

**MEETING OF THE LOCAL PLAN COMMITTEE**

**WEDNESDAY, 24 SEPTEMBER 2025**

## **ADDITIONAL PAPERS**

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## **LOCAL PLAN COMMITTEE – WEDNESDAY, 24 SEPTEMBER 2025**

### **QUESTION AND ANSWER SESSION**

#### **Question from Ms A Kingaby**

‘The SHELAA entry for Site A27 is out of date and cannot be relied on as decision-level evidence, there is also no plan-level Habitats Regulations Assessment/Appropriate Assessment for the River Mease published with a guaranteed nutrient solution - therefore, will you confirm that A27 will not be advanced to Regulation 19 at this meeting unless officers can point to the exact document and page in tonight’s public papers that show, in plain terms, all of the following:

1. River Mease test passed: the legally required Habitats Assessment for the plan concludes no harm to the Mease and the phosphate fix is secured and workable (not just promised or dependent on an unbuilt third-party scheme).
2. Biodiversity: proof of at least 10% Biodiversity Net Gain and a map that legally fixes continuous wildlife corridors, minimum buffer strips next to hedges/woodland/ditch, and a low-light “dark corridor” plan.
3. Road safety and traffic: a Stage-1 road-safety audit and sightline drawings for the Rushey Close/Bishop Hall Road access, and traffic modelling that includes Money Hill/Burton Road (impacts assessed together).
4. Drainage certainty: a Severn Trent letter confirming foul capacity, plus a surface-water/SuDS plan showing how runoff is treated, stored and routed in storms, and any legal consent needed to alter the boundary ditch.
5. Legal right of access: documents proving the developer has the legal right to use the through-estate road, and whether that route is adopted or secured with the highway authority (S38/S278).

If any one of these is missing from the public papers, will you defer A27 to a later meeting and require a full public report before any Reg-19 decision?’

## **Response from the Chair of the Local Plan Committee**

‘The site assessment work will be reviewed and updated to inform the Regulation 19 plan.

A Habitat Regulation Assessment of the plan is not required at this stage, but it will be undertaken for the Regulation 19 plan. There is a nutrient solution which Severn Trent are pursuing which involves pumping out of the River Mease catchment. This is scheduled to be done by the end of March 2027. Severn Trent have reconfirmed this recently.

As part of the Local Plan it will be necessary to demonstrate that there is a scheme in place to address the phosphate issue. However, the securing of any measures is a requirement of the planning application stage, either through conditions or via a legal agreement (Section 106 Agreement).

The requirement for how biodiversity net gain requirements will be addressed are matters for a planning application stage.

In terms of highway design, the County Councils Highway Design Guide advises that road safety audits are required for development of 150 dwellings or the layout contains features not covered by the Leicestershire Highway Design Guidance. This site is below this threshold and the County Highway Authority did not raise any concerns when consulted upon the draft plan.

In terms of drainage Severn Trent Water did not object to the proposed allocation. The exact details of how foul water will be addressed is a matter to be addressed as part of any subsequent planning application.

In response to this question, the site promoter (Richborough) has advised that they “retain all necessary rights to acquire the land required to deliver the connections to Rushey Close for access purposes. Richborough’s client (owner of the A27 allocation) is the same landowner who sold the land to Bellway that comprised the adjacent application boundary (14/00578/OUTM) – Richborough were also the applicant for that outline application.” As outlined in response to question 3, the County Highway Authority has not objected to the proposed allocation.’

## LOCAL PLAN COMMITTEE – WEDNESDAY, 24 SEPTEMBER 2025

### QUESTION AND ANSWER SESSION

#### Question from Mr J Peck

'We have continued to see failed process after failed process, insufficient and inaccurate information and comms supporting this application and yet it continues to be pushed forward? At what point do these failings and errors get recognised and the project stopped?

#### Historical Failings

- Non engagement of residents (proven with non-inclusion in 2024, no time to create a response 2025, and little to no engagement since) Any defence on this has come from proactive residents, for the avoidance of doubt  
**- Residents do not want this**
- Protected spaces become unprotected without wider discussion (this protected commitment was made to many residents to influence house purchase).
- the national forestry commission were offered money to look another way, offer to fund another project meant they won't object as advised by NWL. This doesn't offer a fair process.
- The habitat is full of wildlife, but the report doesn't not reflect this and in reality dates back a number of years and is inaccurate
- The Hedges and trees host a large number of animals that should be protected
- Failure to supply FOI requests on time (more than one instance) when supplied vague and clunky
- The Severn Trent water plan is to 'improve the condition' not to enable another polluter
- The roadway was not built to facilitate the traffic (defined by the surface)
- no tree review or maintenance program was actioned, and a number of trees have already been removed (any person looking to build must have this review).

There are many more instances we could cite but I hope this offers an example of some.'

## **Response from the Chair of the Local Plan Committee**

‘As set out elsewhere on the agenda, the comments received in response to the consultation undertaken in March 2025 have been considered and addressed.

There is no evidence to show that the Council or its officers advised that this particular site would not be developed when properties on Rushey Close were being bought. This is a legal matter between purchaser and the developer.

The planning permission that was granted for what is now Rushey Close included a legal agreement (Section 106 Agreement) in respect of tree planting as part of the National Forest. Initially this planting was proposed to be undertaken on part of what is now the proposed allocation. However, in accordance with the legal agreement, a financial contribution was provided instead.

There are no specific habitat protections afforded to the site (e.g. Site of Special Scientific Interest or Local Wildlife Site). No objection was received from the County Ecologist or Natural England to the principal of development on this site.

All FOI requests have been responded to as required.

