

DATE: 4 March 2025
MY REF: Planning Committee
YOUR REF:
CONTACT: Democratic Services
TEL NO: 0116 272 7708
EMAIL: committees@blaby.gov.uk

To Members of the Planning Committee

Cllr. Lee Breckon JP (Chairman)
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Tony Deakin
Cllr. Roy Denney
Cllr. Janet Forey

Cllr. Helen Gambardella
Cllr. Ande Savage
Cllr. Bob Waterton

Cllr. Neil Wright

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 13 MARCH 2025 at 4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Gemma Dennis
Corporate Services Group Manager and Monitoring Officer



AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding that the parent body has delegated its decision making powers.
- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

- 1. Apologies for absence
- 2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

- 3. Minutes (Pages 5 - 10)

To approve and sign the minutes of the meeting held on 13 February 2025 (enclosed).

- 4. Applications for Determination (Pages 11 - 54)

To consider the report of the Planning & Strategic Growth Group Manager (enclosed).

- 5. Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024 (Pages 55 - 114)

To consider the report of the Planning & Strategic Growth Group Manager (enclosed).

MEMBERS SHOULD NOTE THAT ALL LETTERS OF REPRESENTATION AND CONSULTATION RESPONSES WILL BE SUMMARISED IN THE COMMITTEE REPORTS. BACKGROUND PAPERS TO REPORTS WILL BE AVAILABLE TO VIEW ON THE COUNCIL'S WEBSITE.

PLANNING COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 13 FEBRUARY 2025

Present:-

Cllr. Mike Shirley (Vice-Chairman)

Cllr. Tony Deakin
Cllr. Roy Denney

Cllr. Helen Gambardella
Cllr. Ande Savage

Cllr. Bob Waterton
Cllr. Neil Wright

Substitute:-

Cllr. Cheryl Cashmore (in place of Cllr. Lee Breckon)
Cllr. Nigel Grundy (in place of Cllr. Janet Forey)

Officers present:-

| | |
|----------------|---|
| Jonathan Hodge | - Planning & Strategic Growth Group Manager |
| Kristy Ingles | - Development Services Manager |
| Stephen Dukes | - Strategic Growth Manager |
| Charlene Hurd | - Development Services Team Leader |
| Helen Wallis | - Senior Planning Officer |
| Rebecca Sells | - Legal Advisor |
| Katie Brooman | - Elections and Governance Manager |
| Sandeep Tiensa | - Senior Democratic Services & Scrutiny Officer |
| Nicole Cramp | - Democratic & Scrutiny Services Officer |

Apologies:-

Cllr. Lee Breckon JP and Cllr. Janet Forey

1. DISCLOSURES OF INTEREST

| | | |
|---------------------------|---|---|
| Cllr. Mike Shirley | - | 24/0874/FUL, The Works, Aston Lane, Sharnford. |
| Nature of Interest | - | Other Registerable Interest |
| Extent of Interest | - | The applicant is known to Cllr. Mike Shirley and he also lives near the location of this application. Cllr. Mike Shirley is also a Ward Member. |
| Cllr. Nigel Grundy | - | 25/0016/VAR, Bouskell Park, Welford Road, Blaby. |
| Nature of Interest | - | Other Registerable Interest |
| Extent of Interest | - | Cllr. Nigel Grundy is the Neighbourhood Services and Assets Portfolio Holder, Bouskell Park site is within his portfolio, as a result of this Cllr. Nigel Grundy will not take part in the discussion or determination of this application. |
| Cllr. Neil Wright | - | 24/0527/OUT, Land off Oak Road, Littlethorpe. |
| Nature of Interest | - | Other Registerable Interest |
| Extent of Interest | - | One of the public speakers is known to Cllr. Neil Wright. |
| Cllr. Ande Savage | - | 25/0016/VAR, Bouskell Park, Welford Road, Blaby. |
| Nature of Interest | - | Other Registerable Interest |
| Extent of Interest | - | Cllr. Ande Savage is a Blaby Parish Councillor. |

2. MINUTES

The minutes of the meeting held on 23 January 2025 as circulated, were approved and signed as a correct record.

3. 5 YEAR HOUSING LAND SUPPLY UPDATE

The Planning & Strategic Growth Group Manager provided an update to the committee on the 5 year housing land.

4. APPLICATIONS FOR DETERMINATION

Considered – Report of the Development Services Team Leader.

24/0527/OUT

Outline planning application for the erection of up to 155no. residential dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access. Land off Oak Road, Littlethorpe.

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Cllr. Janet Forey – Ward Member
- Cllr. Derek Ross – Parish Councillor
- David Wilson – Objector
- Peter Fawcett – Applicant

The Chairman, Cllr. Mike Shirley adjourned the meeting at 5.56pm, Cllr. Mike Shirley reconvened the meeting at 6.01pm.

DECISION

THAT APPLICATION 24/0527/OUT BE REFUSED FOR THE FOLLOWING REASON:

The proposed development is located in an area identified as Countryside on the Blaby District Local Plan (Delivery) Development Plan Document Policies Map. The loss of countryside would not be outweighed by the need to provide new housing development in this location including the density of development proposed. The District Planning Authority considers that the residential development of this greenfield site would represent an unwarranted intrusion of urban development beyond the existing well defined settlement boundary of Littlethorpe and would cause significant and demonstrable harm to the character and appearance of the local landscape and countryside and character of the village and thus would be contrary to Policy CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

Cllr. Cheryl Cashmore left the meeting at 6.05 pm and did not return.

The Chairman, Cllr. Mike Shirley adjourned the meeting at 6.07pm for Members to take a short comfort break, Cllr. Mike Shirley reconvened the meeting at 6.12pm.

Considered – Report of the Senior Planning Officer.

24/0874/FUL

The Works, Aston Lane, Sharnford. Demolition of existing pre-fab offices and siting of 29 self-storage containers with erection of new boundary fencing and landscaping bund.

DECISION

THAT APPLICATION 24/0874/FUL BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

- Biodiversity Net Gain Monitoring contribution

AND SUBJECT TO THE STATUTORY BIODIVERSITY NET GAIN CONDITION AND IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

1. 3–year time limit condition.
2. Approved plans.
3. Site to only be used for the purposes specified in the application (storage containers and not industrial purpose).
4. There shall be no maintenance of equipment carried out within the development site either within or outside any of the containers hereby approved.
5. Specified hours for the site.
6. Full details of the proposed lighting to be submitted.
7. Full details of any security cameras to be submitted.
8. Full details of protective fencing details for existing trees to be submitted.
9. Prior to its installation the details of the surface water attenuation tank and any associated equipment and a plan for ongoing and future maintenance of the equipment shall be submitted to the District Planning Authority for approval in writing. The details shall include the

specification if the tank, its design and the proposed location.

10. Submission of Demolition Method Statement.
11. Flood Risk Assessment to be adhered to including specific reference to point 8.20 in the Flood Risk Assessment.
12. Access and egress to the site shall be available during the hours of use.
13. Storage containers to be sited in accordance with the site plan and no double stacking is permitted.
14. Permitted colour of the proposed boundary fence and storage containers.
15. No storage containers shall be sited until details of the proposed species in the proposed landscaping have been submitted and agreed.
16. The proposed landscaping along the northern boundary shall be managed and maintained to a maximum height of 2.4 metres in perpetuity.
17. Relevant sections of the Preliminary Roost Assessment to be adhered to.
18. Landscaping along the northern boundary to be planted prior to the siting of any storage containers.
19. Details of waste or bin storage details to be submitted prior to their installation.
20. Reporting of unexpected contamination.

Considered – Report of the Senior Planning Officer.

25/0016/VAR, Bouskell Park, Welford Road, Blaby. Variation of condition 2 (approved plans) and removal of conditions 3 and 4 (relating to surface water drainage details) of permission 24/0746/FUL (Alterations to existing entrance to Bouskell Park car park to provide widened vehicular access and new footpath) to allow revised drainage scheme and regrading of access.

DECISION

THAT APPLICATION 25/0016/VAR BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Approved plans
2. Highway surfacing in bound materials

3. Gates hung so it opens inwards
4. Pedestrian and vehicular gates and any sections of replacement railings to be retained in accordance with the design details agreed by 24/1028/DOC.

THE MEETING CONCLUDED AT 6.46 P.M.

Blaby District Council Planning Committee

Date of Meeting **13 March 2025**
Title of Report **Applications for Determination**
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **04 March 2025** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

| 3.2 | Application No. | Page No. | Address | Recommendation |
|-----|-----------------|----------|--|----------------|
| | 24/0793/FUL | 11 | Land off Thurlaston Lane, Huncote | APPROVE |
| | 25/0030/FUL | 43 | Enderby Leisure Centre, Mill Lane, Enderby | APPROVE |

3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

4. Other options considered

These are included where appropriate as part of the reports relating to each individual application.

5. Background paper(s)

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

6. Report author's contact details

| | |
|--|------------------------------|
| Kristy Ingles | Development Services Manager |
| Stephen Dukes | Strategic Growth Manager |
| planning@blaby.gov.uk | 0116 272 7705 |

24/0793/FUL

**Registered Date
26th September 2024**

Innova Renewables Ltd

Installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure.

Land Off Thurlaston Lane, Huncote

**Report Author: Charles Ebdon, Major Schemes Officer
Contact Details: Council Offices. 0116 272 7691**

RECOMMENDATION: APPLICATION 24/0793/FUL BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

1. BNG Monitoring fees
2. S106 Monitoring District

AND SUBJECT TO THE STATUTORY BIODIVERSITY NET GAIN CONDITION AND IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

1. Statutory 3-year condition to commence work.
2. Development to be built in accordance with approved plans and documents.
3. Details of materials to be agreed.
4. Permission granted for a period of 50 years from first export of electricity
5. Within 6 months of the end of the 50 year period a Decommissioning and Restoration Scheme shall be submitted and approved and subsequently adhered to throughout the decommissioning of the site.
6. In the event of the site being no longer required for the purposes of electricity storage, or ceases to operate for a continuous period of 6 months prior to the expiry of the 50 year period, a Decommissioning and Restoration Scheme shall be submitted and approved and subsequently adhered to throughout the decommissioning of the site.
7. Approved Landscaping Scheme to be implemented.
8. Development to be implemented in accordance with the approved Arboricultural Impact Assessment.
9. Tree protection and Arboricultural methodology to be submitted to, agreed and implemented.
10. Boundary hedges to be maintained at no less than 3m.
11. Earth bund to be provided prior to first use.
12. Construction Environment Management Plan (CEMP: Biodiversity) to be submitted to, agreed and adhered to.
13. Construction Management Plan to be submitted to, agreed and adhered to.
14. Details of cabling, housing and connections to be submitted to, agreed and adhered to.
15. Details of land levels, terracing details, retaining features and culvert crossing details to be submitted to and agreed prior to commencement of development.

16. Prior their installation details of external lighting shall be submitted to, agreed and adhered to.
17. Prior their installation details of external lighting for the construction shall be submitted to, agreed and adhered to.
18. Prior to commencement of development a Phase II ground investigation shall be submitted to and agreed and adhered to.
19. Reporting of unexpected contamination
20. In situ acoustic monitoring, verification and mitigation report to be submitted to, agreed and adhered to.
21. Detailed Battery Storage Safety Management Plan (DBSMP) to be submitted to, agreed and adhered to.
22. Details for the disposal of foul sewerage shall be submitted to, agreed and adhered to.
23. Surface water drainage scheme to be submitted to, agreed and adhered to.
24. Details of long term maintenance of surface water drainage to be submitted and agreed.
25. Development to be constructed in accordance with submitted Construction Traffic Management Plan unless otherwise agreed.
26. Temporary construction access on Enderby Road shall be reinstated
27. Access arrangements to be implemented in full
28. Existing gates to be removed, and no additional obstructed to be installed within a distance of 10m from the highway boundary.

NOTES TO COMMITTEE

Relevant Legislation

Climate Change Act 2008

Relevant Planning Policies and Guidance

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 - Strategy for locating New Development
 Policy CS2 - Design of New Development
 Policy CS10 - Transport Infrastructure
 Policy CS11 - Infrastructure, services and facilities to support growth
 Policy CS12 - Planning Obligations and Developer Contributions
 Policy CS14 - Green Infrastructure
 Policy CS18 - Countryside
 Policy CS19 - Biodiversity and geo-diversity
 Policy CS20 - Historic Environment and Culture
 Policy CS21 - Climate Change
 Policy CS22 - Flood Risk Management
 Policy CS24 - Presumption in favour of sustainable development

Blaby District Local Plan (Delivery) Development Plan Document (2019)

Policy DM2 - Development in the Countryside
 Policy DM8 - Local Parking and Highway Design Standards

Policy DM12 - Designated and Non-Designated Heritage Assets
Policy DM13 - Land Contamination and Pollution

Fosse Villages Neighbourhood Plan 2021

Policy FV4 – Biodiversity
Policy FV6 – Design
Policy FV16 – Renewable Energy

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Other Supporting Documents

Blaby District Council Climate Change Strategy 2020-2030

Blaby District Council Carbon Neutral Action Plan 2020

Blaby District Council Planning Obligations and Developer Contributions
Supplementary Planning Guidance (2024)

Blaby Landscape and Settlement Character Assessment (2020)

EN 1: Overarching National Policy Statement for Energy (January 2024)

EN-3: National Policy Statement for Renewable Energy Infrastructure (November 2023)

UK Battery Strategy (November 2023)

Energy Security Plan and Net Zero Growth Plan

The National Grid Future Energy Scenario (July 2023)

British Energy Security Strategy, BEIS (April 2022)

Leicestershire Highways Design Guide

Consultation Summary

Blaby District Council, Environmental Services – No objections subject to conditions in relation to land contamination and the submission of details for the provision of foul sewage prior to the installation of such.

Blaby District Council, Conservation Officer - No objection

Enderby Parish Council – *“No observation but would request a Robust Traffic Management Plan be put in place to prevent construction traffic travelling through Enderby”.*

Environment Agency – States that they will not be making any formal comment.

Huncote Parish Council – No comments received

Leicestershire County Council, Archaeology – No objection

Leicestershire County Council, Ecology – No objection

Leicestershire County Council, Forestry – No objection subject to condition.

Leicestershire County Council, Highways (LHA) –

21.11.2024

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

26.02.2025

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA), Blaby District Council, on a full planning application at land off Thurlaston Lane, Huncote. This application is for the installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure.

The LHA previously responded to this application on 21st November 2024, advising that further information would be required to fully assess the impact of the proposed development on the highway network.

The additional information requested was as follows:

- Consideration be given to re-locating the proposed construction / emergency access;
- Amended tracking drawings;
- Amendments to the arrangements proposed for the construction phase in the construction traffic management plan;
- Speed data from an automatic traffic counter (ATC) survey to demonstrate 85th percentile vehicle speeds at the contractors' compound access;
- Amended vehicular visibility splays for the contractors' compound access; and
- Amended vehicular visibility splays for the operational / maintenance access or a comparative trip generation assessment to demonstrate that the proposals would not result in an intensification of this access.

Additional / amended submissions have been received by the LPA since the previous highway observations. The LHA has reviewed the following relevant additional / amended submissions in preparation of this response:

- Construction Traffic Management Plan (Pegasus, reference P23-0767 TRO2/A);
- Landscape Masterplan (Pegasus, reference P23-0767_EN_0002 revision F);
- Layout Plan (Innova, reference V13).

Construction / emergency access

It is noted that this access is still proposed to be located in the same location. The applicant is now proposing to use banksmen with stop / go boards to control traffic when HGV deliveries arrive/depart the site. It should be noted that for other similar sites in the county, the LHA has required Temporary Traffic Regulation Orders (TTRO) and / or temporary signals to mitigate the impact on the shortfall of the visibility splays for the temporary construction accesses. In addition, the LHA advises that such measures would need to be in place at all times when the access is in use to overcome the shortfall in visibility splays. The LHA also advises that the applicant would need to obtain the relevant licences / permits from the LHA to implement these arrangements. Further information on the requirements for a TTRO are available at: <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/roadworks-closures-and-diversions>

The HGV and tractor and trailer tracking has now been done at a minimum speed of 10mph (15km/h). The LHA is content with this. Whilst the swept path analysis does not demonstrate that a HGV could undertake a right-in, left-out manoeuvre, it is accepted that it would be unlikely that such a manoeuvre would be required given the proposed constructing traffic routing.

The LHA welcomes that jet washers would be provided at least 10 metres back from the highway, and is content with their timetable for provision.

