment and Survey	AECOM	Reports on the various species surveys carried out on the application site to identify the presence or likely absence of the species, record and map evidence, provide an assessment of the relative importance of the site for each species and to highlight potential constraints to each species.	N
BNG Report and Metric	AECOM	The BNG report presents a comparison between the biodiversity value of habitats present within the application site prior to the development and the predicted biodiversity value of habitats following construction.	Y: A revised BNG report and metric were prepared and submitted in support of the S73 application, to assess the impact of the required design change.
Flood Risk Assessment and Drainage Strategy	LCC	A site-specific flood risk assessment and outline drainage strategy.	Y: A revised FRA and outline drainage strategy was prepared and submitted in support of the S73 application. The revised document assesses the impact of the required design change on flood risk and drainage.

### 3.16 Post Submission Process

3.17 Following validation of the Original Bardon Link Road Application, the Planning Authority undertook a 21-day public consultation exercise on the planning application from 7 June 2022 to 28 June 2022. The following responses from consultees were received:

3.17.1 NWLDC Planning, 27 June 2022 – confirmed that the District Council has no objections to the Bardon Link Road Scheme:

- 3.17.2 Council Archaeology, 5 December 2022 - confirmed that a condition requiring post-determination mitigation should be secured to include works in line with an approved archaeological written scheme of investigation (**WSI**):
- 3.17.3 Council Highways, 27 June 2022: in the interest of highway safety Council Highways requested a series of conditions to be attached to the consent.
- 3.17.4 Network Rail, 1 July 2022 – confirmed that the scheme is proposed to be constructed through operational railway land as such an asset protection agreement should be sought, and to confirm no further comments.
- 3.17.5 Council Lead Local Flood Authority (**LLFA**), 30 June 2022 – confirmed that the proposals are considered acceptable in principle subject to securing conditions with regards to the submission of a surface water drainage scheme, the management of surface water during construction and long-term maintenance of the surface water drainage.
- 3.17.6 Council Landscape, 22 June 2022 – acknowledged that the proposal would not have a significant adverse impact on the landscape character or visual amenity of the area. They request that a landscape management and maintenance plan is prepared and submitted in due course.
- 3.17.7 Cllr Keith Merrie, 8 June 2022 – identified three concerns with the proposal; HGV access and egress during construction and their impact on neighbouring housing areas; the provision of wheel wash facilities for vehicles leaving the site during the construction; debris on the highway – roads and footpaths.
- 3.17.8 NWLDC Environmental Health, 14 June 2022 – the response confirmed that the Air Quality Assessment provided was acceptable.
- 3.17.9 Davidsons Homes, 27 June 2022 - the response confirmed that Wilson Enterprises Limited are the land owners of land forming part of the Bardon Link Road and balancing pond areas and have a planning application for residential development designed to sit alongside the balancing pond area. The response notes that the Scheme would result in transport infrastructure improvements that are supported by Wilson Enterprises Limited and they requested further discussion with regards to the design of the balancing pond.
- 3.18 Following the consultation period, the Planning Officer's Report for the Development Control and Regulatory Board, 12 January 2023 was published (Document P23 in the List of Documents), the report recommended approval and concluded that (paragraph 116):

*'In principle the proposal is in accordance with the policies and strategies of the Development Plan, which makes provision for a link road. The proposed development complies with the policy requirements of the NPPF. The proposed development would enable improvements to congestion as part of the wider A511 Growth Corridor Scheme, as well as benefits to sustainable transport modes within the immediate vicinity of the scheme. It is also considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other development, the impacts on the road network would not be severe. The proposed development would not cause an unacceptable harm to the character/appearance/landscape to the application site*

*or the surrounding area, nor would the proposal create any unacceptable levels of harm to the amenity of the occupiers of the surrounding properties. The proposed development is also acceptable with regard to ecology, flood risk/drainage, archaeology/heritage and climate change considerations. Thus, the proposal is recommended for approval subject to the conditions outlined.'*