It is presumed that this relates to the River Mease issues. No objection has been received from Severn Trent or the Environment Agency in respect of issues associated with the River Mease.

No objection has been received from the County Highway Authority in respect of access to the proposed site.

Unless a tree is subject to a Tree Preservation Order (TPO) then permission to do works from the Council is not required. There is not a TPO in place for this site. As part of any subsequent planning application details will be required of landscaping, including which trees and hedgerows are to be retained.’

## **LOCAL PLAN COMMITTEE – WEDNESDAY, 24 SEPTEMBER 2025**

### **QUESTION AND ANSWER SESSION**

#### **Question from Mr C Taylor**

'You have justified WWV remaining on the plan because Meadow Lane and Measham have been removed and suggest that the plan will fail if you remove any more sites, despite planning for more than your quota to be built. You have built houses and employment sites allocated to other areas. Have you asked other areas to co-operate and build part of NWLDC's quota?'

#### **Response from the Chair of the Local Plan Committee**

'It would only be possible to ask other authorities to help meet the Council's housing requirement if it was able to demonstrate that the need for North West Leicestershire cannot be accommodated within the district. This is not the case. Therefore, the other Leicestershire authorities would decline to take any additional development in the absence of demonstrable evidence.'

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## **LOCAL PLAN COMMITTEE – WEDNESDAY, 24 SEPTEMBER 2025**

### **QUESTION AND ANSWER SESSION**

#### **Question from Ms G Baker**

‘Number 1 of your 11 Plan Objectives is to ‘Enable the Health and Wellbeing of the District’s Population’. The Ivanhoe Way was established to provide people with access to the countryside and crosses through many parts of the proposed West Whitwick Broad Location. It runs from Swannington, through West Whitwick Valley, Grace Dieu woods and onto Osgathorpe and the well-used Worthington Trail. We have suggested that this particularly attractive part of our countryside should form an area of separation between Coalville, West Whitwick and Thringstone. This is in order to protect their village communities and identity, which together with access to the countryside, would enable the health and wellbeing of residents.

How many other sites, currently **within** your strategy plan, also form such an integral part of the Ivanhoe Way?’

#### **Response from the Chair of the Local Plan Committee**

‘No other sites that are proposed for housing or employment in the Local Plan lie on the route of the Ivanhoe Way. Any future development will be required to retain and enhance any public footpaths which cross the site.’

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## **LOCAL PLAN COMMITTEE – WEDNESDAY, 24 SEPTEMBER 2025**

### **QUESTION AND ANSWER SESSION**

#### **Question from Mr M Elton**

‘Your Plan Objective number 8 states that you will conserve and enhance our heritage. Drone footage over C77, prior to the fields being cut, identified a double-edged circle. Following discussions with a specialist, we have been advised that this is the probable site of a GIN mine. These were the 1st mechanical mines which were introduced within North West Leicestershire in the 17th century where shallow coal seams were common. This area has a very deep compression with water constantly sleeping through which suggests this could have Subsidence issues. A similar Heritage site exists and is open to the public at Hough Windmill in Swannington.

Were you aware of this probable heritage site and how will this impact upon your plans to build there?’

#### **Response from the Chair of the Local Plan Committee**

‘The Council has consulted with the Historic and Natural Environment team at Leicestershire County Council and no concerns have been raised which would suggest that site C77 (or the wider area) should not be allocated for development from the point of view of heritage matters. It is their view that any archaeological interests can be addressed through the planning applications process.

The site promoter has been contacted regarding the issue of a possible GIN mine. They have responded that a detailed Phase 1 geo-environmental site investigation has been undertaken which shows no evidence of a GIN mine. This has involved excavating 24 trial pits and 30 boreholes and 6 monitoring gas stations, none of which has highlighted any heritage matters. In addition, the Coal Authority surveys show no records of a GIN mine.’

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## LOCAL PLAN COMMITTEE

24 SEPTEMBER 2025

### UPDATE

#### **ITEM 5 – NEW LOCAL PLAN – CONSIDERATION OF THE CONSULTATION RESPONSES TO POLICIES**

##### **APPENDIX F**

The published Appendix F does not show what changes are proposed in respect of the various policies. A revised Appendix F showing the proposed changes is attached at **Appendix 1**.

##### **Policy AP3 – Renewable Energy**

Councillor Ball has sought clarification on a number of matters related to this issue.

##### **Who sets the renewable energy generation targets, us or Westminster?**

The targets included in the Local Plan are based on those in the Council's Zero Carbon Roadmap and Action Plan (2020). The Action Plan covers the period to 2050. As the Local Plan only covers the period to 2042, the targets are adjusted accordingly. The Renewable and Low Carbon Energy Study (2021) confirmed that the targets for solar and wind energy generation set out in the Action Plan were likely to be achievable.

##### **It's hard to visualise what 55.7MW of solar and 52.6MW of wind generation look like ..... Approximately how many acres of farmland would be needed to achieve 55.7MW of solar generation (assuming no panels on new houses or employment sites)? Approximately how many wind turbines of similar scale to the ones at Cattows Farm or at A42J13 would be needed to achieve 52.6MW of wind generation?**

In terms of solar panels, for context, the solar farm at Shellbrook is 28ha in size and generates (at peak) 16MW. Assuming there are no solar panels on new homes or employment sites then approximately another 3.5 half solar farms, the same size as the one at Shellbrook would be required over the plan period to meet the target.

In terms of wind turbines, a modern onshore wind turbine typically has the capacity of 2-3MW, although the actual energy generated is dependent on the size of the turbine. For example, one in Heather has a generating capacity of 500kw (0.5MW). Assuming an average generating capacity of 2.5MW, there would need to be around 21 of these within the district over the plan period.