Contractors compound access

The HGV and tractor and trailer tracking has now been done at a minimum speed of 10mph (15km/h). The LHA is content with this. Whilst the swept path analysis does not demonstrate that a HGV could undertake a left-in, right-out manoeuvre, it is accepted that it would be unlikely that such a manoeuvre would be required given the proposed constructing traffic routing.

No speed survey data has been submitted for the contractors' compound access and no amended vehicular visibility splays have been submitted. Nevertheless, as indicated above, the applicant is now proposing to use banksmen with stop / go boards to control traffic and / or vehicles escorted between the two land parcels. The LHA also advises that the applicant would need to obtain the relevant licences / permits from the LHA to implement these arrangements.

The LHA welcomes that jet washers would be provided at least 10 metres back from the highway, and is content with their timetable for provision.

Operational / maintenance access

Whilst no comparative trip generation exercise has been undertaken, the applicant has indicated that there would be fewer large, slow-moving vehicles using this access

once the proposed development has been constructed and put into operation. Given the proposed development could generate up to 12 two-way movements per day, and noting the removal of large, slow-moving vehicles, the LHA is content that there would be a neutral impact at this access and therefore would not seek to resist the application on this basis.

Leicestershire County Council, Lead Local Flood Authority (LLFA) – No objection subject to condition.

Leicestershire Fire and Rescue – No objection subject to condition.

Leicestershire County Council, Minerals and Waste – No objections

Narborough Parish Council – No comments

Thurlaston Parish Council –

“The impact that this development will have on Thurlaston Parish is construction traffic, potential flooding damage and the visual impact of urbanisation within a rural community.

The council would like it noted that there has been little consideration taken within the planning documentation for the added pressure this development will have within Thurlaston. While the development itself is in Huncote, it is on the outskirts with no travel impact actually affecting Huncote Parish. The additional traffic pressures will be felt directly by the parishes of Thurlaston and Enderby.

The consultation area for the project was 1km which would barely touch Thurlaston and resulting in most properties and business affected not being consulted due to the short consultation area. There was also comment regarding a meeting which took place on 20th September 2024 where Thurlaston Parish were invited and attended. This is not the case and Thurlaston did not attend and were not invited. There may have been information shared at this event which could have been crucial, which we have not been privy to.

The council is also concerned about flooding mitigation and the biodiversity gain within the parish, what biodiversity enrichments will be completed in this area to counteract the project itself? What thought has been given to how the area is going to be used to actually enhance it.

There needs to be a significant enrichment of the area to compensate for the lack of rural landscape. The parish council would like it noting that the impact that this application will have on Thurlaston parish overall has been overlooked and we would like this, and other points raised to be taken into consideration when considering the outcome of the planning application.

Points need to be raised about the fairness and equality of the impact this project is going to have on the surrounding parishes and not just the parish it is situated in.”

Third Party Representations

No public letters of representation were received. The Ward Cllr for Fosse Normanton with respect to Huncote objected to the development on the following matters:

The cumulative highway impacts of development within the general area, in particularly considering the potential for implementation of such development within a similar timeframe. It is noted that these comments relate to two developments within Huncote and the application site.

- Potential for a 50% increase in traffic movements as all entrance, exit and junctions
- A collective joint Traffic Assessment and Safety Audit is therefore requested.

Further concerns are summarised below:-

1. The Jelson site, located south of Ratcliffe Drive, has a single entrance and exit onto Narborough Road, which is narrow and will serve 229 houses. This road connects to a busy thoroughfare with over 590,000 vehicles recorded in the past 11 months, indicating a need for a new access road for safety.
2. The proposed informal crossing with dropped curbs and textured tiles may not be safe for young children due to potential confusion. Given existing traffic issues and expected increases, a formal zebra crossing is recommended.
3. The lack of improvements to the Narborough Road/Huncote Road footpath is disappointing as it affects connectivity between Huncote and Narborough, crucial for sustainable housing. Developers are unable to widen the footpath but should improve safety for pedestrians and cyclists. The potential for road widening has been questioned, particularly since the Spence Lane site approval depended on footpath expansion, which was not completed due to land ownership issues. Despite plans for 345 new houses, no enhancements to the footpath have been made.
4. Denman Lane is expected to serve as a shortcut to the B4114 or B582 due to construction sites at both ends. However, construction traffic is prohibited on this road, and private traffic routes need careful planning to prevent conflicts near the school, ensuring the safety of families and the community.
5. The new car park at Springfield Farm's Community Hall aims to implement a 'Park and Stride' scheme for primary school children, which will help alleviate congestion during drop-off and pick-up times as the school expands.
6. Mitigation proposals for the junction of Forest Road and B582 should include adding a left-hand turn lane to alleviate queuing during peak times and assist with construction traffic from the Energy Project on Thurlaston Lane.

7. Concerns about the Jelson Site south of Ratcliffe Drive include the impact of future blasting at Croft quarry, which is expected to affect noise and vibration levels, potentially impacting new homes and the wider community.

Relevant Planning History

| | | |
|--------------|---|--------------------------------|
| 24/08/EIASCR | Environmental Impact Assessment Screening for the installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure. | EIA not required 14.11.2024 |
|--------------|---|--------------------------------|

EXPLANATORY NOTE

The Site

The application site comprises of agricultural parcels of land situated some 300m to the northwest of and outside the Settlement Boundary of Enderby and some 600m to the east of Thurlaston. The application site is situated on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

The application site measures approximately 18.3 hectares located off Thurlaston Lane, Huncote. The land comprises of areas of cropland, modified grassland, woodland, hardstanding and a waterbody. Native hedgerows and treelines bound the site.

The site comprises of three distinct sections; the primary parcel of land is located to the south of Thurlaston Lane, measuring some 10.4 hectares in which the infrastructure is proposed to be located, with a second parcel located to the southwest of the site measuring some 6 hectares which is proposed to be allocated for Biodiversity Net Gain. The remaining area forms the boundary for the installation of a grid connection cable along Thurlaston Lane, and Beggars Lane linking the eastern parcel to the National Grid substation.

The primary parcel is located within the Parish of Huncote, with the second parcel located within the Parish of Thurlaston.

The primary parcel is bound by Thurlaston Lane to the north, with the M69 motorway situated some 250m to the south. The second parcel of land is bound along its eastern edge by Thurlaston Land with Enderby Road bunding the southern edge.

The primary parcel slopes down to the south towards the M69 by some 15m, with the second parcel gently sloping to the west towards Thurlaston.

Footpath V80A exits onto the Thurlaston Lane to the north of the primary parcel of land.

The application site on land edged in red is situated within Flood Zone 1 which has been shown to be at less than 0.1% chance of flooding in any year. A wooded pond is situated centrally within the primary site which is the only area with a localised area at risk of surface water flooding.

An Agricultural Use and Quality of Land survey found that 9.84ha (96%) of the land is grade 3a agricultural quality, with the remaining 0.37 hectares (3.6%) being woodland is classified as non-agricultural land.

The Proposal

The application proposes an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure.

The proposed development will connect via underground cabling along the roadside to the Enderby Substation to the northwest of the site.

The proposed development would comprise a utility scale grid management facility using energy storage technology with a capacity of approximately 900MW. The proposal would provide greater capacity and flexibility in the energy generation network. The proposed ESS would support the move towards a low-carbon energy network that is increasingly supplied by renewable energy. The Development is required to support the growth of renewable energy and will make an important contribution to ensure that Blaby District Council can meet its commitment to the climate emergency and reach net zero to meet the UK's obligations under the Renewable Energy Directive.

The Proposed Development includes the construction and operation of the following equipment;

- Containerised battery storage units, arranged in rows –
- 14no. Twin Skid TX units
- 2no. PCSK Inverter Units;
- 28no. Battery Interface Cabinets;
- 1no. Auxiliary Transformer Unit;
- 1no. Aux Transformer;
- 1no. Substation/HV Switchgear building;
- 1no. Customer Switchgear Container Unit;
- 1no. Office Container;
- 1no. Storage Container;
- 5no. Water Storage Containers;
- 3no. Satellite Transformers400kV Substation Compound with associated equipment and DNO Control Room Structure;
- Access track to extend from the access point onto Thurlaston Lane around the Site;
- Abnormal Loads Track from Thurlaston Lane to the 400kV Substation;
- Pole-mounted CCTV cameras circa 3m in height;
- Flood Light Columns circa 6m in height
- Storage area for community bus;

- Extensive landscape planting and bund erected to the Site boundary;
- Lightening Prevention Columns

Planning Policy

National Planning Policy Framework

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 2 of the NPPF identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 also indicates that the NPPF is a material consideration in planning decisions.

Paragraph 10 of the NPPF and Policy CS1 and CS24 of the Blaby District Council

Core Strategy (2013) set out a presumption in favour of sustainable development, and states that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

Paragraph 161 of the NPPF states that planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 163 of the NPPF states that the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.

Paragraph 168 of the NPPF states that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. In this case the Development Plan comprises the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, the Blaby Local Plan (Delivery) Development Plan Document 2019 and the Fosse Villages Neighbourhood Plan 2021.

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the

District of Blaby.

Policy CS1– Strategy for Locating New Development

Policy CS1 seeks to focus new development, including housing in the most sustainable locations in the district, primarily within and adjoining the Settlement Boundaries of the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe).

Huncote is situated outside the PUA and is defined as a Medium Central Village, with Thurlaston also being situated outside the PUA and is defined as a Smaller Village. Policy CS1 states that lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality, safe and socially inclusive environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. New development should also provide opportunities to enhance the natural and historic environment.

Policy CS10 – Transport Infrastructure

Policy CS10 refers to seeking to reduce the need to travel by private car by locating new development so that people can access services and facilities without reliance on 'private motor vehicles'. The policy also refers to providing new routes for pedestrians, cyclists and public transport (as part of development proposals). Designs which reduce the impact of road traffic should be encouraged, for example through greater allocation of street space to more sustainable forms of transport, and links to existing key services and facilities should be provided.

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS11 indicates that new developments should be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with infrastructure providers, grant funders and other delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigates any adverse impacts of development.

Policy CS12 – Planning Obligations and Developer Contributions.

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases maintenance). Planning obligations and developer contributions will be guided by the

Council's latest Planning Obligations and Developer Contributions SPD and other evidence of need.

Policy CS14 – Green Infrastructure

Policy CS14 notes that Green Infrastructure can include areas that are valuable for their biodiversity (flora and fauna network links), areas that are of cultural importance and areas that maintain natural and ecological processes, inter alia. The Council will seek to improve and enhance the Green Infrastructure network throughout the District. Opportunities to incorporate key landscape features such as woodlands, pond, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and use open spaces and links.

Policy CS18 – Countryside

Policy CS18 states that within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.

It states that planning permission will, however, be granted for limited small-scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts. The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.

Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 seeks to safeguard and enhance sites of ecological and geological importance of national, regional and local level significance. The policy also states that the Council will seek to maintain and extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. The policy also seeks to protect those species which do not receive statutory protection but have been identified as requiring conservation action. Development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. The policy also states that the Council will seek to ensure that opportunities to build in biodiversity or geological features are included as part of the design of development proposals.

Policy CS20 - Historic Environment and Culture

Policy CS20 states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through protecting and enhancing heritage assets and their settings and expects new development to make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

Policy CS21 acknowledges that climate change is one of the greatest long-term challenges facing human development. Blaby District Council is committed to tackling climate change.

Policy CS21 states the following in respect of renewable energies:

Development which mitigates and adapts to Climate Change will be supported. The Council will contribute to achieving national targets to reduce greenhouse gas emissions by (inter alia):

- i) encouraging the use of renewable, low carbon and decentralised energy at the commercial, community and domestic scale. Renewable and low carbon energy generation will be supported within the District where the proposal:
- ii) ensures that the siting and scale of development avoids harm to the significance of designated heritage assets and nationally important archaeological remains or their setting.
- iii) ensures that the impact of the development on local landscape character and historic landscape character is minimised.
- iv) ensures that the proposal does not result in significant detriment to residential amenity for new or existing residents.
- v) includes measures to mitigate any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any development.
- vi) does not create an overbearing cumulative noise or visual impact, when considered in conjunction with similar developments and permitted proposals in the area.”

Policy CS21 clearly supports proposals for renewable energy and whilst this application does not create renewable energy, it does enable renewable energy that is generated elsewhere to be stored and exported back to the National Grid, thereby supporting the UK’s shift to renewable energy.

Policy CS22 – Flood Risk Management

Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change by:

- a) Directing development to locations at the lowest risk of flooding;
- b) Using Sustainable Drainage Systems to ensure that flood risk is not increased on site elsewhere;
- c) Managing surface water run off to minimise the net increase in surface water discharged into the public sewer system;
- d) Closely consulting the Environment Agency in the management of flood risk.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable

development. Policy CS24 requires that when considering development proposals, the District Council always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Officers have worked proactively with the applicant to ensure that the development is as far as possible to be in accordance with adopted policies and thus the development is in accordance with Policy CS24.

Blaby District Local Plan (Delivery) Development Plan Document (DPD) (2019)

The Delivery DPD also forms part of the Adopted Development Plan for Blaby District. The following policies are the most relevant to the proposed development.

Policy DM2 – Development within Countryside

Policy DM2 supports the strategic policy approach set out in Core Strategy Policy CS18 and provides more detailed guidance on appropriate development in the countryside. The policy does not explicitly refer to renewable energy projects but provides general criteria against which development proposals should be assessed. These require that the development is in keeping with the appearance and character of the existing landscape, development form and buildings, noting that the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment (criterion (a)). Development should also provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)).

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision within housing development which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport. It states that all new development will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

Policy DM12 - Designated and Non-Designated Heritage Assets

Policy DM12 states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. The policy states that designated heritage assets and their settings will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified, the scale of harm will be weighed against the public benefits of the proposal.

Policy DM13 – Land Contamination and Pollution

Policy DM13 seeks to ensure that development proposals are not affected by, or cause, land contamination or pollution. Development proposals where land contamination may be an issue are required to clearly demonstrate that any unacceptable adverse impacts can be satisfactorily mitigated.

Fosse Villages Neighbourhood Plan 2021

The Fosse Villages Neighbourhood Plan was made in 2021 and forms part of the statutory Development Plan. Its policies should therefore be given the same weight as the policies in the Blaby Local Plan Core Strategy and Delivery DPD.

Policy FV4 - Biodiversity

Policy FV4 supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

Policy FV6 – Design

Policy FV6 requires that development reflects the distinctive and traditional character of the Fosse Villages. Development should be in keeping with the scale, form and character of its surroundings; protect locally significant features such as traditional walls, hedgerows and trees; not significantly adversely affect amenities of residents; promote sustainable design and construction and provide a safe and suitable access.

Policy FV16 - Renewable Energy

Policy FV16 relates to renewable energy and refers to ground-mounted solar photovoltaic farms and wind turbines. It states that ground-mounted solar photovoltaic farms will be supported in specific circumstances but it is silent on battery storage sites.

Leicestershire Highways Design Guide

The Design Guide sets out the County Council's principles and policies for highways Development Management. The guidance is intended to be used in the design development layouts to ensure they provide safe and free movement for all road users.

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (February 2024)

This Supplementary Planning Document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to new development. It sets out when Blaby District Council will request contributions, whether for the District Council or on behalf of another service provider, and how the payments will be collected, distributed and monitored. The SPD refers to guidance in the Planning Practice Guidance (PPG) which states that planning conditions or obligations can be used to

require that a planning permission provides for works that will measurably increase biodiversity.

Blaby Landscape and Settlement Character Assessment (January 2020)

Provides up-to-date landscape and settlement evidence to inform the emerging Blaby Local Plan and help guide development management decisions. The assessment states that *“understanding the character of a place is a key part of ensuring the protection and enhancement of built and natural environments, managing sustainable economic growth and improving the health and wellbeing of local communities”*.

Joint Strategic Flood Risk Assessment Final Report (October 2014)

The purpose of this document is to provide information on the changes to planning, policy and guidance since the previous Strategic Flood Risk Assessment, provide a detailed assessment of any flood hazard within the Flood Zones, provide information on existing defences and flood risk management measures, allow a sequential approach to site allocation.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The application site has been the subject of a screening opinion by the planning department for the development proposed (ref. 24/08/EIASCR). The planning department considered that on the basis of the information available, an Environmental Statement was not required in support of the application for planning permission and that all the relevant impacts of the development could be properly considered through the standard major planning application process.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal. The following are material planning considerations in the determination of this planning application:

- The Principle of The Development and Supporting Renewable Energy Infrastructure
- Impact on the Countryside and Landscape/Visual Impact
- Loss of Agricultural Land
- Transport and Highway Implications
- Residential Amenities
- Flood Risk and Drainage
- Archaeology and Historic Environment
- Environmental Implications
- Ecology and Biodiversity
- Arboricultural implications

The Principle of The Development and Supporting Renewable Energy Infrastructure

The application site is located on land designated as countryside which should be recognised for its intrinsic character and beauty. Core Strategy Policy CS18 states that planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. Essential to the appropriateness of scheme's countryside location will therefore be its resulting landscape and visual impact.