- 3.19 Full planning permission was granted for the scheme on 17 January 2023.
- 3.20 On 21 June 2023 a planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) for the variation of conditions 2 and 4 of the Original Bardon Link Road Application (reference 2022/RegMa/0069/LCC) was submitted to LCC Planning for consideration.
- 3.21 The S73 Bardon Link Road Planning Application sought to amend the design details in relation to the approved drainage layout and associated soft landscaping. The revised design comprised a smaller drainage pond in the southeast of the application site and more informal flood storage to the north of the railway embankment. The reduction in size of the drainage pond in the south-east of the site requires less permanent land take than what was consented in the Original Bardon Link Road Planning Permission design and would therefore allow some land which is currently safeguarded for a vehicular link through a Section 106 agreement signed in 2018 to be released back to the landowner. The more informal flood storage to the north of the railway embankment includes the re-alignment of existing minor watercourses/ditches to follow a more natural, meandering route. These amendments arose from discussion with one of the landowners.
- 3.22 To inform the S73 Bardon Link Road Planning Application, the following documents were provided, and it was requested that condition 2 of the original consent be varied to refer to these revised documents in place of the original versions:
  - 3.22.1 MRN A511.000\_H1\_1P\_1H\_Overview Revision H, issued June 2023 (Document P37 in the List of Documents);
  - 3.22.2 MRN A511.000\_H1\_1P\_6B Setting Out, revision B, issued June 2023 (Document P37 in the List of Documents);
  - 3.22.3 MRN A511.000\_H1\_1P\_10D Drainage Long Sections 1 of 2 revision D, issued 2023 (Document P37 in the List of Documents);
  - 3.22.4 MRN A511.000\_H1\_1P\_11B Drainage Long Sections 2 of 2 revision B, issued June 2023 (Document P37 in the List of Documents);
  - 3.22.5 MRN A511.000\_H1\_1P\_18 Drainage Revision J, issued June 2023 (Document P37 in the List of Documents);
  - 3.22.6 60647945\_ACM\_LD\_07\_vs – 60647945\_ACM\_LD\_12\_vw, Landscape Design Masterplan Sheets 1-6, Issued June 2023 (Document P38 in the List of Documents);
  - 3.22.7 Section 73 Covering Letter, issued June 2023;
  - 3.22.8 Landscape and Visual Appraisal Addendum, issued June 2023 (Document P32 in the List of Documents);

- 3.22.9 Flood Risk Assessment and Outline Drainage Strategy, issued June 2023 (Document P31 in the List of Documents);
  - 3.22.10 Arboricultural Impact Assessment Addendum, issued June 2023 (Document P30 in the List of Documents);
  - 3.22.11 Biodiversity Net Gain Report, issued June 2023 (Document P29 in the List of Documents); and
  - 3.22.12 Biodiversity Metric Spreadsheet, issued June 2023 (Document P36 in the List of Documents).
- 3.23 The S73 Bardon Link Road Planning Application also sought to amend the wording of condition 4 as follows with the amended text in bold:
- 'The proposed link road shall not be opened to the public until such a time as it has been constructed in accordance with the approved drawing **MRN A511.000\_H1\_1P\_1H\_Overview.***
- 3.24 During the consultation period the following responses from consultees were received:
- 3.24.1 Council Landscape, 5 July 2023 – confirmed no comments;
  - 3.24.2 Council Highways, 29 June 2023 - confirmed that in response to the variation of condition 2, Council Highways would assume the table of drawings and documents is to be updated to reflect changes proposed to drainage and landscape detail and as such has no comment and in response to the request to vary condition 4, the Council Highways notes that new overview drawing revision H, only incorporates with regard to drainage and landscape elements when compared to revision A as condition and therefore has no objection to the variation of condition 4;
  - 3.24.3 NWLDC Environmental Health, 17 July 2023 - confirmed no objections on the variations proposed;
  - 3.24.4 Council LLFA, 19 July 2023 – acknowledged the revisions to the Scheme including a proposed smaller drainage pond in the south-east of the site and more informal flood storage to the north of the railway embankment and confirmed no concerns; and
  - 3.24.5 NWLDC Planning, 14 August 2023 – confirmed no objections to the proposal.
- 3.25 Planning consent (reference 2023/VOCRMa/0055/LCC) to approve the variation to conditions 2 and 4 of the Original Bardon Link Road application was granted on 22 September 2023. This S73 Bardon Link Road Planning Permission is the consent that will be implemented as part of the Scheme by the Council.
- 3.26 **Planning conditions**
- 3.27 The S73 Bardon Link Road Planning Permission was granted on 22 September 2023 with 22 conditions attached. No conditions are considered as an impediment to the Bardon Link Road proceeding. Applications to discharge conditions should be determined within 8 weeks of a receipt of a valid application and all applications for pre-commencement conditions are

scheduled to be submitted and discharged prior to the commencement of development and expiry of the planning permission (reference 2023/VOCRMa/0055/LCC) to allow for lawful implementation.