##### **Can we INSIST in other policies that ALL new build homes and employment sites MAXIMISE their potential rooftop solar generation capability?**

At the present time it is not possible to insist upon the provision of solar panels as part of new developments. However, the Future Homes Standard (FHS) is expected to be published this autumn, and the Government has confirmed (in June 2025) that the FHS will include changes to Building Regulations to require new homes to include solar panels. As such, it would be a functional requirement of the Building Regulations and would NOT be a matter for the Local Plan.

### **Policy AP6 – Health Impact Assessments**

The proposed wording in Appendix F should state ‘or’ at the end of part (b) rather than ‘and’. The revised wording is set out below

a) all residential proposals of 50 or more dwellings; or

(b) all major non-residential development; ~~and~~ or

(c) development located in an identified Area of Concern in the Leicestershire Joint Strategic Needs Assessment (latest edition)

### **RECOMMENDATION**

**THAT RECOMMENDATION 6 OF THE REPORT BE AMENDED TO STATE:**

**AGREES POLICY AP6 (HEALTH IMPACT ASSESSMENTS) AS DRAFTED IN APPENDIX F AND ON THE UPDATE SHEET CIRCULATED PRIOR TO THE MEETING FOR INCLUSION IN THE REGULATION 19 VERSION OF THE LOCAL PLAN.**

### **Policy En3 - National Forest (paragraphs 7.4 to 7.8)**

Since the report was published further discussions have taken place with Councillor Ball and representatives of the National Forest in respect of the suggested wording of the policy, particularly with regard to the issue of where any commuted sums should be spent. It is proposed to amend part (3) of the policy such that any commuted sums would then need to be spent somewhere within that part of the National Forest that is within North West Leicestershire rather than elsewhere in the Forest.

The suggested amended wording for part (3) is set out below

*Requiring that a commuted sum be provided towards Forest creation where planting and landscaping cannot be accommodated within or close to the development site or where the only potential area of planting or landscaping is small or is isolated with limited connectivity to other habitats. Commuted sums will be used for Forest creation within the part of the district that is within the National Forest, as shown on the Policies Map.*

### **RECOMMENDATION**

**THAT RECOMMENDATION 16 OF THE REPORT BE AMENDED TO STATE:**

**AGREES POLICY EN3 (THE NATIONAL FOREST) AS AMENDED IN APPENDIX F AND ON THE UPDATE SHEET CIRCULATED PRIOR TO THE MEETING FOR INCLUSION IN THE REGULATION 19 VERSION OF THE LOCAL PLAN.**

**Draft Policy AP2 – Amenity**

- (1) New development should be designed to minimise its impact on the amenity and ~~quiet enjoyment~~living conditions of both future residents and existing residents in ~~the its vicinity of the development~~. Development proposals will be ~~supported~~permitted where:
  - (a) They do not have ~~a significant adverse effect~~an unacceptable impact on the living conditions of existing residents through the loss of privacy, excessive overshadowing and overbearing impact.
  - (b) They do not generate an unacceptable level of activity, noise, vibration, ~~pollution—light~~ or unpleasant odour emission, which cannot be mitigated to an appropriate standard ~~and so, would have an adverse impact on amenity and living conditions~~.
- (2) Development proposals which are likely to experience significant adverse effects from noise, vibration, light or odour levels in the vicinity ~~is sensitive to noise or unpleasant odour emissions will not only~~ be permitted where suitable mitigation can be provided that would reduce the effects to an appropriate level~~it would adversely affect future occupants~~.
- (3) Proposals for external lighting schemes should be designed to minimise potential pollution from glare or light spillage. The intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

### Draft Policy AP3 – Renewable Energy (Strategic Policy)

- (1) The Council will support renewable energy proposals that contribute towards achieving the following renewable energy generation targets by 2042:
  - (a) ~~550.762~~ MW of energy generated by solar energy generation.
  - (b) ~~52.647.8~~ MW of energy generated by wind generation.
- (2) Proposals for renewable energy generation as part of new ~~housing~~ developments should be proportionate to the scale of the proposed development and appropriate to their setting.
- (3) Planning applications for renewable energy including any new grid connection lines and any ancillary infrastructure and buildings associated with the development will be supported where:
  - (a) There is no unacceptable impact on residential amenity as result of the development alone or in conjunction with any permitted and existing renewable energy schemes in terms of noise, shadow flicker, vibration, topple distance, glint and glare and visual dominance; and
  - (b) There is no unacceptable impact on biodiversity, ecology or wildlife; and
  - (c) ~~There is no unacceptable impact on~~ landscape character taking account of the special qualities set out within the individual National Character Areas; and
  - (d) The potential impacts on air traffic aviation safety and aircraft operations radar and communications at or in the vicinity of East Midlands Airport have been addressed; and
  - (e) There is no adverse impact on highway safety; and
  - (f) Proposals are accompanied by details to demonstrate how future maintenance will be undertaken and how the site will be decommissioned to ensure the restoration of the site following cessation, such details will be secured by means of condition and/or Section 106 legal agreement; and
- (4) In addition to the above considerations, proposals for wind energy developments will be supported where:
  - (a) The site and scale of development proposed corresponds with the 'Areas Identified as potentially suitable for small scale or medium/large scale turbines' as defined on the Policies Map or is set out within an area defined as being suitable for wind energy development within a made Neighbourhood Plan; and
  - (b) It can be demonstrated that the proposal has support from the local community; and
  - (c) ~~All impacts on air traffic safety and radar and communications have been assessed, consulted upon and addressed.~~



- (5) Proposals for solar energy developments including both mounted and standalone ground mounted installations and extensions and repowering of solar extensions, should avoid using the best and most versatile agricultural land where possible.