The application is for an Energy Storage System utilising of battery storage technology which will connect to the National Grid via the Enderby Substation. The proposal would add a significant amount of energy storage capacity to the network and help to stabilise the intermittent nature of energy production generated by renewable energy and to provide flexibility at times of variable generation and demand. Importantly the proposals will enable the increased delivery of renewable energy which aligns with the national commitments under the Climate Change Act and Blaby District Council's Climate Change Strategy 2020-2030. This includes an aspiration for the district to be carbon neutral by 2050. The applicant has indicated that the project would store enough energy for the equivalent of powering all homes in Blaby District Council area (48,170 homes) for 108 hours.

The site has been selected due to its proximity to the Enderby Substation which provides a viable grid connection that renewable energy schemes require and will provide the necessary transmission service to and from the local distribution network.

The Development Plan does not allocate specific locations for commercial scale renewable energy development. The explanatory text to the policy states that all renewable and low carbon energy proposals will therefore be assessed against Core Strategy Policy CS21. Policy CS21 is broadly supportive of renewable energy schemes and this policy does not differentiate between urban and rural locations for its support.

Furthermore, the NPPF is supportive of renewable energy schemes. At paragraph 161, the NPPF states:

“The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

At paragraph 168, the NPPF goes on further to state:

“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;*
- b) *recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;*
- c) *in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site."*

Whilst not a requirement of Policy CS21 or national policy to demonstrate the need for the development and/or evidence for site selection, the applicant has provided supporting information that places the proposed battery storage development in the context of the overall national picture relating to climate change and carbon reduction, specifically, the UK government committing to the UK being carbon neutral by 2050.

Overall, the policies of the Development Plan give support in favour of renewable energy proposals where their impacts are (or can be made) acceptable. Such proposals also support the Council's commitment for the district to be carbon neutral. The principle of the proposed development is therefore considered to be acceptable when assessed against the Development Plan policies as a whole, subject to other material considerations being appropriately assessed.

Impact on the Countryside and Landscape/Visual Impact

The application site is situated to the north of and outside the Settlement Boundary of Countesthorpe, on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019) where Policies CS18 and DM2 apply.

Policy CS18 states that in the countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It requires the need to retain countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations.

Criterion C(ii) of Core Strategy Policy CS21 (Climate Change) also requires that impact of the development on local landscape character and historic landscape character is minimised.

Core Strategy Policy CS2 (Design) sets out that development proposals should be appropriate in their context and should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings.

Policy DM2 (Development in the Countryside) of the Delivery DPD provides criteria against which development proposals should be assessed. Criterion (a) requires that development is in keeping with the appearance and character of the existing

landscape, development form and buildings. Decisions in respect of impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation study, National Character Areas and any subsequent pieces of evidence.

Policy FV16 relates to renewable energy and refers to ground-mounted solar photovoltaic farms and wind turbines. It states that ground-mounted solar photovoltaic farms will be supported in specific circumstances, but it is silent on the use of renewable energy infrastructure and battery storages.

The NPPF is clear that the natural environment should be enhanced by protecting and enhancing valued landscapes. The NPPF also makes it clear that the adverse impacts of renewable and low carbon energy projects must be satisfactorily addressed, including cumulative landscape and visual impacts.

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty. It would also not qualify as a “valued” landscape as this is set out in the NPPF.

Landscape Character Assessment

The application site is situated in a rural location where there is the potential for a large-scale battery storage to have an adverse impact upon the character and appearance of the surrounding countryside.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, which shows that the application site lies within the National Character Area of Leicestershire Vales (NCA 94). It is described as an open, uniform landscape of low-lying vales and varied river valleys with settlements visually dominating the area and views towards surrounding higher ground.

At a local level, the Blaby Landscape and Settlement Character Assessment and the submitted LVIA identify the site as being situated in the Thurlaston Rolling Farmland Landscape Character Area (LCA). Consideration has also been given to other adjacent LCA's which lie within the 3 km study area which relates to the Site. These include the Lubbethorpe Agricultural Parkland, Normanton Agricultural Parkland and Croft Hill and Quarries.

Thurlaston Rolling Farmland Landscape Character Area is located in the western part of the district to the west of Kirby Muxloe and Leicester Forest East. It extends towards the M69 in the central part of the district. The condition of the area is described as follows:

“The landscape retains a strong rural character despite the urban influences from adjacent development and busy roads and electricity infrastructure which fragment the landscape. Most of the agricultural land is well managed, although there are some areas where hedgerows have been lost and replaced by fencing. Other urban-fringe issues such as fly tipping also impact on the aesthetic quality of the landscape.”

When considering the capacity for change within the LCA the assessment states that the LCA has a medium sensitivity to small scale housing noting that some of the key characteristics and qualities of the landscape are sensitive to change. The sensitivity of other forms of development, including renewable energy, have not been considered in the assessment.

The character assessment however does go on to provide further guidance and opportunities to consider for any future development within Thurlaston Rolling Farmland LCA. New development should be sensitively sited, aiming to avoid significantly affecting areas of rural character. Development should respect and enhance the character of the adjacent rural villages, ensuring new development complements the existing context with regards to scale, form, materials and boundary features. Development should avoid the coalescence of settlements, ensuring they retain their own identities and landscape settings. Development should also seek to enhance and restore existing hedgerows to protect the open gently rolling farmland through the appropriate siting of new woodland. Views of the church as a prominent feature on the skyline of the village of Thurlaston should also be protected.

There are a range of prominent pieces of infrastructure in close proximity to the site, including high voltage overhead lines with pylons which cross the landscape to the south of the site, as well as the M69 road corridor which is located to the south of the site and the National Grid power station which is located to the east. Long range views of the site can be appreciated from the public footpath V80A, however the entire site enclosed by existing hedgerows and trees which serve to screen long range views of the site.

It is acknowledged that the proposals would introduce built form, in the form of energy storage units, a substation, access arrangements and ancillary infrastructure into a predominantly rural and agricultural landscape which would alter the physical and perceptual attributes the immediate landscape and its surroundings. The proposals would also result in the loss of small sections of hedgerow to allow for access into the various parts of the site to the north-east.

The majority of the equipment including the energy storage containers are relatively low lying, with larger infrastructure being located centrally and at the lowest lying areas of the site. The landscape mitigation proposals include the retention, protection and enhancement of the existing network of hedgerows along site boundaries, with existing and proposed hedgerows proposed to be maintained at 3m and above, with the height proposed to be secured by condition. A new native woodland buffer along the site boundaries is proposed to filter views from the wider landscape and reinforce existing vegetation. Some of these areas would be planted into a 3m high bund which utilises soil from across the site. The proposals would also see the provision of new native hedgerows to contain various elements of the development and the creation of species rich grassland across the site with ongoing landscape management of planting during the lifetime of the installation to ensure it is suitably maintained.

It is acknowledged that the proposal would see an adverse effect on the landscape and visual amenity both during the construction phase and early operational stages of the development in particular to nearby residential properties and users of the V80A footpath. This harm weighs against the proposal and should be given moderate weight

in the planning balance. The impacts of the development on the landscape however are considered to be localised and would depreciate over time during the operational phase of the development as the landscape mitigation proposals establish and mature and would be considered to be localised and limited in nature at year 15 and beyond. Leicestershire County Council Forestry team are satisfied that the landscaping proposals appear reasonable to screen the development. It should also be noted that the impacts of the proposal both on the landscape and visually would be temporary as the operational life span of the development is proposed to be 50 years, with conditions attached to secure such and to ensure the site is suitably decommissioned and restored post operation.

The Energy Storage System will store and supply the National Grid with up to 900MW of renewable energy which will provide clean energy to power a significant number of homes within the District. This is a significant environmental benefit of the scheme which makes a positive contribution to meeting the climate change challenge.

National Planning Policy is clear that significant weight should be the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. It is in this context that it is considered that any such harm to the countryside, which would be appreciable, would not be sufficiently detrimental to the character of the area so as to warrant the refusal of the application when weighed against the significant benefits of the proposal.

It is therefore considered that the proposal would result in some conflict with Policy CS18 and Policy DM2 given the adverse effect on the landscape and visual amenity during the construction and early operational stages of the development. However, this harm would be reduced over time as landscaping matures and having regard to the temporary nature of the proposal. Furthermore, this impact needs to be balanced against the need for the development which has been acknowledged in terms of the benefits of development which contributes to a renewable energy transition.

Loss of Agricultural Land

Paragraph 187 of the NPPF and government guidance expects local planning authorities and developers to protect the best agricultural land, recognising importance of soil as a natural capital asset and take into account the economic and other benefits of the best and most versatile agricultural land.

Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Agricultural land is graded into 5 categories ranging from grade 1 (excellent quality agricultural land) to grade 5 (very poor quality). Grades 1, 2 and 3a (grade 3 is subdivided into two grades) is the land which is defined as the best and most versatile (BMV).

In order to ensure this land is protected where necessary planning authorities are required to consult Natural England on applications which would result in the loss of 20ha or more of such land. Below this threshold it is for the planning authority to decide

how significant the agricultural land issues are.

An Agricultural Use and Quality of Land survey found that 9.84ha (96%) of the land is grade 3a agricultural quality, with the remaining 0.37 hectares (3.6%) being woodland is classified as non-agricultural land. This represents a loss of 9.84ha of BMV land.

The Local Authority is required to consider the significance of the loss of the land and its wider economic implications. Given that the initial consultation of Natural England starts at 20ha it is considered that this is an initial indication of what is meant by a significant loss of agricultural land. The application scheme proposes the removal approximately 9.84ha of land from the agricultural category. Whilst the loss of best and most versatile agricultural land is undesirable, it is not considered that a reduction of 9.84ha from the total stock would have wide ranging economic implications for the area. The loss of this high-grade agricultural land is nonetheless an important material consideration in respect of this proposal.

Transport and Highway Implications

Policy CS10 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby including those arising from growth and to make services accessible to all, including locating new development so that people can access services and facilities without reliance on private motor vehicles and to ensure that appropriate measures are taken to mitigate the transport impacts of new development.

Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

Site Access

The application site is proposing the operational access to be from an existing point of access off Thurlaston Lane to the southeast of the primary parcel of land which is an adopted C-Classified Road.

The access would be reconfigured to have a width of 5 metres, with 4 metre and 6 metre corner radii to the north and south respectively. Once operational, the proposal would see approximately two visits to the site per month for routine maintenance by light van or 4x4 type vehicles.

Given the proposed development could generate up to 12 two-way movements per day, and noting the removal of large, slow-moving vehicles, the LHA is content that there would be a neutral impact at this access and therefore would not seek to resist the application on this basis.

Construction and Compound Access

The application proposed the use of an existing access onto Thurlaston Road at the northern edge of the site during the construction phase, which is an adopted C-

Classified Road. This access is proposed to meet the highway at an angle of approximately 45 degrees and have a minimum effective width of some 7.3 metres. On two occasions, this width would be temporarily increased to 10 metres to accommodate abnormal indivisible loads (AILs), whereupon it would return to 7.3 metres.

There will be two temporary construction compounds, the first will be provided in the southwest corner of the ESS site and will be accessed via the construction access. The secondary compound will be located within a parcel of land identified for biodiversity net gain (BNG) to the southwest of the ESS site accessed from Enderby Road.

The submitted Construction Traffic Management Plan indicates that the construction phase is likely to approximately 24 months and on average, two HGV deliveries would be made per day to the main site, resulting in four two-way HGV movements at the access. It also indicates that, on average, there would be approximately 19 movements (38 two-way movements) by tractor and trailer, transporting loads from the compound site to the main site per day.

The Construction Traffic Management Plan indicates that general HGV traffic could be routed via Thurlaston Lane, Forest Road, Desford Road (B582) and Hinckley Road (A47). The LHA is content with this proposed routing.

The applicant is proposing to use banksmen with stop / go boards to control HGV arrivals and departure to the site. The LHA have advised that such measures would need to be in place at all times when the access is in use to overcome the shortfall in visibility splays. The LHA also advises that the applicant would need to obtain the relevant licences / permits from the LHA to implement these arrangements, which may include the potential use of Temporary Traffic Regulation Orders (TTRO) and / or temporary signals to mitigate the impact on the shortfall of the visibility splays for the temporary construction accesses.

The submitted Construction Traffic Management Plan provides measures to reduce the levels of dust and mud on the roads, including jet washers.

The LHA have in conclusion advised is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, and the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions obligations outlined at the beginning of the report.

Residential Amenities

Policy DM2 seeks to ensure that development consistent with Policy CS18 provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

The site is located within the countryside and is therefore not within a densely populated area. The closest residential properties are Holly House Farm located some 300m to the south and Cookes Lodges Farm located approximately 250m to the southeast of the site.

A noise assessment has been submitted with this application which concludes that noise is not considered to be a constraint to the approval of the application, providing that the plant is constructed and operated in accordance with the acoustic assumptions and recommendations set out within this report.

Blaby District Council Environmental Services are satisfied with the methodology of the assessment and its conclusions. They have requested in situ testing of the development to demonstrate that the sound levels in relation to the operation of the facility do not exceed those predicted in the Noise Assessment.

The level of activity on the site during the operational phase is considered to be limited to routine maintenance and given the distance to nearby receptors, suitable controls in place to monitor and remediate any noise nuisance, and having regard to the intervening distances between the site and residential properties, it is considered that the impacts on the residential amenity of residents in the general location would be minimal and would not be sufficient to warrant refusal on that basis.

The application is therefore considered to comply with part b) of Policy DM2 of the Blaby District Council Local Plan 2019.

Flood Risk and Drainage

Paragraph 170 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.

Fluvial and surface water drainage

Policy CS22 states that all development should minimise vulnerability and provide resilience to flooding, taking into account climate change. This will be achieved by, (inter alia) directing development to locations at the lowest risk of flooding within the District, using Sustainable Drainage Systems (SuDS), managing surface water run-off to minimise the net increase in the amount of surface water discharged into the public sewer system.

The application site is located entirely within Flood Zone 1, being at a low risk of flooding from rivers (with a less than 1 in 1000 chance of flooding occurring each year). The majority of the site is at very low risk of flooding from surface water (less than 1 in 1000 chance) although a wooded pond located centrally within the site has a high risk of surface water flooding. The area of high risk has a 3.3% chance of flooding each year.

Paragraph 175 states that a sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

The proposed layout shows that the built development is directed away from the area at high risk of surface water flooding and as such it is not considered that a sequential test is required in this instance.

The submitted Flood Risk Assessment and drainage strategy sees the use of an attenuation basin which is proposed to discharge into the watercourse on the eastern boundary of the site being located at the lowest section of the site. The site access and internal routes is to be upgraded to hardstanding, with the increased surface water runoff to be accommodated within the surface water drainage system.

The Lead Local Flood Authority have reviewed the submitted Flood Risk Assessment and drainage proposals and have concluded that they were satisfied that the site could be suitably drained, subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme prior to commencement. These conditions will be attached to any approval. Consequently, your Officers consider that there are sufficient controls to ensure that any surface water flood risk is adequately addressed and mitigated.

Foul drainage

In terms of foul water drainage, the applicant has stated that any welfare provision on site will only be used during routine maintenance in the operational period. The facility will not connect into the foul sewerage network but will use a self-contained tanked system which will be emptied regularly and disposed of at an appropriate and licensed waste management facility.

Blaby District Council Environmental Services department have recommended that prior to the installation of such, details for the treatment of foul sewerage shall be submitted to and agreed by the District Planning Department.

In conclusion, it is considered that the proposed development offers the potential for a good quality surface water drainage scheme to be developed which is based on sustainable principles. It is therefore considered that the proposal would comply with Policy CS22 of the Adopted Core Strategy 2013.

Archaeology And Historic Environment

Policies CS20 of the Core Strategy (2013), and DM12 of the Blaby District Council Local Plan (2019) seeks to preserve and enhance the cultural heritage of the District and Parish and recognises the need for the Council to take a positive approach to the conservation of heritage assets. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

Policy DM12 of the Council's Delivery DPD (2019) states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported.