- 3.28 The table below provides an overview of the conditions associated with the consent and presents an update of the work being undertaken to discharge them. In my opinion these are conditions of type that are expected for a development like the Bardon Link Road and no undue difficulty is expected in discharging the relevant details. Conditions highlighted are those that must be discharged prior to the commencement of development.

No.	Condition Summary	Current Status: June 2024
1	Development to commence by 22 May 2025	On track to commence work by May 2025.
2	Develop in accordance with submitted material	No documents required for submission.
3	Construction Traffic Management Plan required.	The Council is preparing the CTMP with a target aim to submit application to discharge in Q4 2024.
4	Construct in accordance with plan	No documents required for submission.
5	Offsite works to be complete prior to opening the Bardon Link Road	No documents required for submission.
6	Scheme for the treatment of footpath N86 required pre-commencement.	The Council is preparing the details with a target aim to submit application to discharge in Q4 2024.
7	PRoW boundary treatments required.	The Council is preparing the details with a target aim to submit application to discharge in Q4 2024.
8	Drop kerbs to be installed at footpath N86 crossing of carriageway.	No documents required for submission.
9	Surface water drainage scheme required pre-commencement.	The Council is preparing the details with a target aim to submit application to discharge in Q4 2024.
10	Management of surface water on site during construction required.	The Council is are preparing the details with a target aim to submit application to discharge in Q4 2024.
11	Long-term maintenance of the surface water drainage system within the development required.	The Council is are preparing the details with a target aim to submit application to discharge in Q4 2024.
12	A landscape and ecological management and maintenance plan is required prior to the first use of the development.	AECOM is preparing the landscape and ecological management and maintenance plan with a target aim to submit application to discharge in Q4 2024.
13	Prior to demolition a re-survey of all properties for bats is required.	Bats surveys are being progressed in July 2024, the report will be prepared and with a target aim to submit application to discharge Q4 2024.
14	Any tree removal should take place between August to March.	No documents required for submission.
15	Habitats should be managed as per the BNG report for a minimum of 30 years.	No documents required for submission.
16	A programme of archaeological work is required prior to demolition/development, to include geophysical survey and trial trenching in accordance with a written scheme of investigation.	WSI is being prepared by AECOM

17	A detailed lighting scheme is required prior to the installation of lighting.	The Council is are preparing the details with a target aim to submit application to discharge in Q4 2024.
18	Details of the finish to the underpass is required prior to the construction of the underbridge.	The Council is are preparing the details with a target aim to submit application to discharge in Q4 2024.
19	If contamination is found during construction, works are to cease until a remediation strategy is developed.	No documents required for submission.
20	Construction Environmental Management Plan (CEMP) is required prior to construction.	
21	Restricted construction working hours.	No documents required for submission.
22	Working outside of normal hours to be limited to agreed possessions with Network Rail. Mitigation measures to be provided beforehand.	Documents only required by exception.

### 3.29 **Compliance of the Scheme with Planning Policy**

3.30 This Public Inquiry is on the CPO and SRO rather than the planning application. Therefore, there is no need for the planning application to be reassessed or the decision revisited. Compliance of the Bardon Link Road with planning policy was demonstrated in the two planning applications and explored by the Planning Authority prior to determination. However, given that the understanding of the Bardon Link Road in the context of transport and planning policy assists in understanding the case in the public interest for the Bardon Link Road, this section sets out how the application complied with policy in 2022 and whether this assessment would be any different if carried out in June 2024.