#### Draft Policy AP4 – Reducing Carbon Emissions (Strategic Policy)

- (1) Development is required to contribute to the Council's aim for a carbon neutral district by 2050. To achieve this, all new development will be required to demonstrate that how the following requirements are satisfied:

(a) On-site renewable energy generation is maximised as much as possible;

(a)(b) Achieve Energy efficiency targets in line with the latest national standards at the time a planning application is determined, will be achieved as set by national policies (including any transitional arrangements); and

(b)(c) That measures have been taken to minimise energy consumption by following the steps in the energy hierarchy.

(2) Major developments will be required to demonstrate that measures have been taken to reduce lifecycle carbon emissions and maximise opportunities for the reuse of materials.

- ~~(2) Renewable energy generation should be maximised as much as possible on-site. Where the use of on-site renewables to match the total energy consumption of the development/site is demonstrated not to be technically feasible or economically viable, a financial contribution will be required to the council's carbon offset fund to enable residual carbon emissions to be offset by other local initiatives.~~

### **Draft Policy AP5 – Health and Wellbeing (Strategic Policy)**

- (1) Development that maintains and improves the [physical and mental](#) health and wellbeing of our residents, [encouraging healthy lifestyles enables healthier choices](#) by tackling the causes of ill health and inequalities will be supported. Health considerations will be embedded in decision making and the Council will support the creation of a high quality, accessible and inclusive environment.
- (2) To achieve this, the Council will:
  - (a) Ensure homes are high quality, good homes and allow people to live healthy lives within them and remain in their homes for longer.
  - (b) Facilitate the creation of healthy and resilient communities with opportunities for social interaction, and where people feel safe.
  - (c) Support the delivery of a safe walking and cycling network to increase access to active travel, considering active design within development and connections with the wider community, services and employment opportunities.
  - (d) Promote and increase access to, and the protection and improvement of, green and blue spaces, sports facilities and play and recreation opportunities.
  - (e) Maintain and improve accessibility to healthcare, social care, education and community facilities and wider support services.
  - (f) Prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
  - (g) Support healthy eating and promote healthy food choices, through opportunities for sustainable food development, such as allotments and community growing places, and [controlling managing](#) the location of, and access to, take away uses.

### **Draft Policy AP6 - Health Impact Assessments**

(1) A Health Impact Assessment (HIA) Screening Statement must be undertaken for the following types of development:

- (a) all residential proposals of 50 or more dwellings; or
- (b) all major non-residential development; and
- (c) development located in an identified Area of Concern in the Leicestershire Joint Strategic Needs Assessment (latest edition)

(2) Applicants should use the HIA Screening Tool prepared by Public Health (Leicestershire) and contained within the HIA template and guidance for North West Leicestershire ([Health Impact Assessments | Leicestershire County Council Professional Services Portal](#)), unless an alternative method is agreed. The outcome of the Screening Statement will determine if a Health Impact Assessment would be required to accompany the proposal.

(3) Where a development has significant negative or positive impacts on health and wellbeing the council will require applicants to ensure that any positive health impacts are achieved, and negative health impacts mitigated through planning conditions and/or financial or other contributions secured via planning obligations.

## Draft Policy AP8 – Sustainable Drainages Systems

- (1) ~~All major development proposals will include~~ Development proposals that could affect drainage on or around a site should incorporate Sustainable Drainage Systems (SuDS) for the management of surface water run-off consistent with the requirements of the National Planning Policy Framework, or its successor, unless it can be clearly demonstrated that:
  - ~~(a) SuDS are not technically, operationally or financially deliverable or viable and that surface water drainage issues from the development can be mitigated in an alternative way; or~~
  - ~~(b) The SuDS scheme will itself adversely affect the environment or safety and that surface water drainage issues from the development can be mitigated in an alternative way.~~
- ~~(2) All schemes with the inclusion of SuDS should demonstrate that they have considered all four areas of good SuDS design: quantity, quality, amenity and biodiversity.~~
- ~~(3) Where appropriate, every effort should be made to link SuDS into wider initiatives to enhance green infrastructure, improve water quality and benefit wildlife and biodiversity.~~
- ~~(4)~~(2) Sustainable Drainage Systems provided as part of major development proposals should: (a) take account of advice from the Lead Local Flood Authority; and (b) have appropriate proposed minimum operational standards; and (c) Ensure arrangements are put must be put in place for the management and maintenance of the ~~Sproposed surface water drainage system~~ and any retained existing surface water drainage features over the whole period during which they are needed.

## Draft Policy AP9 – Water Efficiency

- (1) All proposals for new residential development are required to achieve the As part of proposals for residential development applicants will be required to submit evidence to demonstrate that the national optional water efficiency standard of a maximum of 110 litres of water per person per day can be met, this will be secured by a planning condition.
- (2) All Major non-residential proposals for new non-residential buildings are involving the extension, replacement or creation of new non-residential floorspace or a combination thereof will be required to demonstrate that BREEAM excellent credits for WAT 01 are being targeted and this will be secured by a planning condition. An assessment of the building's water efficiency performance should be carried out by a BREEAM approved assessor using the BREEAM Wat 01 calculator, or equivalent best practice standard, and should be submitted as part of a planning application.
- (3) For all other development proposals captured by the planning process including, change of use, conversions, extensions and refurbishments, applicants will need to demonstrate that measures have been incorporated to achieve the highest level of water efficiency possible.