The applicants have undertaken a desk top analysis, and the site has undergone a series of archaeological evaluation including trial trenching monitored by Leicestershire County Council Archaeology, which have been submitted with the application. The evaluation concluded that there were no significant archaeological remains identified within the majority of the trenches, with limited evidence of ridge and furrow cultivation found in the remainder. The applicants have committed to reporting findings with the Archaeological Data Service and the Leicestershire Museums Service. Leicestershire County Council Archaeology are satisfied that no further archaeological assessments are required.

Blaby District Council Heritage Officer has assessed the application with regards to its likely impacts upon the historical significance of nearby built heritage assets. There area a number of designated and non-designated heritage assets within the locality, including the Grade II listed building at Huncote Grange off Desford Road, the Scheduled Monuments at the Moated Site at New Hall, Thurlaston, and the Iron Age Enclosure. In addition, the boundary of Enderby Conservation Area lies some 1.25km to the east.

The submitted Heritage Statement concludes that there will be no physical impacts on any designated heritage assets. Blaby District Council's Heritage Officer has not identified any harm to the historic fabric or setting of the identified designated heritage assets. The Heritage Officer did identify harm to the settings of Cooks Lodge Farm and Cottage Farm, which are non-designated heritage assets, however it was concluded that that whilst there may be some harm, the harm to their setting would be 'less than substantial'. They went on to state that the proposal would not be so detrimentally harmful to their setting as to warrant refusal on this basis, particularly considering the public benefits of delivering the development.

The application is therefore considered to comply with Policy CS20 of the 2013 Core Strategy and Policy DM12 of the Local Plan Document (2019).

Environmental Implications

Blaby District Council's Environmental Services Team have raised no objections to respect of the application, with regard to drainage, land contamination and impact of construction phase.

A noise assessment has been submitted with this application which concludes that noise is not considered be a constraint to the approval of this planning application, providing that the plant is constructed and operated in accordance with the acoustic assumptions and recommendations set out within this report.

Blaby District Council Environmental Services are satisfied with the methodology of the assessment and its conclusions. They have requested in situ testing of the development to demonstrate that the sound levels in relation to the operation of the facility do not exceed those predicted in the Noise Assessment.

Leicestershire Fire and Rescue have reviewed the submitted Fire Statement and the Outline Battery Safety Management Plan (OBSMP) which seeks to ensure the appropriate management and safety regime in place both for the operational phase and decommissioning of the Energy Storage System. Leicestershire Fire and Rescue are satisfied with principles set out in the OBSMP and have requested that a Detailed Battery Safety Management Plan (DBSMP) is submitted and agreed prior to commencement of development.

Blaby District Council Environmental Services have requested a condition requiring the submission of a Construction Management Plan to control off-site impacts caused by noise, vibration, airborne emissions including dust, lighting, operating/ working hours, and the impact from construction traffic.

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy DM13 of the Blaby District Council Local Plan 2019.

Ecology and Biodiversity

Policy CS19 seeks to preserve the District Natural environment and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners. The Council will seek to resist proposed development on, sensitive sites, and where there are no alternative sites are available, appropriate buffering and mitigation measures should be in place to avoid / reduce any adverse impacts resulting from the proposal. Where this is not possible, compensatory measures should be sought, including provision of replacement habitats.

Policy FV4 seeks to ensure that new development maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

The site comprises of three distinct sections with the primary parcel being located to the south of Thurlaston Lane in which the infrastructure is proposed to be located, with the second parcel located to the southwest which is proposed to be allocated for Biodiversity Net Gain. Both parcels comprise areas of cropland, modified grassland, woodland, hardstanding and a waterbody. Native hedgerows and treelines bound the site. The remaining section is reserved for the roadside cabling to connect to Enderby Substation.

A Preliminary Ecological Appraisal, including relevant surveys for protected species and habitats, as well as a Biodiversity Net Gain Report and Metric has been submitted with the application.

The development will retain, and where practical, enhance habitats of ecological importance, including woodland, mature trees, and waterbodies. The proposals will necessitate the temporary loss of cropland, and isolated areas of hedgerow to facilitate access to the site. The majority of the hedgerows bounding site will be retained and enhanced where possible.

The Preliminary Ecological Appraisal noted that no adverse impacts were anticipated to any identified statutory or non-statutory designated sites provided that precautionary methods of construction are implemented.

The Leicestershire County Council ecologist commented that the wooded pond returned a negative eDNA result meaning the presence of great crested newts is unlikely and no other protected species was recorded. They noted that there would be a loss of two skylark territories within the main parcel of land, however, the new habitat enhancement area within the secondary parcel would likely benefit skylarks.

The Leicestershire County Council ecologist has concluded that the Preliminary Ecological Appraisal and additional reports and survey were acceptable and that no significant ecological constraints were identified.

Leicestershire County Council ecology recommends conditions requiring a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) to be submitted to and approved in writing by the Local Planning Authority.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

The plans and submitted ecology appraisals and Biodiversity Net Gain (BNG) calculations, show that the site provides an onsite net gain of 10.19 habitat units (+27.83%), and 1.22 hedgerow units (+10.40%) across the two parcels of land. All of the habitat creation and enhancements will be secured via condition and be legally secured for 30 years.

Prior to the commencement of the development, the developers are required to submit a Biodiversity Gain Plan which will set out the management and monitoring arrangements for the habitat enhancements over the 30-year period. A Section 106 agreement will be required to secure a contribution from the applicant for monitoring of the biodiversity enhancements over the 30 year period, which will require specialist ecological input.

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS19.

Arboricultural implications

An Arboricultural Appraisal has been submitted which consider the arboricultural impacts of the development and include analysis of the trees present on site and a categorisation of their quality. The submitted plans show the retention and enhancement of the hedgerows and trees along the field boundaries with no trees present within the application site.

Leicestershire County Council Forestry have not raised any objections on arboricultural grounds/

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS19.

Conclusion and Planning Balance

In conclusion, when determining planning applications, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the District Planning Authority determines applications in accordance with the Development Plan unless material considerations indicate otherwise.

Core Strategy Policy CS21 Climate Change adopts a positive approach to renewable energy projects, subject to conditions. Given the national requirements and need for energy storage to support the transition to renewable energy and the benefits associated with this locally, it is considered that the development of an Energy Storage System is acceptable in principle and accords with Policy CS21.

Core Strategy Policy CS18 does not specifically exclude or allow the development of renewable energy projects in the countryside, it however, requires that development does not have a significantly adverse effect on the appearance or character of the landscape.

It is acknowledged that there would an appreciative change to the context of the site and short-term harm to the landscape and visual amenity of the area. The identified harm to the character and appearance of the countryside and conflict with Policy CS18 is an element that weighs against the development proposals and should be given moderate weight in the planning balance.

It is however considered that the harm would be localised and that any harm would depreciate over the lifespan of the development as the mitigation in the form of landscaping matures. Furthermore, it should be noted that the development would be temporary with conditions limiting the lifespan of the development to 50 years and ensuring that the site is restored to its original state at the end of the operational period.

Furthermore, it is acknowledged that the proposal would result in the loss of Best and Most Versatile (BMV) agricultural land which is considered due to the size of the development and the fact that the proposal is temporary, to carry moderate weight in

the planning balance. In addition, given the area lost is not strategically significant it is considered that the loss of BMV land would not outweigh the benefits of the proposed development in this instance.

The Energy Storage System will store and supply the National Grid with up to 900MW of renewable energy which the applicants have stated will provide clean energy to power all homes in Blaby District Council area (48,170 homes) for 108 hours. This is a significant environmental benefit of the scheme which makes a positive contribution to meeting the climate change challenge.

National Planning Policy is clear that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. It is in this context that it is considered that any such harm to the countryside, which would be appreciable, would not be sufficiently detrimental to the character of the area so as to warrant the refusal of the application when weighed against the significant benefits of the proposal.

The proposal provides more than 10% biodiversity net gain with respect to hedgerows and habitat units as required by the government guidance with ecological enhancements being secured by way of planning condition and S.106 legal agreement for monitoring fees. The proposal would also see the introduction of other environmental benefits including enhanced green infrastructure through the provision of new hedgerows and trees, and habitats, the provision of such is considered to carry moderate weight.

The site will likely build out over a number of years and will provide a temporary boost to the local economy during site build out contributing to the wider local economy and will help support local shops and services. Reflecting on the scale of proposals a limited beneficial economic impact is considered likely.

The applicants have committed to a community benefit fund and will see the funding going towards the local Parish Councils and charity organisations in the area. This is not a material consideration and cannot carry any weight within the planning balance.

In addition, the site is not considered to unduly impact on the character and appearance of the area or the amenities of neighbouring properties, heritage assets and the environment.

There are no technical environmental constraints in relation to flooding and drainage, site management and safety that cannot be mitigated.

The County Council's Highways Department have considered the supporting access information in detail and have concluded that the access provision for both the operational phases in this location, along with the proposed mitigation measures considered to be acceptable in principle. They further consider that the development would not unduly impact on the wider highway network.

In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated, and that the public benefits of the proposal in terms contributing towards the provision of clean energy and energy security significantly

outweigh the identified harms.

The application is therefore on balance, recommended for approval subject to appropriate conditions being attached and the signing of a S.106 Legal Agreement

25/0030/FUL

**Registered Date
13 January 2025**

AMP Clean Energy

Enderby Leisure Centre, Mill Lane, Enderby, LE19 4LX

Construction and operation of a 200kW Energy Storage System (6.4m x 3.9m) with 2.4m high wooden paladin fencing.

**Report Author: Rebekah Newman, Senior Planning Officer
Contact Details: Council Offices. 0116 272 7778**

RECOMMENDATION:

THAT APPLICATION 25/0030/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

1. 3-year time limit condition.
2. Approved plans.
3. Wooden paladin fencing to be finished and maintained in colour dark brown.
4. All plant to be used and maintained in accordance with manufacturer's instructions.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee as the application is located on land within Blaby assets.

Relevant Planning Policies

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

| | |
|-------------|--|
| Policy CS1 | Strategy for locating new development |
| Policy CS2 | Design of new development |
| Policy CS21 | Climate change |
| Policy CS24 | Presumption in favour of sustainable development |

Blaby District Local Plan (Delivery) Development Plan Document (February 2019)

| | |
|------------|--|
| Policy DM1 | Development within the settlement boundaries |
| Policy DM8 | Local parking and highway design standards |

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Overarching National Policy Statement for Energy (EN-1)

Consultation Summary

Blaby District Council, Environmental Services – January 2025 consultation: Further information required before determination. Requested a revised Noise Assessment and confirmation from the applicant that the proposed fence would fulfil the recommendation of the revised Noise Assessment.

February 2025 re-consultation: No objections subject to the imposition of conditions. An updated Noise Assessment was provided and the applicant clarified that there are no residential properties located within 100m of the proposed development. The consultee confirmed that it was satisfied with this clarification and recommended the inclusion of a condition to ensure that all plant is used and maintained in accordance with manufacturer's conditions.

Blaby District council, Property Services – No response received.

Enderby Parish Council – No observations.

Leicestershire County Council, Highways – No comments.

National Grid Plant Protection – No response received.

Third Party Representations:

None received.

Relevant Planning History

| Application no. | Description | Decision & Date |
|------------------------|--|----------------------------|
| 80/1040/1/DX | District Leisure Centre. | Approved 17.10.1980 |
| 83/0221/1/DX | Erection of indoor swimming pool. | Approved 15.03.1983 |
| 90/0044/1/DX | Change of use from grassland to form additional car parking. | Approved 15.02.1990 |
| 23/0560/FUL | Extension to existing car park to create 50 additional car parking spaces. | Approved 13.09.2023 |

EXPLANATORY NOTE

The Site

The application site currently forms a small unused grass verge to the front of Enderby Leisure Centre, with car parking located to the north, east and northwest. The grassed area measures approximately 60m². The Leisure Centre comprises of red brick, with brown cladding running along the northern section of the building. The application site is located in front of the swimming pool building, off the car park, next to a pedestrian footpath which leads to the front doors of the Leisure Centre.

Mill Lane is situated further north. Enderby Golf Course is located to the south and southeast of the Leisure Centre, as well as Brockington College further east, on the other side of Mill Lane.

The Proposal

The application seeks permission for the construction and operation of a 200kW Energy Storage System, with 2.4-metre-high wooden paladin fencing. The storage system will be 6.4m x 3.9m (a total area of 24.96m²).

The Energy Storage System will be set back slightly on the grassed verge, with the fencing proposed to the front of the equipment and partially to the side elevations (extending approximately 2 metres northwards, with a width of approximately 5.7 metres, to allow access to the ESS).

Paragraph 1.3 of the submitted Planning Statement states that an Energy Storage System “... *imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports that electricity back to the grid when required during periods of high demand... each Battery Box connects directly to the local electricity network, from which it can import or export electricity.*”

Planning Considerations

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives.) These objectives are:

- An economic objective;
- A social objective; and
- An environmental objective.

The National Planning Practice Guidance (NPPG) provides supporting guidance to the interpretation of the NPPF.

DEVELOPMENT PLAN

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. The following policies are the most relevant to the proposed development:

Policy CS1 – Strategy for locating new development

Policy CS1 seeks to focus new development in the most sustainable locations in the District, primarily within and adjoining the Principal Urban Area (PUA) of Leicester. Lower levels of growth are allowed in Rural Centres, Medium Central Villages and Smaller Villages. The policy encourages development of previously developed land (brownfield) and underused land and buildings.

Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality, including layout and street design, contributing to a better quality of life for the local community.

Policy CS21 – Climate change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. The Council will contribute to achieving national targets to reduce greenhouse gas emissions by encouraging the use of renewable, low carbon and decentralised energy at the commercial, community and domestic scale. Renewable and low carbon energy generation will be supported within the District where the proposal:

- i. Ensures that the siting and scale of development avoids harm to the significance of designated heritage assets and nationally important archaeological remains or their setting.
- ii. Ensures that the impact of the development on local landscape character and historic landscape character is minimised.
- iii. Ensures that the proposal does not result in significant detriment to residential amenity for new or existing residents.
- iv. Includes measures to mitigate any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any development.
- v. Does not create an overbearing cumulative noise or visual impact, when considered in conjunction with similar developments and permitted proposals in the area.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development. The policy requires that when considering development proposals, the District Council always works proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Your Officers have worked proactively with the applicant to ensure that the development is as far as possible to be in accordance with adopted policies and thus the development is in accordance with Policy CS24.

Blaby District Local Plan (Delivery) Development Plan Document (2019)

The Delivery DPD was adopted on 4th February 2019 and full weight can be given to the relevant policies contained therein. It sits alongside the Core Strategy to form part of the Development Plan for the District. The following policies are relevant to this application:

Policy DM1 – Development within the Settlement Boundaries

This Policy seeks to support suitable development located within the boundaries of existing settlements where the proposal will:

- Provide a satisfactory relationship with nearby uses that would not unduly impact on neighbours;
- Be in-keeping with the character and appearance of the area;
- Would not result in overdevelopment;
- Is acceptable in layout, design and external appearance; and
- Would not prejudice the comprehensive development of a wider area.

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking and servicing provision which complies with Leicestershire Local Highway Guidance. The policy also states that “... *all new development and changes of use will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance*”.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

Taking into account the Development Plan Policies set out above, the considerations relevant to the determination of this application are:

- The principle of the development;
- The impact of the development on the character and appearance of the area;
- The impact of the development on the residential amenities of neighbours;
- The impact of the development on the surrounding highway network; and
- Other material considerations.

The principle of the development

Policy CS1 of the Core Strategy states that most new development in the District of Blaby will take place within and adjoining the Principal Urban Area (PUA) of Leicester. Outside of the PUA, development will be focussed within and adjoining Blaby and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages'. The application site is located within the settlement boundary of Enderby.

The proposed development is located on an unused grass verge within Enderby Leisure Centre's car park. Policy CS1 states that encouragement will be given to the use of underused land and buildings.

Subject to it being demonstrated that the proposed development will provide a satisfactory relationship with nearby uses, be in keeping with the character and appearance of the area, not result in the overdevelopment of the site, have a satisfactory layout, design and external appearance and not prejudice the comprehensive development of the wider area (see sections below), it is considered that the principle of the development is acceptable and the proposals would comply with Policy CS1.