3.31 The development of the Bardon Link Road was supported by local transport and planning policy when consented and remains supported by policy to this day. Compliance of the Bardon Link Road with planning policy was explored in detail in the Planning Statement. The NWLDC Local Plan Policy S1: Future Housing and Economic Development Needs (Document LP3 in the List of Documents) details the requirement for a minimum of 9,620 dwellings and 66 ha of employment land over the plan period (2011-2031). With Policy S2: Settlement Hierarchy directing growth to those settlements identified as being higher up the settlement hierarchy, Coalville is identified within the hierarchy as being the principal town. These policies together support the Local Plan vision which identifies Coalville as the District's main town and within the vision for the plan period states that:

*"As the District's main town, Coalville will have grown significantly, and the town will have benefitted from major new investment in infrastructure..."*

3.32 The NWLDC Local Plan identifies housing allocation sites H1h; Land north and south of Grange Road with a capacity for 3,500 dwellings, within which the Bardon Link Road application site lies partially in; and H1i: South of Grange Road with a capacity for 105 dwellings, located adjacent to the Bardon Link Road application site. In order to accommodate this growth within the Coalville area it is anticipated that additional highway network capacity would be required along the A511 Growth Corridor.

3.33 The NWLDC Infrastructure Delivery Plan (**IDP**) 2022 (Document LP2 in the List of Documents) acknowledges that North West Leicestershire benefits from excellent strategic



road access and connectivity outside of the District, with the Junction 23A/24/24A complex on the M1 being a crossroads of the national strategic highway network. Providing access to cities including Derby, Nottingham, Sheffield, Leicester, Birmingham and Stoke-on-Trent. However, within the District levels of highway connectivity are more variable with the A42 providing fast connectivity between the north and south of the District whereas east-west connectivity is much slower. The IDP highlights that due to the nature of public and active travel provision in the District, residents are generally car-dependant and consequently the reliance on the road network results in pressure and congestion. The IDP also highlights the importance of the A511 Growth Corridor as an important scheme for the Council as it will address long-standing congestion issues in the area. The A511 is a key strategic route within the District providing a link between the A42 and the M1 and in close proximity to key employment sites. Furthermore, it is the principal road through Coalville the District's largest settlement.

- 3.34 The Development Plan for the Scheme area in May 2022 comprised the NWLDC Local Plan (as amended by the Partial Review), adopted 2021 (Document LP3 in the List of Documents) and the Hugglescote and Donington le Heath Neighbourhood Plan (made on 16 November 2021) (Document LP14 in the List of Documents). Both the NWLDC Local Plan and the Hugglescote and Donington le Heath Neighbourhood Plan were in force when a decision was made on the Original Bardon Link Road Planning Application and the Section 73 Bardon Link Road Planning Application, and both remain in force today.
- 3.35 Key material considerations in decision making for the Bardon Link Road included the National Planning Policy Framework (July 2021) (**NPPF**), National Planning Policy Guidance (various dates) (**NPPG**) and the Leicestershire County Council Local Transport Plan 3 (**LTP3**).
- 3.36 The NPPF (Document NP5 in the List of Documents) sets out the national planning policies for England and places an emphasis on achieving sustainable development through meeting three overarching interdependent objectives; economic, social and environmental. Since the determination of the Original Bardon Link Road Planning Application and the S73 Bardon Link Road Application, the NPPF has been revised in September 2023 and December 2023. However, changes to the NPPF since July 2021 are limited and do not introduce any changes that would lead to the application for the Bardon Link Road to be determined any differently than if it were submitted in June 2024.
- 3.37 The LTP3 (Document LP5 in the List of Documents) was published in 2011 and sets the transport vision until 2026. The LTP3 focuses on the delivery of transport schemes that will facilitate growth, one of its long-term priorities is to support the economy and population growth through more consistent, predictable and reliable journey times for people and goods.
- 3.38 The Bardon Link Road development is being delivered as one element of the Scheme. The Scheme aims to deliver a range of highway improvements along the A511 Major Road Network. These other highway improvement works include works at nine locations between the A42 Junction 13 at Ashby to the Field Head roundabout near junction 22 of the M1; and the upgrading of a section of Stephenson Way from a single to a dual carriageway.
- 3.39 The other works comprise alterations to existing highways within highway boundaries or on the land joining the existing highway and as such have been delivered under permitted development rights (**Permitted Development Rights**) afforded to the Council as the

Highways Authority under Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (**GPDO**) (Document L6 in the List of Documents). The relevant Permitted Development Right is under Schedule 2, Part 9, Class A of the GPDO which states the following is permitted:

*The carrying out by a highway authority—*

*(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(1) of the Act; or*

*(b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.*

3.40 In my opinion the following Projects (described in full within in the Proof of Evidence of Ann Carruthers) proposed to be carried out under Permitted Development Rights fall within the scope of the consent provided to the Council under Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) (England) Order, 2015:

- 3.40.1 A511 / Hoo Ash Roundabout (widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions);
- 3.40.2 A511 / Thornborough Road Roundabout (widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions);
- 3.40.3 A511 Stephenson Way Dualling (alter the existing single lane road to a dual carriageway on Stephenson Way between the Thornborough Road and Whitwick Road roundabouts);
- 3.40.4 A511 / Whitwick Road Roundabout (widened approaches and exits allowing two ahead lanes for A511 in both directions and from Thornborough Road from the south);
- 3.40.5 A511 / Broom Leys Road Junction (altering the existing left turn lane on Stephenson Way into Broom Leys Road (eastbound) to enable ahead and left traffic; carriageway widening that will provide two ahead lanes for traffic travelling northbound on Stephenson Way);
- 3.40.6 A511 / Birch Tree Roundabout (widened entry and exit lanes allowing three lanes around part of the roundabout to enable an additional lane on the exit towards Coalville; widening on the A511 southbound approach to facilitate an additional lane on the exit of the A511 eastbound);
- 3.40.7 A511 / Flying Horse Roundabout (modification of the current partially signalised roundabout so that traffic from Stanton Road and traffic from Copt Oak Road can only turn left onto the A511);
- 3.40.8 A50 / Field Head Roundabout (introduction of part time signals on the A50 approaches to the roundabout. A two-lane exit is proposed on Launde Road).

3.41 Permitted Development Rights are forms of development granted deemed consent across the country by central government. Highway authorities are permitted to carry out these

activities without the need for specific assessment by planning authorities, as the works are deemed not to cause significant planning harm or impacts. I have considered the use of Permitted Development Rights against local and national planning policy discussed above and believe that the Scheme in its entirety is consistent with the planning policy framework.

**3.42 Planning benefits**

- 3.43 The development of the Bardon Link Road will deliver essential planning benefits and is clearly supported by local policy. The North West Leicestershire Infrastructure Delivery Plan refers to the required key improvements at various points along the A511 Growth Corridor, also referred to in some documents as 'the Coalville Growth Corridor'. The A511 Growth Corridor has the potential to deliver 5,275 houses and 25 ha employment land, however the growth corridor is currently constrained by poor infrastructure. Highway improvement works along the growth corridor and the Bardon Link Road development is specifically listed within the Infrastructure Delivery Plan as work required within the A511 Growth Corridor to support the potential growth. The Scheme therefore directly helps to deliver the aims of the Infrastructure Delivery Plan and supporting growth in the Coalville area
- 3.44 The LTP3 further details the need for improvements to the transport infrastructure to be able to support the growth in the Coalville area and to reduce instances of congestion and to improve air quality.
- 3.45 Coalville is described as a principal town within NWLDC and as such is suitable for supporting future development. Land to both the north and south of Grange Road is identified on the local plan policy map as housing allocation sites with the capacity of delivering some 3,500 dwellings. The Bardon Link Road will provide an important north-south route through this urban extension.

#### **4 Conclusion**

- 4.1 I have been working on the Scheme since October 2021. My role has involved advising promoters of infrastructure projects through the planning process and I have had a particular focus on the Original Bardon Link Road Planning Permission.
- 4.2 The S73 Bardon Link Road Planning Permission was granted subject to 22 conditions which are considered the type of conditions expected on a similar development, and no undue difficulty is expected in discharging the relevant details.
- 4.3 With the exception of the Bardon Road Link, the highways works are proposed to be carried out as permitted development rights so do not require specific assessment by planning authorities.
- 4.4 The Scheme helps to deliver the aims of the North West Leicestershire Local Plan and Infrastructure Delivery Plan and support growth in the local area.

**5 Statement of Truth and Declaration**

**5.1 Statement of Truth**

5.1.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

**5.2 Declaration**

5.2.1 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

5.2.2 I confirm that I understand and have complied with my duty to the inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

5.2.3 I confirm that I am not instructed under any conditional or other success based fee arrangement.

5.2.4 I confirm that I have no conflicts of interest.

5.2.5 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the inquiry.

Signed:



Dated: 20 May 2024

**Esme Portsmouth**