### Draft Policy H8 – Houses in Multiple Occupation in Kegworth

- (1) Within the Parish of Kegworth we will support proposals for new (new-build or conversion) Houses in Multiple Occupation, extensions to Houses in Multiple Occupation or the increase in the occupancy of Houses in Multiple Occupation where:

(a) The existing number of Houses in Multiple Occupation do not represent 10% ~~or~~ more of all dwellings within 100m radius from the centre of the building to which the application relates, or

~~(a)~~(b) the proposed developmental would not result in ~~the~~ 10% or more of all dwellings within 100m radius from the centre of building to which the application relates being occupied as Houses in Multiple Occupation threshold being exceeded; and

~~(b)~~(c) It ~~would~~ does not result in a residential property (C3 use) ~~dwelling~~ being sandwiched between two Houses in Multiple Occupation along the same side of the street; and

~~(c)~~(d) The development is able to provide suitable off-street parking of one space per occupant that does not cause detriment to highway safety or the amenity of the area, either individually or cumulatively; and

~~(d)~~(e) The House in Multiple Occupation ~~would~~ does not significantly harm residential amenity and the social and physical character of the area, in particular through increased activity, noise or disturbance; and

~~(e)~~(f) Sufficient provision is made available on site for refuse storage facilities and cycle storage facilities; and

~~(f)~~(g) The overall size of the property is suitable for multiple occupation with adequate living space and standards for future occupants (i.e., garden/amenity space, internal space, noise, outlook, light and privacy).

## **Draft Policy IF1 – Development and Infrastructure (Strategic Policy)**

### **Infrastructure requirements**

- (1) Development will be supported by, and make contributions as appropriate to, the provision of new physical, social and green infrastructure in order to mitigate its impact individually and cumulatively with other development upon the environment and communities.
- (2) The type of infrastructure required to support new development includes, but is not limited to:
  - (a) Affordable housing; and
  - (b) Community facilities including education, health, local shops, ~~and~~ cultural facilities; and community safety and
  - (c) Transport including highways, footpaths and cycleways, public transport and associated facilities; and
  - (d) Green infrastructure including open space, sport and recreation, National Forest planting (either new provision or enhancement of existing sites) and provision of or improvements to sites of nature conservation value; and
  - (e) The provision of full fibre broadband connection ~~superfast broadband communications~~; and
  - (f) Utilities and waste; and
  - (g) Flood prevention and sustainable drainage.

### **Securing provision**

- (3) Contributions may be secured by means of planning obligations and/or a Community Infrastructure Levy charge, in the event that the Council brings a Charging schedule into effect or Section 278 Legal Agreements for highways infrastructure.
- (4) The infrastructure secured (on or off-site) will be provided either as part of the development or through a financial contribution to the appropriate service provider and may include the long-term management and maintenance of the infrastructure.
- (5) In negotiating the provision of infrastructure the Council will have due regard to viability issues and where appropriate will require that the applicant provide viability information to the Council which will then be subject to independent verification.
- (6) Any request to seek amendments to an existing a Section 106 legal agreement which would result in a lesser provision of infrastructure, will only be



considered where a fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and landowner receipt necessary for the development to proceed.

- (7) The Council will work closely with infrastructure providers to ensure inclusion of infrastructure schemes within their programmes, plans and strategies, and delivery of specific infrastructure requirements in conjunction with individual development schemes and the expected timing of development coming forward. The Council will also work with partners and other stakeholders to secure public funding towards infrastructure, where possible.

### **Draft Policy IF3 – Green Infrastructure (Strategic Policy)**

- (1) The Council will expect all major development, where appropriate, to contribute towards the delivery of new green infrastructure which connects to and enhances the existing network of multi-functional spaces and natural features throughout the district. In making provision, regard should be had to the priorities for green infrastructure identified in the Green Infrastructure Study (or its successor). Such provision will be proportionate to the scale of the development and the site's context.
- (2) Proposals that cause loss or harm to the green infrastructure network, including its function and amenity value, will not be permitted unless the need for and benefits of the development outweigh any adverse impacts. Existing trees, woodlands and hedgerows should be retained and enhanced wherever possible.
- (3) Where adverse impacts on green infrastructure network are unavoidable, development will only be permitted if suitable mitigation measures for the network are provided.

### Draft Policy IF5: Transport Infrastructure and New Development

- (1) All development must provide ~~a~~ safe and suitable access for vehicles, pedestrians and where relevant, cyclists.
- (2) New development that is likely to generate significant amounts of movement ~~on the local highway network~~ will require a Transport Assessment or Transport Statement and Travel Plan, as appropriate, to assess the impacts of the development and, where necessary, provide suitable mitigation. ~~mitigate any negative transport impacts.~~
- (3) Having regard to its scale, type and location, new development will be required to maximise accessibility by sustainable modes of transport by:
  - (a) Providing well-designed pedestrian and cycle links within the development;
  - (b) Where ~~necessary~~appropriate, providing for a bus link within the development; and
  - (c) Taking opportunities to link to existing footpaths, cycleways and bus routes in the wider area.
- (4) The district's ~~strategic~~ cycling and walking routes, including those as identified in the Local Cycling and Walking Infrastructure Plan, will be safeguarded. Any development ~~proposals sites~~ which ~~would impact~~incorporate these routes will be expected to accommodate them within the development.
- (5) Development that has a demonstrable transport impact will be required to ~~financially~~ contribute towards:
  - (a) Public transport services; and/or
  - (b) Any sustainable transport measures necessary to make the development acceptable; and/or
  - (c) Any offsite highways improvements necessary to mitigate the impact of the development.