The impact of the development on the character and appearance of the area

Following a site visit, your Officers requested for the applicant to re-consider the location of the proposed Energy Storage System, to a more discrete location, due to the structure currently being proposed to the front of the Leisure Centre building.

The applicant responded that the battery box will be connected to the secondary substation within the car park, and the box cannot be sited more than 50m from this connection, due to non-viability. Due to such constraints, the location of the units were considered to be acceptable due to the provision of fencing and when considering the development site as a whole, which contains a large leisure centre structure, further substation and other fencing related to the sites use.

It was also noted during the site visit that the application site and existing car park are located behind a mature hedgerow, which will partially conceal views of the Energy Storage System from Mill Lane and the wider area.

Each of the four units will be 1.2m x 1.8m x 2.16 m (with a total site area of 24.96m²) and will be concealed by 2.4m high wooden paladin fencing along the front elevation and partially on both side elevations. The Leisure Centre comprises of red brick, with dark brown cladding running along the northern section of the building. Green metal fencing is also present in the streetscene and houses an existing electric substation. Even though wooden fencing is not present in the existing streetscene, it is considered

that the material will not harmfully impact the character and appearance of the area. Your Officers requested the provision of revised plans which included the paladin fencing to be dark brown in colour, to reflect the Leisure Centre building directly behind the application site.

Overall, it is considered that the proposed development would comply with Policies CS2 and DM1.

The impact of the development on the residential amenities of neighbours

No residential properties are located within close proximity to the application site, with the closest dwellings being approximately 200m away. As such, no concerns are raised in terms of the impact of the proposals on neighbouring amenity (in terms of privacy, light, noise, disturbance and overbearing effect).

Your Environmental Services Officers initially queried the submitted Noise Assessment (received 13.01.2025), as the Report stated that the proposals would include an acoustic fence to mitigate noise, however the plans did not include this feature. The applicant clarified that as there are no noise sensitive receptors within 100m of the site, an acoustic fence would not be required, and provided a revised report. Following this information, your Environmental Services Officers confirmed that they were satisfied and recommended the addition of a condition requiring all installed plant to be used and maintained in accordance with manufacturer's instructions.

The applicant provided the ESS' maintenance details in an email dated 21.02.2025, which confirmed that the units will have scheduled maintenance twice per year, which is a combination of cleaning, inspection and testing of safety equipment. The Environmental Services team have reviewed this information and have confirmed that they are satisfied with the information provided.

As noted above, no objections have been received from neighbours in regard to the proposed development.

It is therefore considered that there would be no harmful impacts in terms of neighbouring amenity and the proposals would comply with Policy DM1.

The impact of the development on the surrounding highway network

The Local Highways Authority (LHA) was consulted as part of the determination of this planning application. The consultee made no comments as there would be no material impact on the public highway. The development proposed does not result in the loss of any parking spaces within the leisure centres site boundary.

As such, it is considered that the development proposal would accord with Policy DM8.

Sustainability

According to the Planning Statement submitted with the application, Energy Storage Systems allow excess renewable electricity to be stored and used later when low carbon sources are unable to generate enough electricity (such as when it is not windy or sunny). By doing so, Energy Storage Systems can prevent the need to turn on fossil fuel power stations and allow the UK to maximise the use of renewable power and to facilitate the UK's transition to net-zero.

Section 14 (Meeting the challenge of climate change, flooding and coastal change), Paragraph 161 of the NPPF (December 2024) states that *"The planning system should support the transition to net zero by 2050..."* and *"It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience... and support renewable and low carbon energy and associated infrastructure."* In addition, Paragraph 168 states that *"When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future; and b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions"*.

The Overarching National Policy Statement for Energy (EN-1) states in Paragraph 2.1.3 *"To produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale. High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness."* Additionally, Paragraph 3.3.25 states that *"Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher."*

It is therefore considered that the development proposal would accord with Policy CS21, as well as Section 14 in the NPPF and the National Policy Statement for Energy (EN-1).

Biodiversity Net Gain

The application is not subject to mandatory Biodiversity Net Gain (BNG) as the site area would impact 24.96m² of non-priority onsite habitat, which is below the de minimis threshold (25m²).

Flooding

The site is located within Flood Zone 1 which is considered to be the most suitable zone for development as it is at low risk of flooding.

Planning Balance and Conclusions

The development proposals to allow the construction and operation of a 200kW Energy Storage System with 2.4m high wooden paladin fencing is not considered to result in any harm to the character and appearance of the local area. In addition, it is considered that it would not be harmful to neighbouring residential amenity, due to the site being located an acceptable distance from residential dwellings. The proposed development is also not considered to result in any harm to the surrounding highway network and the principle of the development is established.

The proposals are therefore considered to be compliant with Policies CS1, CS2, CS21, CS24, DM1 and DM8 of the Development Plan and this matter weighs in favour of the development. There are no other material considerations that would indicate that the plan policies should not be followed. Approval is therefore recommended, subject to conditions as set out at the beginning of this report.

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**Blaby District Council
Planning Committee**

Date of Meeting **13 March 2025**
Title of Report **Blaby District Council (Gullet Lane, Kirby Muxloe) Tree
Preservation Order 2024**
Report Author Planning & Strategic Growth Group Manager

1. What is this report about?

- 1.1 The purpose of the report is to consider whether or not to confirm the provisional Tree Preservation Order (TPO) made 27 November 2024 on the trees situated along the road frontage of Gullet Lane, Kirby Muxloe (located to the front of the line of properties along Gullet Lane from the property known as The Homestead up to the property known as The Hedgerows.

2. Recommendation(s)

- 2.1 The Planning Committee approve the confirmation of the Tree Preservation Order along Gullet Lane, Kirby Muxloe, which has been modified from the provisional Tree Preservation Order.
- 2.2 The Authority be delegated to the Planning and Strategic Growth Group Manager to confirm the Tree Preservation Order on along Gullet Lane, Kirby Muxloe.

3. Reason for Decision(s) Recommended

- 3.1 Having consideration of the representations received regarding the TPO, it is considered that there are insufficient grounds not to confirm the Order. The area of trees provides important visual amenity along the street frontage of the large residential properties that are located along Gullet Lane.

4. Matters to consider

4.1 Background

The line of trees located to the north and south of Gullet Lane along the road frontage of the residential properties was considered for a TPO following a request from the member of the public, who was concerned about the removal of trees along Gullet Lane prior to the submission of a planning application at Swiss Cottage, which saw the removal of mature trees. The resident requested the protection of several trees along Gullet Lane due to

the nature of the area and that the lane is a popular walking route for members of the village.

It was noted by Officers considering the recent planning application at Swiss Cottage, Gullet Lane (Reference 23/1034/FUL) that *'it is disappointing that the trees previously located within the front and rear garden of the property have all been removed from the site, these were without protection, however had a site visit been carried out prior to their removal the Council may well have sought to protect these trees'*. In addition, at the time of the site visit for this application, the case officer referenced the character of the Gullet Lane and stated that *'the plots have an individual style; however, the area typically consists of large dwellings within large plots and grounds with strong front boundary treatments and mature trees and vegetation throughout. These are important features within the locality. Swiss Cottage is notably one of the smaller plots within the area'*.

Following the request that the Council consider imposing a TPO on certain trees on Gullet Lane, a site visit was undertaken by Officers of the Council to initially assess the merits of the trees and their worthiness for formal protection. Leicestershire County Council's Principal Tree and Woodlands Manager also attended. Officers assessed all the trees along the frontage of Gullet Lane between the properties known as The Homestead and The Hedgerows as there was a clear line of mature trees. The trees form a strong feature of mature trees in general along the street scene. The gaps where mature trees have been removed, such as Swiss Cottage are noticeable and regrettable.

The trees located within the grounds of Chestnut Cottage have not been included within this tree preservation order as they are protected separately by The Blaby District Council (Chestnut Cottage, Gullet Lane, Kirby Muxloe) Tree Preservation Order 2009.

The line of trees was initially assessed for their suitability for a TPO by the Case Officer considering the trees as a group and as individual trees. Taking into account the trees' high amenity value and their positive contribution to the character of the immediate and surrounding area, it was considered expedient and in the interests of amenity to issue a TPO. Trees in the rear gardens, with low amenity value or with limited visibility from Gullet Lane were not included in this order. The included trees are those considered worth of being protected. This Order was imposed on the individual and groups of trees as specified on the plan. A TPO must then be confirmed within 6 months of issue.

This was followed up by a site visit by Leicestershire County Council's Principal Tree and Woodlands Manager who reviewed the Case Officer's Tree Evaluation Method for Preservation Orders Assessment (TEMPO) which gave the group of trees scores of 15 giving the group an initial status of "TPO defensible" category. The Principal Tree and Woodlands Manager confirmed the species of trees being protected, the locations and provided

a professional view as regards the condition and suitability of the trees for protection.

It should be noted that while these trees are individually protected, it is considered that these trees along the frontage of Gullet Lane also have a group value when viewing the mature trees along the lane. The site has visibility from those accessing the road, which is a public bridleway (V81) by either vehicle, bicycle or as a walker using Gullet Lane to access other nearby footpath connections.

4.2 Representations received

7 representations were received all in objection to the Tree Preservation Order at Gullet Lane, Kirby Muxloe. It is noted that the majority of the representations were submitted in objection to the trees being protected within the grounds of their property as follows:

The occupant / owner of The Homestead objects to the TPO specially regarding trees T1, T3 and T4 and provided a response by a professional member of the Arboricultural Association. In summary the reasons provided in the response were:

- Have actively been managing the trees within their site since 2016.
- There is no explanation or survey as to why these trees have been selected.
- The trees offer limited public amenity given that the road is unadopted.

In summary their consultant has provided the following comments:

- The LPA have failed to demonstrate how the protection of trees within the TPO would provide a reasonable degree of public benefit.
- The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of amenity.
- They conclude that using the TEMPO evaluation T1, T3 and T4 score '11' meaning that they do not merit a TPO.

The occupant / owner of Duiag objects to the following trees being protected: T5, T6 and T7. In summary the reasons stated were:

- Gullet Lane residents preserve, manage and protect the trees and have done for 50 years.
- Gullet Lane is not a public place and is owned by private landowners.
- There is no explanation for the method and scale used to assess amenity value.
- The residents asked a series of questions regarding the order.
- There have been instances of tree roots damaging electricity cables along Gullet Lane.
- Will create unnecessary process, burden, costs and legal implications.

The occupant / owner of The Folly objects to the following trees being protected: T10, T11/T12. In summary the reasons stated were:

- The tree is a nuisance and blocks out light and the view. They have to manage the debris.
- A self-setting tree, which seems to have 3 trunks and is unsightly.
- The road is used by walkers and there are usually fallen branches on the road.
- Maybe if the Council adopts the road it would be fairer.

The occupant / owner of Silver Edge objects and provided a response by a professional member of the Arboricultural Association, the resident objected to the following trees being protected: T1 (group), T21 and T22. In summary the reasons stated were:

- Using TEMPO evaluation, T1/G1?, T21 & T22 score '11', meaning that they 'do not merit a TPO'.
- There are errors in the plan and schedule drawing showing ambiguous and incorrect locations.
- The tree's have been historically well cared for by the owners.

The occupant / owner of Silver Edge provided a separate objection regarding T1 (plan showing G1). In summary the reasons stated were:

- The plan is unclear and I am confused as to which trees cover my property.
- The order refers to T1 and the plan shows G1.
- Does not think that the orders are necessary.
- Considers the order to be an unwarranted burden.
- This is a private 'dead end' road with bridleway access - it is not a public road with passing members of the public - it is only used by a small number of local dog walkers in the main so has limited public interest
- Already have the high costs of maintaining the road.

The occupant / owner of The Hedgerows objects and provided a response by a professional member of the Arboricultural Association. The resident objects to the following trees being protected: T26, T27, T28, T29, T30, T31, T32 and T33. In summary the reasons stated were:

- Using TEMPO evaluation, T26, T27, T28, T29, T30, T31, T32 & T33 score between '9 and 11', meaning that they 'do not merit a TPO'.
- There are errors in the plan and schedule drawing showing ambiguous and incorrect locations.
- The tree's have been historically well cared for by the owners.

The occupant / owner of Woodlands objects to the order as they consider that a tree on their site is unsafe and causing damage to the property.

Consideration of Representations Received

As previously stated, The Principal Tree and Woodlands Manager at Leicestershire County Council was consulted for their professional opinion as to the worthiness of the individual trees suitability for a TPO. Your Officers met with the Officer on site where a professional assessment of the trees was made. During this site visit the Forestry and Arboricultural Officer agreed with your Officer's initial assessment for the trees' worthiness of a TPO for the reasons set out above.

The Principal Tree and Woodlands Manager at Leicestershire County Council was consulted again following the receipt of objections to the application to provide a view on the comments submitted by residents and their Arboricultural Consultants. They provided the following comments following a site visit with your officers on 12 February 2025:

'The TEMPO assessment provided by an external consultant consistently marks the trees down for their relative public visibility & suitability. In all cases they have been given a score of 2 (Young, small or medium/large trees visible only with difficulty). Whilst not adopted highway, Gullett Lane is publicly accessible and well used walking route on Bridleway V81/5 which forms an important link with adjacent PROWs. The trees are located to the front of properties and collectively provide a mature and verdant frontage to the properties. I would score the trees at least a 3, if not a 4 (large/medium trees clearly visible to the public). This would mean that the majority of trees score over 12 and the TPO is defensible. It is also important to recognise that the trees collectively are important for their cohesion and the reason for the TPO was in relation to prior felling of healthy mature lime trees which were not afforded protection by the CA or TPO which covers the rest of the village'.

The TEMPO assessment carried out by LCC Forestry is included in the Appendices (Appendix G).

Following the visit on 12 February 2025 the tree preservation order was amended from the provisionally made TPO as follows:

- Alter locations on the plan of T3 and T4
- Remove T22 and T16 from the schedule as this tree was not considered worthy of protecting.
- Alter the location of the line of trees at the property The Hedgerows, which had been shown as a group rather than a line on the original plan.
- Following this site visit T29 has now been confirmed as being a spruce, this is shown on the amended schedule.

A lime tree has subsequently been removed from the property The Folly (T12) with permission from the District Planning Authority, this tree requires replacement with a small-leaved lime, which shall be planted as close to the existing felled tree before the end of March 2025. This replacement tree, as

per the regulations, will be covered by the Tree Preservation Order protecting the original tree.

The group of trees shown on the plan as G1 should be noted as G1 on the Schedule instead of T1 as noted on the original version (as shown in Appendix A).

4.4 Conclusions

The revised TEMPO Assessment from LCC Forestry concludes that the majority of trees score over 12 and that a TPO is defensible.

It is considered that the individual and group of trees shown on the modified TPO plan and schedule, are worthy of protection due to their public amenity value. This results from their group value, coverage along the road frontage of Gullet Lane and the public bridleway and contribution to the local landscape. Having regard to the points raised by the representations received (Appendix D) and the professional advice received from Leicestershire County Council's Forestry and Arboricultural Officer, your Officers have balanced all other issues and considered that there is no over-riding reason not to confirm the Tree Preservation Order subject to the modifications shown.

5. **What will it cost and are there opportunities for savings?**

5.1 Not applicable

6. **What are the risks and how can they be reduced?**

6.1 There are no risks.

7. **Other options considered**

7.1 That the Tree Preservation Order not be confirmed. This option is not recommended for the reasons given in the report.