## Draft Policy En1 – Nature Conservation/Biodiversity Net Gain (Strategic Policy)

(1) The Council will seek to conserve and enhance the biodiversity of the district by:

(a) Ensuring that development provides a net gain in biodiversity consistent with any national policy prevailing at the time that a planning application is ~~determined~~submitted.

(b) Requiring that development follows the mitigation hierarchy of avoid, minimise, restore and offset.

(c) Having a preference for any biodiversity provision to be made on-site wherever possible and practicable

~~(c)~~(d) Requiring that development avoids an adverse impact on the nature conservation value of the following hierarchy of sites, with the weight afforded to their protection reflecting their position in the hierarchy (greatest weight first) along with any legislative and national policy requirements:

- (i) Special Areas of Conservation (SAC);
- (ii) Irreplaceable habitats (defined as Ancient woodlands; Mature plantation or secondary woodland; Species-rich ancient hedgerows; Aged or veteran trees; Species-rich neutral grassland; Acid grassland and heath grassland; Dry and wet heathland; Bogs and Sphagnum pools and Rock outcrops);
- (iii) National designations (Sites of Special Scientific Interest (SSSI) and National Nature Reserves);
- (iv) Local and Regionally Important Geodiversity Sites (RIGS) and candidate Regionally Important Geodiversity Sites (cRIGS);
- (v) Local Wildlife Sites (LWSs), Local Nature Reserves (LNRs) and candidate Local Wildlife Sites (cLWSs) which meet the Leicester, Leicestershire and Rutland LWS criteria;
- (vi) Local and National Biodiversity Action Plan-related (BAP) priority habitats.

~~(d) Prioritising on-site provision, wherever practicable, where compensation is required for the reduction or loss of existing biodiversity resources. Where off-site provision is necessary this should be well located in relation to the proposed development.~~

~~(e) Requiring that a management plan be provided detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored in perpetuity.~~



### Draft Policy En3 – National Forest (Strategic Policy)

The District Council will support the National Forest Company and its partners to realise the economic, social and environmental potential of the National Forest by:

(1) Supporting development within the National Forest, as defined on the Policies Map, ~~we will support development~~ that:

- (a) Provides opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including visitor accommodation which accords with Policy Ec12 and reflects the National Forest Company's Sustainable Tourism Accommodation Design Guide.
- (b) Contributes to the range of leisure and educational opportunities for local communities and visitors;
- (c) Enhances the National Forest's role as a natural carbon sink;
- (d) Increases woodland cover; and
- (e) Ensures the character of the National Forest is enhanced through incorporating a National Forest identity;

(2) Requiring nNew development within the National Forest to: will

(a) contribute towards the creation of the forest by providing tree planting and landscaping in accordance with the most up to date National Forest Company's Guide for Developers and Planners; and-

(b) ensure the siting and scale of the proposed development is appropriately related to its setting within the Forest; and

(c) respect the character and appearance of the National Forest.

(3) Requiring that a commuted sum be provided towards the provision of tree planting within the National Forest wwhere planting and landscaping cannot be accommodated within or close to the development site or where the only potential area of planting or landscaping is small or is isolated with limited connectivity to other habitats, ~~a commuted sum may be agreed.~~

(4) Within the Heart of the National Forest development should demonstrate support for the delivery of the Heart of the National Forest Vision by:

- ~~• Development in the Heart of the National Forest should strengthening~~ linkages to nearby urban areas and leisure and tourism attractions.
- ~~• being exemplars of sustainable design and construction and~~
- ~~• Seeking to promote the use of non-motorised modes of travel.~~

The District Council will support the National Forest Company and others in the delivery of the Heart of the National Forest Vision. Development in the Heart of the National Forest should demonstrate compliance with the Vision.

### **Policy En5 – Areas of Separation**

- (1) Land between Coalville and Whitwick, as identified on the Policies Map, is designated as an Area of Separation where only agricultural, forestry, nature conservation, leisure and sport and recreation uses will be allowed. Any other proposed uses will need to demonstrate why they cannot be accommodated elsewhere within the district.
- (2) Development will only not be permitted which, either individually or cumulatively, would not demonstrably adversely affect or diminish the present open and undeveloped character of the area.

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**ITEM 6 - NEW LOCAL PLAN – CONSIDERATION OF THE CONSULTATION  
RESPONSES TO PROPOSED HOUSING AND EMPLOYMENT ALLOCATIONS**

**Site A27 – Land south of Burton Road, Ashby de la Zouch**

Prior to the meeting of this Committee on 30 July 2025 members were copied into an email from a resident of Ashby de la Zouch in respect of the above site. This together with additional information that has been received is attached at **Appendix 2** for information.

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**Dear Members of the Local Plan Committee and Democratic Services,**

As a local resident of Rushey Close in Ashby-de-la-Zouch, I am submitting this written briefing in advance of the upcoming Local Plan Committee meeting on **Wednesday 30 July 2025**. I understand that it is no longer possible to speak at the meeting, *as informed by a sitting councillor on 26.07.25*, but I respectfully request that this statement be circulated to committee members and recorded for the meeting file.

**Re: Site A27, Land South of Burton Road / Rushey Close, Ashby-de-la-Zouch**

I am writing to express serious ongoing concerns regarding the proposed allocation of **Site A27** in the emerging Local Plan. Despite prior objections and an FOI now submitted to NWLDC, this site remains within the draft plan, raising unresolved issues related to legal compliance, environmental harm, consultation failures, and evidence transparency.

**Key Issues:**

- **Lack of Reassessment of HS2-Related Land:** Previously safeguarded HS2 Phase 2b land, now released, not reconsidered as a more sustainable alternative to Site A27. This may breach SEA regulations requiring assessment of reasonable alternatives.
- **SAC and Nutrient Neutrality Concerns:** A27 lies within the **River Mease Special Area of Conservation (SAC)** catchment. No lawful or complete **Habitats Regulations Assessment (HRA)** has been disclosed. Reliance on **Severn Trent Packington Pipeline** remains speculative and potentially non-compliant with the Conservation of Habitats and Species Regulations 2017.
- **Consultation and Transparency Failures:** Several Ashby residents (including myself) unaware of the A27's inclusion during the **Regulation 18 consultation in early 2024**. A sitting councillor confirmed **the council failed to consult on the additional allocation**.
- **Post-Deadline Objections:** The report for this Committee says **17 objections** were made to A27, with **1 submitted after the deadline**. Were these formally reviewed as valid material considerations and will they receive a substantive response before Regulation 19.
- **Flooding, Undocumented Infrastructure & Legal Risks:** Residents identified undocumented & leaking drainage infrastructure running through A27 into the National Forest. There's also concern that **phosphate levels used to justify Severn Trent's pipeline** may have been influenced by this unmitigated flooding. If so, this raises questions about the pipeline's evidence base and credibility.
- **Equality, Sustainability & Consultation Gaps:** A27 relies on access via **unadopted roads with private estate charges**, raising issues under the **Consumer Protection Law, Equality Act 2010**, and **CMA 2022 guidance**. The community was not informed or consulted as required under the Council's **Statement of Community Involvement (SCI)**.

**Requests to the Committee**

1. Please formally acknowledge concerns raised by Ashby residents; especially related to legal and environmental compliance.
2. Ask officers when & how objections to A27 (including the post-deadline objections) will be responded to in writing.
3. Request clarity on consultation record for A27; particularly whether Ashby residents on the consultation database were directly notified.

4. Seek legal advice regarding the status of A27 in light of incomplete environmental evidence & potential breaches of SEA and HRA regulations.

Thank you for your time and attention. I would welcome the opportunity to provide further information, including FOI records, ecological concerns, and correspondence with statutory bodies.

Yours sincerely,  
**Abigail Kingaby**

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**To:** Local Plan Committee Members & Substitutes; Planning Officers; Democratic Services  
**From:** Abigail Kingaby (33 Rushey Close, Ashby-de-la-Zouch)  
**Date:** 18 September 2025

### **Why a short pause protects the Council**

National mood may be “*build, baby, build*”, but decisions still live or die on **lawful evidence** - especially habitats and road safety. Pushing A27 without the missing documents invites legal challenge and reputational harm; a tidy **deferral** for evidence is safer and sounder.

#### **1. Mitigation not secured or operational (River Mease).**

The scheme leans on future wastewater/nutrient solutions that are not operational now. Under Habitats law you cannot count speculative mitigation at decision time.

*Legal: Habitats Regs Reg 63 - mitigation must be secured, deliverable, enforceable at decision (not “coming later”). (Govt is expanding nutrient-credit routes, but credits still have to underpin a lawful HRA/AA for this site.)*

#### **2. Unlawful without a site-specific Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA).**

There is no published A27 HRA/AA showing no adverse effect on the River Mease SAC with the actual mitigation in place.

*Legal: Habitats Regs 2017, Reg 63 - conclusions must be certain; unproven measures cannot be relied upon. (National build targets don’t disapply this.)*

#### **3. Neighbourhood Plan conflict (outside Limits to Development).**

A27 sits outside the made NP’s boundary. The NP is part of the development plan now and keeps weight until replaced. With A27 projected for ~2027, it falls within the NP period (to 2031) anyway. An emerging 2042 Local Plan carries limited weight at Reg-18 stage.

*Legal: PCPA 2004 s38(6) (decide in accordance with the plan unless material considerations indicate otherwise).*

#### **4. Reasonable alternatives now exist (post-HS2 land releases).**

Recent HS2 land releases locally increase the pool of deliverable alternatives (additional site, Packington Nook, removed from Local Plan for this very reason). Before pressing the most sensitive edge site in the Mease SAC catchment, the Council should evidence a Strategic Environmental Assessment (SEA) comparison of these sites (transport capacity, flood risk, biodiversity/National Forest gains, nutrient neutrality) and publish why site A27 would outperform them.

*Legal: Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regs — duty to assess reasonable alternatives with reasons for selection, e.g., Regs 8 & 12); PCPA 2004 s19(5) (Sustainability Appraisal/SEA for plans); NPPF tests of soundness (plan must be justified and effective).*

**5. Town-centre safety evidence missing (live risk + precedent).**

After a recent serious pedestrian collision on an Ashby approach, there is still no cumulative transport & road-safety addendum (incl. Money Hill) and no Stage 1/2 RSAs published. Precedent: on 14 Sept 2025 HBBC refused 58 homes at Barlestone (Newbold Rd) on highway-safety grounds even without a County Highways objection. Members can go beyond “wait and see” when the risk isn’t convincingly addressed.

*Standards: NPPF (safe/suitable access), DMRB GG 119 (Road Safety Audit), Manual for Streets.*

**6. Access/deliverability not proven.**

The estate links are private/unadopted. Without s38/s278 agreements, LLFA consents, and audited visibility, A27 cannot rely on these routes. Net-zero & mode shift: If the case leans on walking/cycling, secure a public, adoptable greenway (*not private paths*) and publish a simple carbon/mode-share statement; otherwise, the scheme conflicts with local net-zero/active-travel aims.