8. **Other significant issues**

8.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9. **Appendices**

Appendix A – Tree Preservation (as modified: to be confirmed)

Appendix B – Tree Preservation Order (Original – superseded)

Appendix C – Google overhead image

Appendix D – Site Photographs taken October 2024

Appendix E - Representations Received

Appendix F – Map Demonstrating PROW

Appendix G – Tempo Assessment (LCC Forestry)

10. Report author's contact details

Charlene Hurd
Planning@blaby.gov.uk

Development Services Team Leader
0116 272 7705

Appendix A – Tree Preservation (as modified: to be confirmed)

Authorised Signatory

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AC0000808718



SCHEDULE
SPECIFICATION OF TREES
Trees specified individually

(within a solid black line on the map)

| Reference on Map | Description | Situation |
|------------------|----------------|--|
| T1 | Horse Chestnut | Located in the front garden of The Homestead |
| T2 | Oak | Located opposite The Homestead |
| T3 | Lime | Located in the front garden of The Homestead |
| T4 | Maple | Located in the front garden of The Homestead |
| T5 | Beech | Located to the front of Duaig |
| T6 | Horse Chestnut | Located to the front of Duaig |
| T7 | Beech | Located to the front of Duaig |
| T8 | Cedar | Located to the front of Windrush |
| T9 | Field Maple | Located to the front of Windrush |
| T10 | Beech | Located adjacent 'pond' and opposite The Folly |
| T11 | Lime | Located between The Folly and The White House (front garden) |
| T12 | Lime | Located between The Folly and The White House (front garden) |

| | | |
|------------|---|--|
| T13 | Lime | Located to the front of the White House |
| T14 | Lime | Located to the front <u>o</u> the White House |
| T15 | Cedar (3 individual trees) | Located along the boundary of The White House and Birch Hill |
| T16 | Not to be included in the amended schedule. | |
| T17 | Silver birch x 3 | Located to the front of Birch Hill |
| T18 | Norway Maple | Located to the front of Ranmore |
| T19 | Lime | Located to the front of The Woodlands |
| T20 | Cedar – Red Western | Located to the front of the Woodlands |
| T21 | Lime | Located to the front of Silver Edge |
| T22 | Not to be included in the amended schedule. | |
| T23 | Horse Chestnut | Located opposite Silver Edge on the edge of the highway |
| T24 | Ash | Located opposite The Lindens |
| T25 | Lime | Located in the front garden of The Elms |
| T26 | Silver Birch | Located in the front garden of Hedgerows |
| T27 | Field Maple | Located in the front garden of Hedgerows |
| T28 | Field Maple | Located in the front garden of Hedgerows |
| T29 | Spruce | Located in the front garden of Hedgerows |
| T30 to Tee | Black Pine (4 individual trees) | Located in the front garden of Hedgerows |

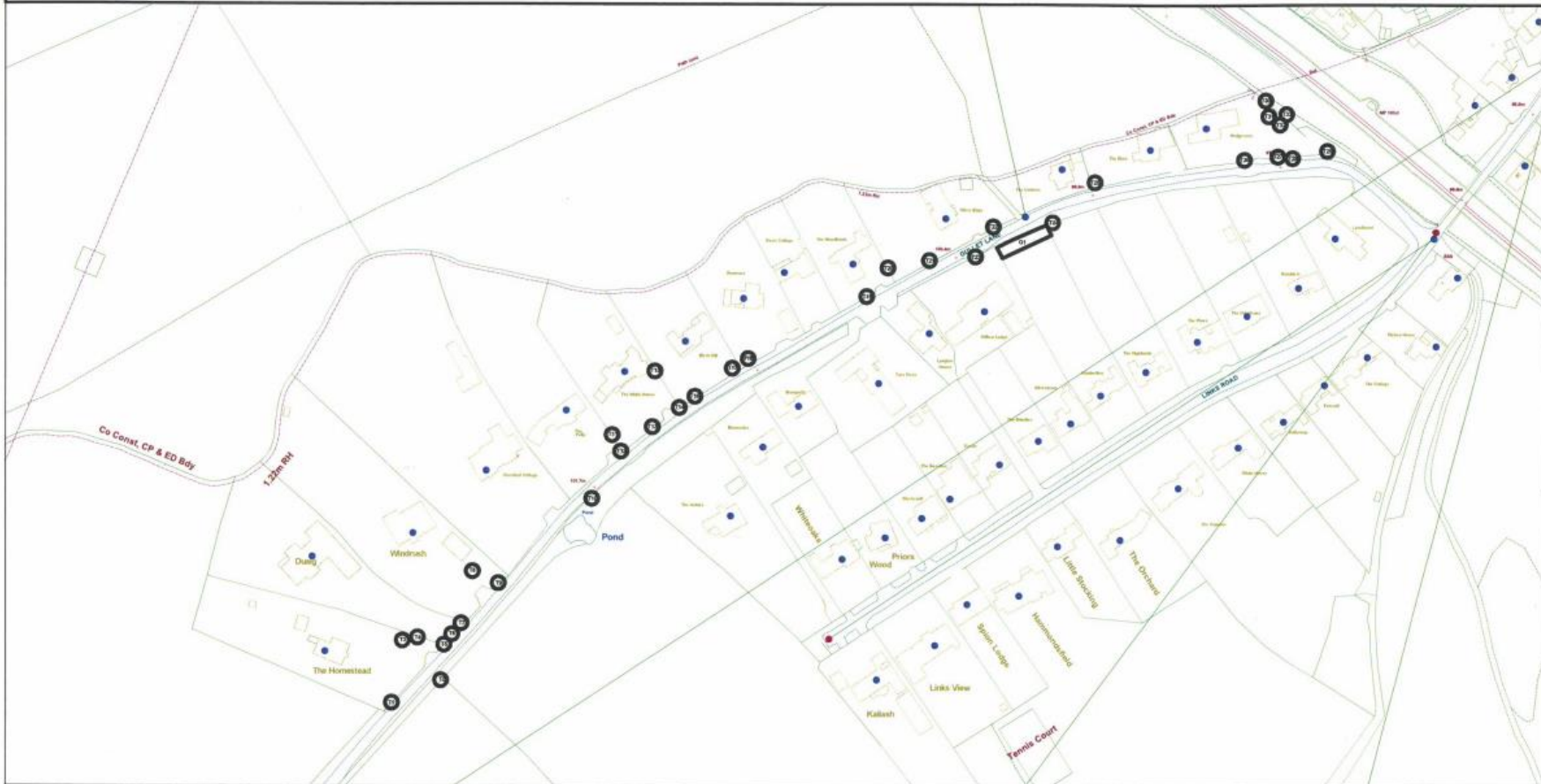
SPECIFICATION OF TREES

Trees specified as a Group

(within a solid black line on the map)

| Reference on Map | Description | Situation |
|------------------|------------------------|---|
| G1 | Group of field maples. | Located opposite the public footpath (between The Lindens and Silver Edge). |

Appendix B – Tree Preservation Order (Original – superseded)



CAHurd
.....
Authorised Signatory

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**Town and Country Planning (Tree Preservation) (England)
Regulations 2012**

Town and Country Planning Act 1990

**Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order
2024**

The Blaby District Council in exercise of the powers conferred on them by Sections 198 and 201 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024.

Interpretation

2. – (1) In this Order “the authority” means the Blaby District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. – (1) Subject to Article 4, this Order takes effect provisionally **with immediate effect** on the date on which it is made.
(2) Without prejudice to subsection (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –

 (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated this 27 day of November 2024

Signed on behalf of the Blaby District Council

C. Hurd
Development Services Team Leader

.....CAHurd.....

Authorised by the Council to sign in that behalf

SCHEDULE
SPECIFICATION OF TREES
Trees specified individually

(within a solid black line on the map)

| Reference on Map | Description | Situation |
|------------------|----------------------------|--|
| T1 | Horse Chestnut | Located in the front garden of The Homestead |
| T2 | Oak | Located opposite The Homestead |
| T3 | Lime | Located in the front garden of The Homestead |
| T4 | Maple | Located in the front garden of The Homestead |
| T5 | Beech | Located to the front of Duaig |
| T6 | Horse Chestnut | Located to the front of Duaig |
| T7 | Beech | Located to the front of Duaig |
| T8 | Cedar | Located to the front of Windrush |
| T9 | Field Maple | Located to the front of Windrush |
| T10 | Beech | Located adjacent 'pond' and opposite The Folly |
| T11 | Lime | Located between The Folly and The White House (front garden) |
| T12 | Lime | Located between The Folly and The White House (front garden) |
| T13 | Lime | Located to the front of the White House |
| T14 | Lime | Located to the front of the White House |
| T15 | Cedar (3 individual trees) | Located along the boundary of The White House and Birch Hill |

| | | |
|------------|---------------------------------|---|
| T16 | Norway Maple | Located to the front of Birch Hill |
| T17 | Silver birch x 3 | Located to the front of Birch Hill |
| T18 | Norway Maple | Located to the front of Ranmore |
| T19 | Lime | Located to the front of The Woodlands |
| T20 | Cedar – Red Western | Located to the front of the Woodlands |
| T21 | Lime | Located to the front of Silver Edge |
| T22 | Lime | Located to the front of Silver Edge |
| T23 | Horse Chestnut | Located opposite Silver Edge on the edge of the highway |
| T24 | Ash | Located opposite The Lindens |
| T25 | Lime | Located in the front garden of The Elms |
| T26 | Silver Birch | Located in the front garden of Hedgerows |
| T27 | Field Maple | Located in the front garden of Hedgerows |
| T28 | Field Maple | Located in the front garden of Hedgerows |
| T29 | Field Maple | Located in the front garden of Hedgerows |
| T30 to Tee | Black Pine (4 individual trees) | Located in the front garden of Hedgerows |

SPECIFICATION OF TREES

Trees specified as a Group

(within a solid black line on the map)

| Reference on Map | Description | Situation |
|------------------|------------------------|---|
| T1 | Group of field maples. | Located opposite the public footpath (between The Lindens and Silver Edge). |

Appendix C – Google overhead image



**Appendix D – Site Photographs taken October 2024 and Google Maps Images
(August 2023)**



Figure 1 - T18



Figure 2 Trees at the front of The Homestead (T3, T4 and T5)



Figure 3 Trees at Birch Hill looking towards The Woodlands



Figure 4 Photo from outside Duaig looking towards The Homestead



Figure 5 - Trees T30-T33

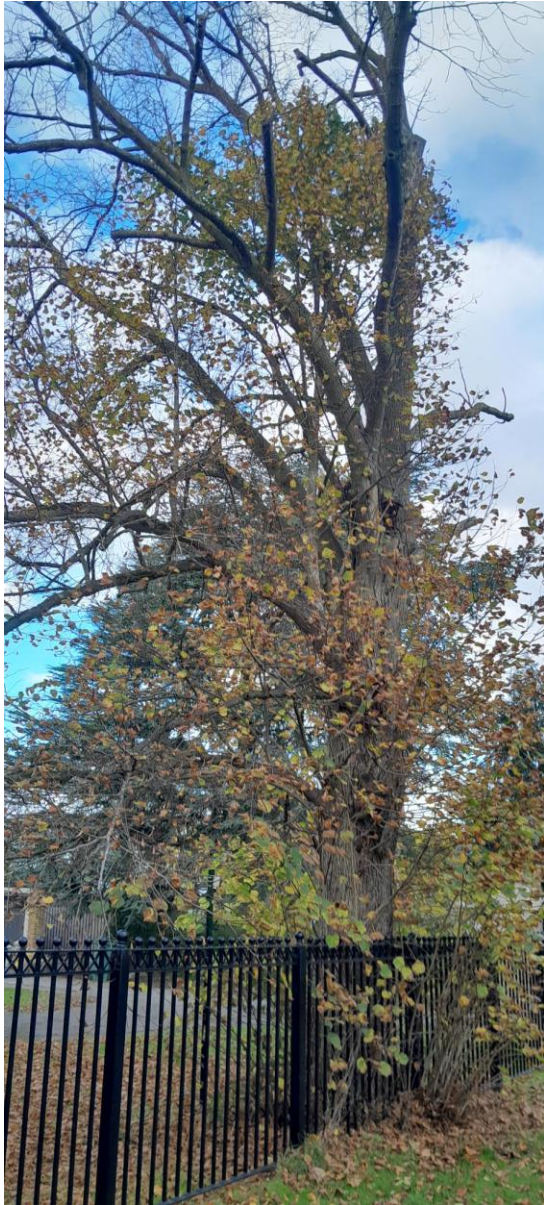


Figure 6 - T13 (The White House)



Figure 7 Google Maps - T1



Figure 8 Google Maps - T19

Appendix E - Representations Received:

Group Manager – Planning & Strategic Growth

Blaby District Council
Desford Road
Narborough
Leicestershire
LE19 2EP

Your Ref: 373/DC

22 December 2024

OBJECTION TO:

Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024

Dear Sirs,

I write to object to the confirmation of the above Order relating to trees marked T5, T6, T7 located at Duaig, Gullet Lane, Kirby Muxloe, for the reasons contained in this letter.

Whilst I actively support the conservation of Gullet Lane and the wider area, all aspects and value of the local amenity, the preservation of trees and their importance in the environment; I consider the TPO unnecessary as Gullet Lane landowners preserve, manage and protect all aspects of tree, hedge and verge amenity within the locality currently and have done so for at least 50 years, through change of land ownership, without the need for Council assistance or tree preservation orders. Furthermore, Gullet Lane is not a public place and is owned by private landowners and serves as means of access to private dwellings.

There is no explanation for the method and scale used to assess amenity value, so it is impossible to state which tree has a higher value than another in the same locality and setting as opinion alone cannot determine amenity.

The Order states that *the trees make a positive visual contribution to the area and are considered to have local amenity value by virtue of their size and location.*

I would therefore like to understand further the events which led to the Order being made and the reason(s) for issuing the Order. Please therefore provide a response to the below: -

- 1) Is the Council aware of imminent threats to the marked trees and if so, please provide details
- 2) A copy of the tree survey information and any accompanying notes to confirm size, species and location
- 3) Condition and life expectancy report for each tree (unless covered by 2)

- 4) The method used to assess and measure **visibility to the public** given that the trees are on private property, fronting a single track unadopted bridleway, which is a dead end with no 'passing traffic' and limited rights of way. The trees are also partly obscured by a fence and neighbour's hedge
- 5) The method, scale and score used to assess **amenity value** of each tree and what reasonable degree of public benefit each tree provides in the present or future
- 6) Did the tree assessment take into consideration the position of the main sewer, electricity supply cables, gas and water supply pipes overhead and underground telephone lines on Gullet Lane, if not, why not?
- 7) Has the Council held discussions, meetings or received communication from an individual(s) or group(s) supporting the creation of the Order? If yes, please provide copies of all communications
- 8) Is the Council aware that the affected landowners already share the burden of maintaining an **unadopted road** and confirming the TPO will cause unnecessary process, add delay and cost as tree roots have in the past caused damage to the road surface and the Order will affect how the surface is maintained and resurfaced in the future. Furthermore, the TPO will (and already has) created 'division and difference' amongst residents as most landowners consider the Order unnecessary.
- 9) Will the Council conduct a soil investigation survey to confirm the structural root integrity and stability of the trees, soil moisture content and structure, waterlogging and compaction assessments and if not, please explain why not given the trees proximity to a drainage ditch?
- 10) Has the Council considered the future implications of damage being caused to the trees on Gullet Lane by **refuse and recycling vehicles**, tall delivery vehicles, removal vans and vehicles essential to farming (as Gullet Lane is the means of access to Elms Farm) and how landowners are expected to comply with the Order in the event of such damage? The Council could not reasonably know that damage is caused by refuse and recycling collection vehicles currently and this can be evidenced by landowners

With reference to 6) above, there have been several instances of tree roots damaging electricity cables along Gullet Lane and causing power outages and it is very likely that this will occur again in the future. The Order will create unnecessary process, burden, cost and possible legal implications for the landowner should this occur in the future. This can be substantiated by National Grid (formerly Western Power) at the time of the last incident.

With reference to 7) above – This is subject to a freedom of information request

With reference to 9) above, there have been several instances of trees being uprooted or losing limbs which have blocked Gullet Lane due to **storm damage**. The Order will add a layer of complication, burden and financial loss to the landowner to clear and replace uprooted trees. The 2023/24 storm season saw 12 named storms, the greatest number of named storms since 2015, with a notable increase in AMBER and RED Met Office warnings.

On 5 December 2024, storm **Darragh**, a Met office RED warning storm caused trees to be uprooted, damage to property and loss of life. The integrity and root structure, the soil condition, proximity to a drainage ditch and water table height should also be assessed prior to the confirmation of the TPO, as the frequency, intensity and wind speed of future storms is evidenced to increase with climate change and global temperature rises. This will lead to an increase in the number of uprooted trees, which becomes the operational and uninsurable financial burden of the landowner.

Recognising that the Council has a responsibility to identify and protect trees of notable amenity value and public benefit, can I suggest the Order is modified to exclude trees marked T5, T6, T7.

Yours faithfully



Martin Burbidge
Duaig, Gullet Lane

The Folly
Gullet Lane
Kirby Muxloe
Leicester
LE9 2EX

2 Jan 2025

FAO Group Manager
Planning and Strategic Growth
Blaby District Council
Desford Road
Narborough
Leicester

Dear Sirs

Re: Tree Preservation Order Gullet Lane, Kirby Muxloe

We wish to make the following objections

T.10 This tree is a nuisance to our property as it blocks out the light and the view. We have to manage the debris from it as it falls onto our road, which is not maintained by the council, but is our responsibility. The road surface is suffering from being constantly in the shade and will need to be renewed in the future.