*Legal: Highways Act 1980 s38/s278; Land Drainage Act 1991 s23.*

**7. PRoW & estate links are fragile (and already failing locally).**

A27 would send pedestrians off the field-edge PRoW onto a private, unadopted path by the play area to Bishop Hall Rd. Private links can be altered/closed unless first legally secured/adopted. On the same estate, a different private link (Wilkinson Close ↔ Burton Rd) is already stopped-up; town-wide, Footpath O89 is closed under a TTRO - proof that walking routes can vanish overnight.

Bottom line: don’t rely on any estate link until (i) s38/s278 or easements are executed, (ii) RSAs (Stage 1/2) are published, and (iii) any ditch/culvert works have LLFA s23 consent.

*Legal: T&CP Act 1990 s257 (PRoW orders), RTRA 1984 s14 (TTRO), Highways Act s38/s278, Land Drainage Act 1991 s23.*

**8. Flood/egress work needs updating.**

Post-Jan-2025 realities aren’t reflected in an updated FRA or CTMP (safe emergency access/egress).

Water resources (*separate to nutrients*): Confirm potable water/network capacity and any upgrade timing via the IDP - publish before site A27 moves on.

Unrecorded drainage/ditch risk (potential pathway to Mease).

Residents have recorded an undocumented ditch with continuous flow near the hedgerow (between the PRoW and Bellway’s private footpath link) and unmapped pipework in the same vicinity. Until this is surveyed and verified, any FRA/CTMP and HRA conclusions are unsafe because the pathway and receiving outfall are unknown.

*Policy: NPPF + PPG Flood Risk; LLFA duties (Flood & Water Management Act 2010).*

*Legal: Land Drainage Act 1991 s23 (consent for works to an ordinary watercourse), Environmental Permitting Regs 2016 (discharges), Water Industry Act 1991 s104 (sewer adoption records), Habitats Regs Reg 63 (can’t rely on uncertain assumptions in the Mease SAC catchment).*

**9. FOI/EIR transparency gap.**

The Council’s response was late and missing items it said were included (ecology/BNG, 17 objections, NE/EA responses, Project Board, GovDelivery logs). *Legal: EIR Reg 5(2), Reg 7, Reg 9 (and FOIA s10/s16 where relevant).*

**10. SCI/consultation compliance unclear.**

Residents report no invites/updates; no published SCI checklist proving A27 visibility at Reg-18. It was also stated in an FOI to NWLDC, that the Local Plan Database email (*which should inform residents of any local plan updates; but they also have to know about it, to know to sign up to it*) both “was inaccessible” but also “contained no person(s) from Rushey Close” – those two statements appear inconsistent. As a resident of Rushey Close AND signed up to the database, I have still received zero emails from the database (*nothing*

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relating to Reg18/ LPC meetings involving decisions or updates/ Packington Nooks' removal etc.) Members shouldn't proceed without the complete evidence pack and confirmation that residents have had fair involvement as per the Statement of Community Involvement.

*Legal: PCPA 2004 s18 (SCI), Local Planning Regs 2012 (Reg 18/19).*

**11. Public mandate against A27.**

543 verified signatures oppose the site - public interest weighs toward caution.

**12. Plan soundness & deliverability.**

For A27 to sit in the emerging plan it must be justified and effective with a clear delivery trajectory (when/what triggers), plus an updated Infrastructure Delivery Plan (IDP) showing how highways, flood, schools, health and utilities are funded and timed. If that isn't published, the only safe step is deferral.

**13. National Forest edge / Public Open Spaces safety.**

Sales/POS drawings show paths to an "Open Fields" edge; basin fencing/safety concerns persist.

**The ask (proposed resolutions and alternative)**

That Site A27 is deferred unless and until the Council publishes:

- a. a site-specific HRA/AA demonstrating no adverse effect on the River Mease SAC with operational, secured mitigation;
- b. a cumulative transport & road-safety addendum for Ashby (including Stage 1/2 RSAs);
- c. proof of deliverable access (Highways Act s38/s278, LLFA s23, and visibility to MfS/DMRB); and
- d. a complete FOI/EIR/SCI evidence pack (including the currently missing items).
- e. Include as-built drainage records, CCTV/dye-trace survey, and LLFA/Severn Trent sign-off confirming:  
*(i) whether the ditch is an ordinary watercourse; (ii) any s23 consents and EPR permits; (iii) ownership/maintenance; and (iv) that the feature is reflected in the FRA and HRA.*
- f. a short alternatives appraisal (SEA-style) including HS2-released parcels (e.g., Packington Nook area) to demonstrate why A27 should proceed now over less constrained options.
- g. Commission a short options appraisal to repurpose A27 as strategic green infrastructure that funds itself and unlocks housing elsewhere: a BNG habitat bank and nutrient-mitigation wetlands, wrapped by National Forest woodland and an upgraded PRow greenway. Secure via conservation covenant/S106, fund through credit sales & commuted sums, and publish the management plan so Members and residents can see the benefits are real and long-term.**

**Notes:**

*National push for delivery does not waive Habitats/road-safety tests. **Recent local precedent: HBBC refusal at Barlestone (14 Sept 2025) on safety and neighbourhood plan limit grounds alone.***

*Nutrient-credit routes may expand, but they still must underpin a lawful HRA/AA for this site. A tidy deferral for evidence is safer than proceeding on incomplete information.*

Thank you for your time,

Abigail Kingaby  
Resident of Rushey Close

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**ITEM 7 - NEW LOCAL PLAN – OUTCOMES FROM THE CALL FOR GENERAL NEEDS  
EMPLOYMENT SITES 2025**

As noted at paragraph 2.1 of the report the 2025 Additional Sites Consultation included a call for sites for general employment needs and potential lorry parking locations. For the avoidance of doubt the issue of lorry parking will be the subject of further work before coming back to this Committee.

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