T11 or T12 (Can not see which one it is)

This tree is on our boundary, it is a self-setting tree, which seems to have 3 trunks, it is very unsightly, having no particular tree shape, but is more of a cluster of trees. We fail to see the worth of this tree and in our opinion needs removing.

As we are responsible for the road and trees, speed is important when making decisions, as this lane is used constantly by walkers, and there are usually lots of fallen branches on the road. Having experience of Blaby and District Council and the time it takes to get authorization for works, we feel worried about this situation. Maybe if you were to adopt the road, then it would be farer for you to make decisions about our trees.

Yours sincerely



W J & J Scrivins

Subject: FAO : The Group Manager, Planning & Strategic Growth - TPO Objection

Dear Sir/Madam,

Your Ref : 373/DC

Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024

I am writing to formally object , on behalf of the owner of Silver Edge, Gullet Lane, Kirby Muxloe to the Tree Preservation Order listed above.

I attach my formal report to explain the reasons for the objection. These can be summarised as follows;

1. No evidence was provided detailing how the trees are suitable for a Tree Preservation Order. We have undertaken own assessment using standard procedures and this confirm our opinion that the trees do not justify a Tree Preservation Order.
2. The Order contains numerous errors in both the schedule and plan, and as such is not 'fit for purpose' in its current form.

If you need any further information, please do not hesitate to contact me.

Regards

Higginson Associates
Arboricultural & Woodland Consultants

Village House
Coventry Road
Marton



SILVER EDGE, GULLET LANE,
KIRBY MUXLOE

**OBJECTION TO BLABY DISTRICT COUNCIL (GULLET LANE,
KIRBY MUXLOE) TREE PRESERVATION ORDER 2024**

DECEMBER 2024

Village House, Coventry Road, Marton, Warwickshire. CV23 9RH



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| 2.0 Site | 1 |
| 3.0 Tree Preservation Order | 2 |
| 4.0 Conclusion | 6 |

BIBLIOGRAPHY

1.0 Introduction

- 1.1 The aim of this report is to carry out an assessment of a recent Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024 which was brought into force on 27th November 2024 on trees that fall within the curtilage of Silver Edge. The report will focus on the suitability of trees to be protected under this Tree Preservation Order (TPO)
- 1.2 The report has been commissioned by the owner of Silver Edge.
- 1.3 The site was visited during December 2024 by Brian Higginson who holds the Professional Diploma in Arboriculture (Dip.Arb RFS) and is a Professional Member of the Arboricultural Association (M.Arbor.A).
- 1.4 The site was open and allowed full access, and the trees covered by the Tree Preservation Order were given a ground-based preliminary inspection. This was based upon the surveyor looking for any visual indications that may lead him to a supposition about the health and safety of each tree. No trees were climbed during this inspection. It must be remembered that trees are dynamic, living structures and as such their condition will alter over time.

2.0 Site

- 2.1 The site is residential property enjoying mature gardens to the front, and adjacent to Gullet Lane.
- 2.2 Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024, covers a number of trees located within the curtilage of Silver Edge as shown on the extract from the TPO, below;



Figure 1 : Extract from the TPO, showing location of trees

3.0 Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024

- 3.1 The TPO came into force, on a temporary basis on 27th November 2024. The reason/justification for making the Order is shown below

The Council have made the Order because the trees make a positive visual contribution to the character of the surrounding area and are considered to have local amenity value by virtue of their size and location.

Figure 2 : Extract from TPO.

- 3.2 The justification for making the TPO is that the trees make a positive visual contribution to the character of the surrounding area and are considered to have local amenity value by virtue of their size and location. There is no further clarification or explanation as to why this claim can be justified. The Planning Practice Guidance (<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>) gives some guidance on the use of the term 'amenity' – "Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order"

"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment"

and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of public benefit.

- 3.3 When assessing amenity to make provision for the preservation of trees or woodlands in their area', The Planning Practice Guidance states;

“When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:”

Visibility

“The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.”

Individual, collective and wider impact

“Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;*
- future potential as an amenity;*
- rarity, cultural or historic value;*
- contribution to, and relationship with, the landscape; and*
- contribution to the character or appearance of a conservation area.”*

Other factors

“ Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.”

The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of amenity.

- 3.4 It is common for Local Planning Authorities to use the 'Tree Evaluation Method for Preservation Orders (TEMPO) to consider both amenity and expediency in a clear and consistent fashion.

Using the TEMPO method, an assessment of the suitability of the trees within the TPO was made, and are shown on the TEMPO evaluation below;

| Tree No. | Assessment | Score |
|-----------------------------|-------------------------------|-------------------------|
| T1/G1 Group of Field Maples | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|----------|-------------------------------|-------------------------|
| T21 Lime | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|----------|-------------------------------|-------------------------|
| T22 Lime | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

Using TEMPO evaluation, T1/G1?, T21 & T22 score '11', meaning that they 'do not merit a TPO'.

- 3.5 The are errors in the plan drawing showing ambiguous and incorrect locations.
- 3.6 The are errors in the schedule showing incorrect situations, that linked with the point above, lead to errors and ambiguity within the TPO.
- 3.7 The tree's have been historically well cared for by the owners.

4.0 Conclusion

- 4.1 Having assessed the trees and site, it is concluded that Tree's T1/G1?, T21 & T22 are unsatisfactory for inclusion within this Tree Preservation Order. The main reasons for objection are set out in the table below.

| Tree | Reason for Objection |
|----------|--|
| T1/G1? | <ul style="list-style-type: none">• Trees within this group(?) do not merit a TPO. When applying the TEMPO methodology, the score was 11, and does 'not merit a TPO'.• There is confusion about the nature and location of this group, when cross-referenced with the schedule. |
| Tree T21 | <ul style="list-style-type: none">• Tree T21 does not merit a TPO. When applying the TEMPO methodology, the score was 11, and 'does not merit a TPO'• The local planning authority has provided no details of how it has evaluated amenity in this case. |
| Tree T22 | <ul style="list-style-type: none">• Tree T22 does not merit a TPO. When applying TEMPO methodology, the score was 11, and 'does not merit a TPO'. |

| | |
|--|--|
| | <ul style="list-style-type: none"> • The local planning authority has provided no details of how it has evaluated amenity in this case. |
|--|--|

BIBLIOGRAPHY

The Planning Practice Guidance

(<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>)

TEMPO Tree Evaluation Method for Preservation Orders ([TREE EVALUATION METHOD FOR PRESERVATION ORDERS: \(flac.uk.com\)](#))

Sent: 06 January 2025 13:52
To: Planning Mailbox <planning@blaby.gov.uk>
Subject: Objection letter TPO Silver Edge Gullet Lane

Dear Sirs

I am writing to object as follows

The plan is very unclear and I am confused as to which trees are covered for my property. The plan highlights a tree that is next to another similar tree and i am not sure which one it is. A photograph with the order would have been most useful. I am not a tree expert and don't know the different types - the order assumes one should know the different types as opposed to identifying the exact trees in a clear manner

There are also confusions on the numbering - the order refers to T1 and the plan shows G1. On T1 I object as it seems this area has been picked out for no obvious reason - there are other similar areas on the road - this is most inconsistent and unfair. Some of the trees are straggly and not very pretty - very little obvious amenity value - much better trees elsewhere not TPO'd. The plan seems to indicate the trees are in the Kimberlin's property whereas I believe they are in mine.

I really don't believe these orders are necessary - these trees have been here for many years and the planning process prevents building development that would allow mass scale building that would necessitate the felling of lots of trees. It is not in the residents interest to fell these trees as we like them - we just want to be left alone to manage them ourselves as has clearly been done well to date

Most residents value these trees and look after them

It is the cost and bureaucracy that the TPO brings which is an unwarranted burden

We believe the council is unfairly yielding to the views of a very small number of people that want TPOs/Conservation area status and hope that the counter arguments made carry more weight.

This is a private 'dead end' road with bridleway access - it is not a public road with passing members of the public - it is only used by a small number of local dog walkers in the main so has limited public interest - again making the TPO seem unwarranted

As residents we already bear a high cost of maintaining the road ourselves and this heaps additional costs upon us

I would question with the huge pressures the council is under - is this good use of public money? - does it pass the council's 'value for money' test or whatever metric you use on how to allocate resources?

This interference in tax payers private affairs/property further alienates me from the council and its claims to serve its tax payers

I would ask that this TPO is rescinded/not confirmed

I await your advice

Terry Moyes
Silver Edge
Gullet Lane

Group Manager – Planning & Strategic Growth
Blaby District Council
Desford Road
Narborough
Leicestershire
LE19 2EP
Your Ref: 373/DC

3rd January 2025

**OBJECTION TO: Blaby District Council (Gullet Lane,
Kirby Muxloe) Tree Preservation Order 2024**

Dear Sirs,

I write to object to the confirmation of the above Order relating to trees marked T1, T3, T4 located at The Homestead, Gullet Lane, Kirby Muxloe, for the reasons contained in this letter.

In addition to this letter, I have sought advice and a report from a Professional Member of the Arboricultural Association (M.Arbor.A) and enclose their report for your reference. The report enclosed clearly demonstrates that these trees are not of a worthy of a TPO using the TEMPO evaluation methodology.

Further to the notice received I would like to confirm that T2 falls outside of The Homestead ownership and therefore I have no comment to make on the status of this tree.

Whilst I object to the Order, I would like to place on record that I have been actively managing the trees within my ownership since taking occupation in 2016. I can also confirm that all works to date have been carried out by reputable tree surgeons. I therefore consider the Order to be unnecessary.

In relation to the communication and schedule from Jonathan Hodge, there is no explanation or survey provided as to why these trees have been selected. My opinion is that these trees offer limited public amenity given the road is unadopted with some trees being located significantly away from Gullet Lane. I therefore dispute that all the trees subject to this order *“make a positive visual contribution to the area and are considered to have local amenity value by virtue of their size*

and location."

Recognising that the Council has a responsibility to identify and protect trees of notable amenity value and public benefit, can I suggest the Order is modified to exclude trees marked T1, T3, T4.

Yours faithfully

Tom Hilyer – The Homestead.

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The Homestead, Gullet Lane, Kirby Muxloe

1.0 Introduction

- 1.1 The aim of this report is to carry out an assessment of a recent Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024 which was brought into force on 27th November 2024 on trees that fall within the curtilage of The Homestead. The report will focus on the suitability of trees to be protected under this Tree Preservation Order (TPO)
 - 1.2 The report has been commissioned by the owner of The Homestead
 - 1.3 The site was visited during December 2024 by Brian Higginson who holds the Professional Diploma in Arboriculture (Dip.Arb RFS) and is a Professional Member of the Arboricultural Association (M.Arb.A).
 - 1.4 The site was open and allowed full access, and the trees covered by the Tree Preservation Order were given a ground-based preliminary inspection. This was based upon the surveyor looking for any visual indications that may lead him to a supposition about the health and safety of each tree. No trees were climbed during this inspection. It must be remembered that trees are dynamic, living structures and as such their condition will alter over time.
- ### 2.0 Site
- 2.1 The site is residential property enjoying mature gardens to the front, and adjacent to Gullet Lane.
 - 2.2 Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024, covers a number of trees located within the curtilage of The Homestead as shown on the extract from the TPO, below;

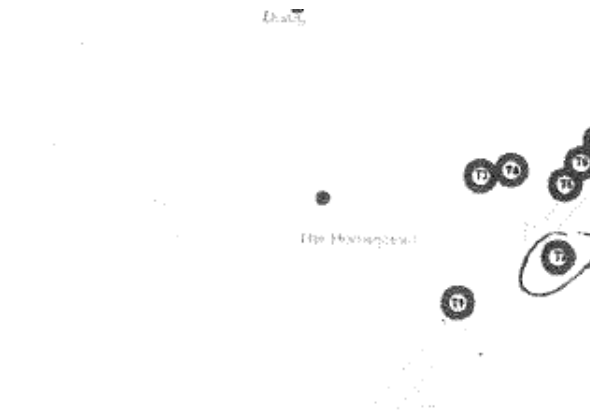


Figure 1 : Extract from the TPO, showing location of trees

3.0 Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024

- 3.1 The TPO came into force, on a temporary basis on 27th November 2024. The reason/justification for making the Order is shown below

The Council have made the Order because the trees make a positive visual contribution to the character of the surrounding area and are considered to have local amenity value by virtue of their size and location.

Figure 2 : Extract from TPO.

- 3.2 The justification for making the TPO is that the trees make a positive visual contribution to the character of the surrounding area and are considered to have local amenity value by virtue of their size and location. There is no further clarification or explanation as to why this claim can be justified. The Planning Practice Guidance (<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>) gives some guidance on the use of the term 'amenity' – "Amenity" is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order"

"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."

The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of public benefit.

- 3.3 When assessing amenity to make provision for the preservation of trees or woodlands in their area', The Planning Practice Guidance states;

"When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:"

Visibility

" The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public."

Individual, collective and wider impact

"Public visibility alone will not be sufficient to warrant an Order. The authority

is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area."

Other factors

" Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order."

The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of amenity.

- 3.4 It is common for Local Planning Authorities to use the 'Tree Evaluation Method for Preservation Orders (TEMPO) to consider both amenity and expediency in a clear and consistent fashion.

Using the TEMPO method, an assessment of the suitability of the trees within the TPO was made, and are shown on the TEMPO evaluation below;

| Tree No. | Assessment | Score |
|-------------------|-------------------------------|-------------------------|
| T1 Horse Chestnut | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|----------|-------------------------------|-------------------------|
| T3 Lime | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|----------|-------------------------------|-------------------------|
| T4 Maple | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 3 |
| | 1c Relative Public Visibility | 3 |
| | 1d Other Factors | 0 |
| | 2 Expediency | 2 |
| | 3 Decision | 11 = Does not merit TPO |

Using TEMPO evaluation, T1, T3 & T4 score '11', meaning that they 'do not merit a TPO'.

- 3.5 The are errors in the plan drawing showing ambiguous and incorrect locations.

Using TEMPO evaluation, T1, T3 & T4 score '11', meaning that they 'do not merit a TPO'.

3.5 The are errors in the plan drawing showing ambiguous and incorrect locations.

3.6 The are errors in the schedule showing incorrect situations that linked

with the point above, lead to errors and ambiguity within the TPO.

3.7 The tree's have been historically well cared for by the owners.

4.0 Conclusion

4.1 Having assessed the trees and site, it is concluded that both Tree T1, T3 & T4 are unsatisfactory for inclusion within this Tree Preservation Order. The main reasons for objection are set out in the table below.

| Tree | Reason for Objection |
|---------|--|
| Tree T1 | <ul style="list-style-type: none">• Tree T1 does not merit a TPO. When applying the TEMPO methodology, the score was 11, and 'does not merit a TPO'• The local planning authority has provided no details of how it has evaluated amenity in this case. |
| Tree T3 | <ul style="list-style-type: none">• Tree T2 does not merit a TPO. When applying TEMPO methodology, the score was 11, and 'does not merit a TPO'.• The local planning authority has provided no details of how it has evaluated amenity in this case.• The tree is located slightly more setback from Gullet Lane and less visible. |
| Tree T4 | <ul style="list-style-type: none">• Tree T4 does not merit a TPO. When applying TEMPO methodology, the score was 11, and 'does not merit a TPO'.• The local planning authority has provided no details of how it has evaluated amenity in this case.• The tree is located slightly more setback from Gullet Lane and less visible. |

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The Homestead, Gullet Lane, Kirby Muxoe

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BIBLIOGRAPHY

The Planning Practice Guidance
(<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>)

TEMPO Tree Evaluation Method for Preservation Orders (TREE EVALUATION METHOD FOR PRESERVATION ORDERS: (flac.uk.com))



THE HEDGEROWS, GULLET LANE,
KIRBY MUXLOE

**OBJECTION TO BLABY DISTRICT COUNCIL (GULLET LANE,
KIRBY MUXLOE) TREE PRESERVATION ORDER 2024**

DECEMBER 2024

Village House, Coventry Road, Marton, Warwickshire. CV23 9RH



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BIBLIOGRAPHY

1.0 Introduction

- 1.1 The aim of this report is to carry out an assessment of a recent Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024 which was brought into force on 27th November 2024 on trees that fall within the curtilage of The Hedgerows. The report will focus on the suitability of trees to be protected under this Tree Preservation Order (TPO)
- 1.2 The report has been commissioned by the owner of The Hedgerows.
- 1.3 The site was visited during December 2024 by Brian Higginson who holds the Professional Diploma in Arboriculture (Dip.Arb RFS) and is a Professional Member of the Arboricultural Association (M.Arb.A).
- 1.4 The site was open and allowed full access, and the trees covered by the Tree Preservation Order were given a ground-based preliminary inspection. This was based upon the surveyor looking for any visual indications that may lead him to a supposition about the health and safety of each tree. No trees were climbed during this inspection. It must be remembered that trees are dynamic, living structures and as such their condition will alter over time.

2.0 Site

- 2.1 The site is residential property enjoying mature gardens to the front, and adjacent to Gullet Lane.
- 2.2 Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024, covers a number of trees located within the curtilage of The Hedgerows as shown on the extract from the TPO, below;

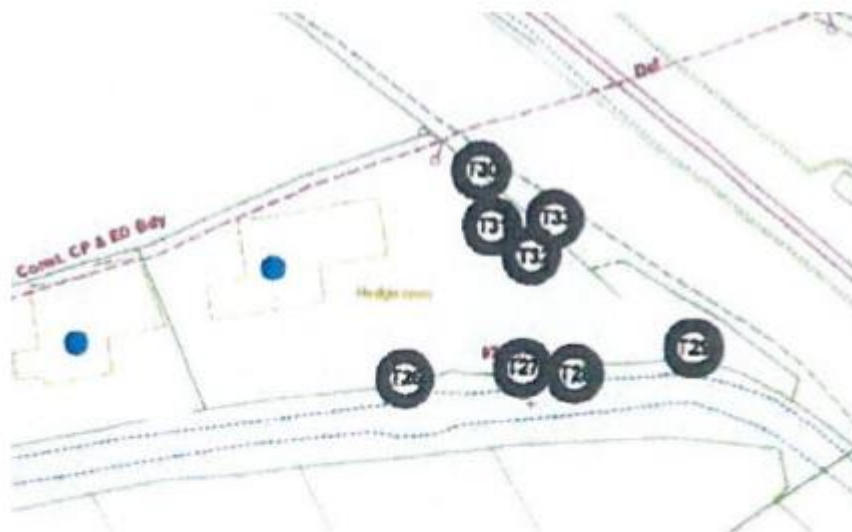


Figure 1 : Extract from the TPO, showing location of trees

3.0 Blaby District Council (Gullet Lane, Kirby Muxloe) Tree Preservation Order 2024

- 3.1 The TPO came into force, on a temporary basis on 27th November 2024. The reason/justification for making the Order is shown below

The Council have made the Order because the trees make a positive visual contribution to the character of the surrounding area and are considered to have local amenity value by virtue of their size and location.

Figure 2 : Extract from TPO.

- 3.2 The justification for making the TPO is that the trees make a positive visual contribution to the character of the surrounding area and are considered to have local amenity value by virtue of their size and location. There is no

further clarification or explanation as to why this claim can be justified. The Planning Practice Guidance (<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>) gives some guidance on the use of the term 'amenity' – *"Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order"*

"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."

The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of public benefit.

- 3.3 When assessing amenity to make provision for the preservation of trees or woodlands in their area', The Planning Practice Guidance states;

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Individual, collective and wider impact

"Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.”

Other factors

“ Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.”

The LPA have failed to demonstrate how the protection of trees within the TPO would provide any reasonable degree of amenity.

- 3.4 It is common for Local Planning Authorities to use the ‘Tree Evaluation Method for Preservation Orders (TEMPO) to consider both amenity and expediency in a clear and consistent fashion.

Using the TEMPO method, an assessment of the suitability of the trees within the TPO was made, and are shown on the TEMPO evaluation below;

| Tree No. | Assessment | Score |
|------------------|-------------------------------|------------------------|
| T26 Silver Birch | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 2 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 9 = Does not merit TPO |

| Tree No. | Assessment | Score |
|-----------------|-------------------------------|-------|
| T27 Field Maple | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |

| | | |
|--|--------------|-------------------------|
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|-----------------|-------------------------------|-------------------------|
| T26 Field Maple | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|-----------------|-------------------------------|-------------------------|
| T29 Field Maple | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 4 |
| | 1c Relative Public Visibility | 2 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 11 = Does not merit TPO |

| Tree No. | Assessment | Score |
|------------|-------------------------------|-------------------------|
| T30 to T33 | 1a Condition & Suitability | 3 |
| | 1b Retention Span | 2 |
| | 1c Relative Public Visibility | 3 |
| | 1d Other Factors | 1 |
| | 2 Expediency | 1 |
| | 3 Decision | 10 = Does not merit TPO |

Using TEMPO evaluation, T26, T27, T28, T29, T30, T31, T32 & T33 score between '9 and 11', meaning that they 'do not merit a TPO'.

- 3.5 The are errors in the plan drawing showing ambiguous and incorrect locations.
- 3.6 The are errors in the schedule showing incorrect situations, that linked with the point above, lead to errors and ambiguity within the TPO.
- 3.7 The tree's have been historically well cared for by the owners.
- 4.0 Conclusion

- 4.1 Having assessed the trees and site, it is concluded that Tree's T26 to T33 are unsatisfactory for inclusion within this Tree Preservation Order. The main reasons for objection are set out in the table below.

| Tree | Reason for Objection |
|--------------|---|
| Tree T26 | <ul style="list-style-type: none"> Tree T26 does not merit a TPO. When applying the TEMPO methodology, the score was 9, and 'does not merit a TPO' The local planning authority has provided no details of how it has evaluated amenity in this case. |
| Tree T27 | <ul style="list-style-type: none"> Tree T27 does not merit a TPO. When applying TEMPO methodology, the score was 11, and 'does not merit a TPO'. The local planning authority has provided no details of how it has evaluated amenity in this case. |
| Tree T28 | <ul style="list-style-type: none"> Tree T28 does not merit a TPO. When applying TEMPO methodology, the score was 11, and 'does not merit a TPO'. The local planning authority has provided no details of how it has evaluated amenity in this case. |
| Tree T29 | <ul style="list-style-type: none"> Tree T29 does not merit a TPO. When applying TEMPO methodology, the score was 11, and 'does not merit a TPO'. The local planning authority has provided no details of how it has evaluated amenity in this case. |
| Tree T30-T33 | <ul style="list-style-type: none"> Tree T30-T33 does not merit a TPO. When applying TEMPO methodology, the score was 10, and 'does not merit a TPO'. The local planning authority has provided no details of how it has evaluated amenity in this case. These trees are coming towards the end of their safe useful life-expectancy. In the schedule they are listed as T30 to tee. The plan shows incorrect locations for T30, T31, T32 & T33. |

BIBLIOGRAPHY

The Planning Practice Guidance

(<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>)

TEMPO Tree Evaluation Method for Preservation Orders ([TREE EVALUATION METHOD FOR PRESERVATION ORDERS: \(flac.uk.com\)](#))

From: Online Forms - Website Enquiry <noreply@blaby.gov.uk>
Sent: 28 January 2025 22:13
To: Planning Mailbox <planning@blaby.gov.uk>
Subject: Contact Us - ENQ682611918

Hello,

A customer has contacted us regarding an enquiry they have through our website. Please see below and respond to the customer if necessary.

Title of your enquiry: tree protection order

Your enquiry: Hi we would like to appeal against a tree protection order notice that has been lodged on our street. The notice advises that we can appeal up to 6months. can you advise on how we lodge this appeal compliant. the attached image outlines the tree that we would like to appeal against on the basis of safety and causing damage to the property.

Title: Mrs.

First Name: Laura

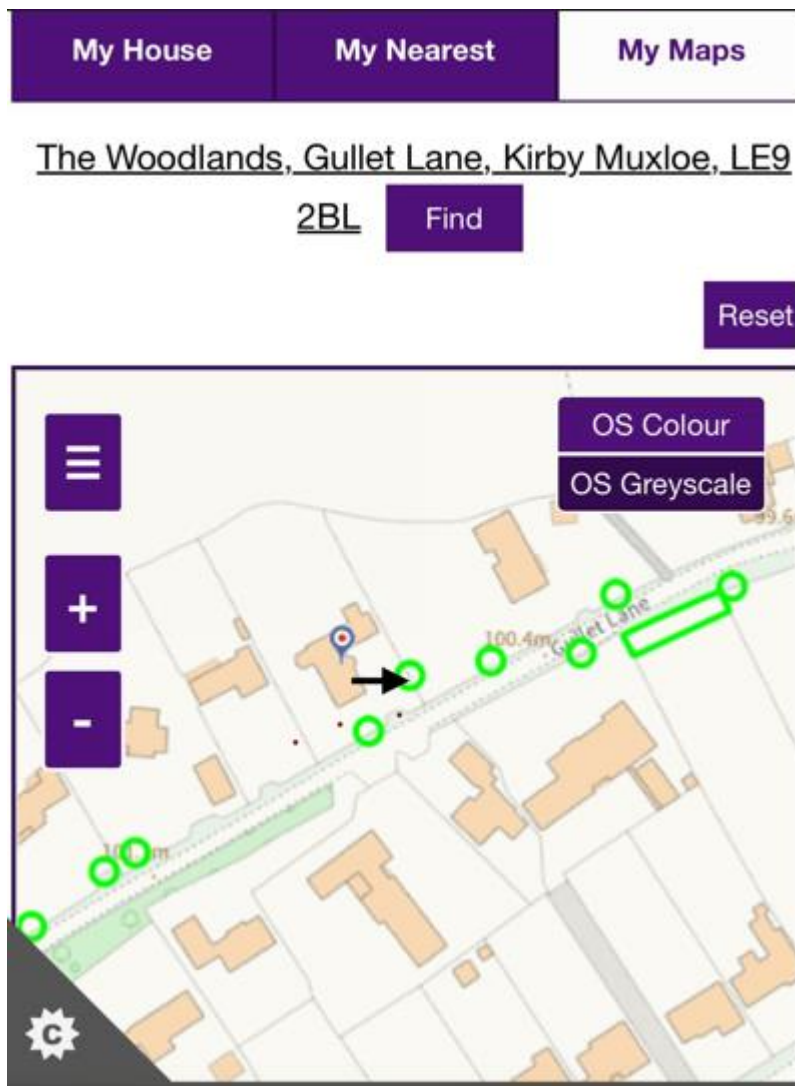
Surname: Henderson

Phone number:

Email:

Address: The Woodlands Gullet Lane, Kirby Muxloe, LE9 2BL

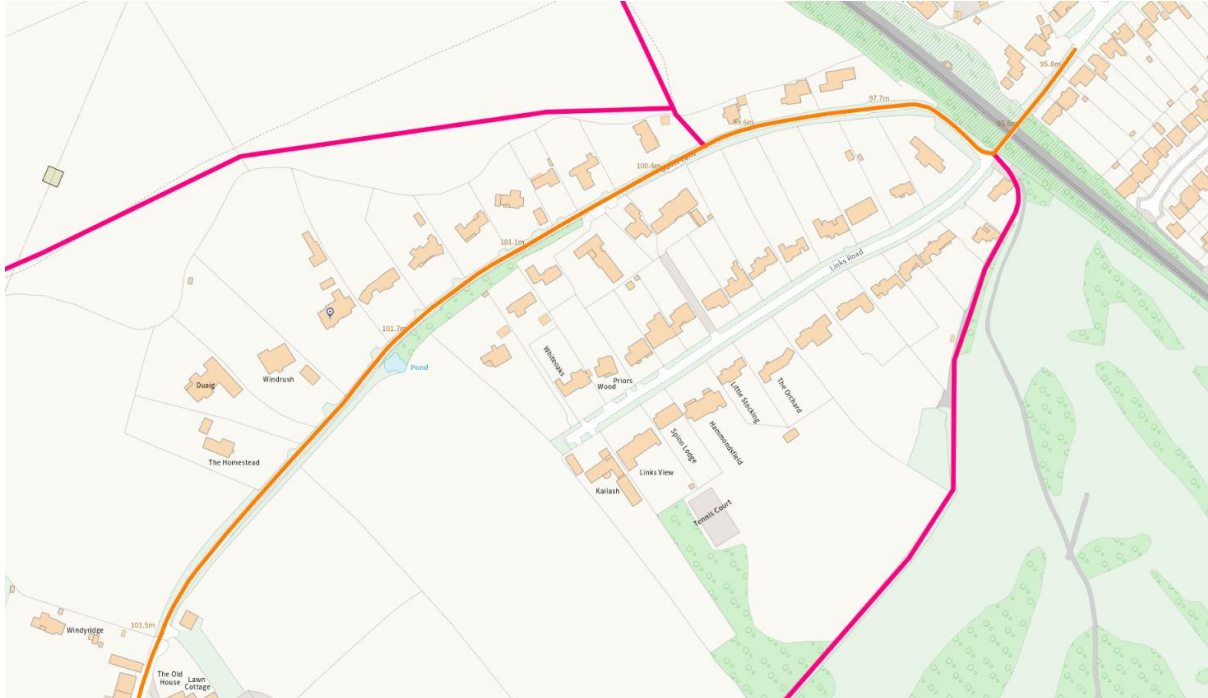
Thanks
Web Team!



Appendix F – Map Demonstrating PROW:

Orange – Bridleways

Pink – Footpaths



Appendix G – Tempo Assessment (LCC Forestry):

| No. | Street | Species | 1 | | | | 2 | 3 | | | | |
|-------|----------------------------|------------------------|-----------------|----------------------|------------------|-------------|------------|-------|--|--|--|--|
| | | | Condition a) | Retention Span b) | Visibility c) | Other d) | Expedience | Score | | | | |
| 1 | Gulliet Lane, Kirby Muxloe | Horse Chestnut | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 2 | Gulliet Lane, Kirby Muxloe | Oak | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 3 | Gulliet Lane, Kirby Muxloe | Lime | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 4 | Gulliet Lane, Kirby Muxloe | Maple | 3 | 3 | 4 | 1 | 1 | 12 | | | | |
| 5 | Gulliet Lane, Kirby Muxloe | Beech | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 6 | Gulliet Lane, Kirby Muxloe | Horse Chestnut | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 7 | Gulliet Lane, Kirby Muxloe | Beech | 4 | 4 | 4 | 1 | 1 | 14 | | | | |
| 8 | Gulliet Lane, Kirby Muxloe | Cedar | 4 | 4 | 4 | 1 | 1 | 14 | | | | |
| 9 | Gulliet Lane, Kirby Muxloe | Field Maple | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 10 | Gulliet Lane, Kirby Muxloe | Beech | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 11 | Gulliet Lane, Kirby Muxloe | Lime | 4 | 4 | 4 | 1 | 1 | 14 | | | | |
| 12 | Gulliet Lane, Kirby Muxloe | Lime | | | | | | | | | | |
| 13 | Gulliet Lane, Kirby Muxloe | Lime | 3 | 3 | 4 | 1 | 1 | 12 | | | | |
| 14 | Gulliet Lane, Kirby Muxloe | Lime | 3 | 3 | 4 | 1 | 1 | 12 | | | | |
| 15 | Gulliet Lane, Kirby Muxloe | Cedar (3x indiv trees) | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 16 | Gulliet Lane, Kirby Muxloe | Lime? | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 17 | Gulliet Lane, Kirby Muxloe | Silver birch (x3) | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 18 | Gulliet Lane, Kirby Muxloe | Norway maple | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 19 | Gulliet Lane, Kirby Muxloe | Lime | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 20 | Gulliet Lane, Kirby Muxloe | Cedar - western red | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 21 | Gulliet Lane, Kirby Muxloe | Lime | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 22 | Gulliet Lane, Kirby Muxloe | Lime | | | | | | | remove from order - top missing/declining? | | | |
| 23 | Gulliet Lane, Kirby Muxloe | Horse Chestnut | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 24 | Gulliet Lane, Kirby Muxloe | Ash | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 25 | Gulliet Lane, Kirby Muxloe | Lime | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 26 | Gulliet Lane, Kirby Muxloe | Silver birch | 3 | 2 | 4 | 1 | 1 | 11 | | | | |
| 27 | Gulliet Lane, Kirby Muxloe | Field Maple | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 28 | Gulliet Lane, Kirby Muxloe | Field Maple | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 29 | Gulliet Lane, Kirby Muxloe | Field Maple | 3 | 4 | 4 | 1 | 1 | 13 | | | | |
| 30-33 | Gulliet Lane, Kirby Muxloe | Black Pine (4 indiv) | 3 | 3 | 4 | 1 | 1 | 12 | | | | |
| G1 | Gulliet Lane, Kirby Muxloe | Group Field Maples | 3 | 4 | 4 | 1 | 1 | 13 | | | | |