

APPENDIX E – POLICY EN2 (RIVER MEASE SPECIAL AREA OF CONSERVATION)

RESPONSES TO PROPOSED POLICIES

CHAPTER:		POLICY NUMBER: En2	POLICY NAME: RIVER MEASE SPECIAL AREA OF CONSERVATION		
MAIN ISSUES RAISED		COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
Support		Noted	No change	92	Ashby de la Zouch Town Council
<p>No objection to this policy and understand the statutory instruments which underpin the necessity for this approach.</p> <p>However, it is apparent that additional weight should be afforded to schemes which can be delivered prior to any work creating capacity, or without use of any capacity that is available, such as that of our client which can deliver an on-site solution</p> <p>Offsite works cannot be controlled or guaranteed, and could lead to delivery problems if there are delays in creation of additional headroom.</p>		<p>Noted</p> <p>Addressing issues related to the River Mease is likely to be just one consideration amongst many when assessing proposed developments. As such a balanced view would always be required.</p>	No change	130	Fisher German o/b/o Richborough
We have no objection to this policy and understand the statutory instruments which underpin the necessity for this approach.		Noted	No change	172	Fisher German o/b/o Cora

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<p>However, given the limitations applicable through the application of this policy, site specific requirements and the wider legislative background, it is apparent that additional weight should be afforded to schemes which can be delivered prior to any work in creating capacity within the catchment. Offsite works cannot be controlled or guaranteed and could lead to delivery problems if there are delays in creation of additional headroom. In this context, our client's proposals outside of the catchment should be afforded greater weight in the site selection process as clearly delivery is less risky and not contingent on 3rd party actions.</p>	<p>Addressing issues related to the River Mease is likely to be just one consideration amongst many when assessing proposed developments. As such a balanced view would always be required.</p>			
<p>The parish council remains very concerned about the condition of the River Mease and is supportive of the aspect of the proposed policy that seek to prevent new development, individually or cumulatively, further adversely impacting water quality. However, like the Environment Agency and Natural England, the parish council does not support the use of cesspits/soakaways under any circumstances as allowed for under clause 3c.</p> <p>If there is no treatment plant capacity and no Developer Contribution Scheme</p>	<p>The use of non-mains drain solutions is not the Council's preferred means to address the disposal of foul water. However, it may very occasionally be necessary. It is important, therefore, that the policy acknowledges this and how it will be applied. It is expected that in those areas where pumping out occurs any non-mains drains solution will only be temporary.</p>	No change	175	Oakthorpe, Donisthorpe and Acresford Parish Council

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capacity then the parish council believe planning application approvals MUST have a condition written in preventing in any circumstances their construction, until such time as Severn Trent have resolved the treatment capacity issue by pumping-up or another means.				
The town council supports all attempts to limit development within the area bordering onto the River Mease but opposes the use of cesspits and/or soakaways as a viable alternative in the interim or indeed ever, a view also shared by Natural England and the Environment Agency. The priority should be for Severn Trent to upgrade its treatment facilities or move pollutants away from the area. Either planning applications should be halted or proposed dwellings remain empty until treatment capacity is restored to viability. Anything less is completely unacceptable.	The use of non-mains drain solutions is not the Council's preferred means to address the disposal of foul water. However, it may very occasionally be necessary. It is important, therefore, that the policy acknowledges this and how it will be applied. It is expected that in those areas where pumping out occurs any non-mains drains solution will only be temporary.	No change	180	Ashby Woulds Town council
Support the proposed approach which mirrors the approach taken as part of the previous local plan.	Noted	No change	184	Pegasus Planning o/b/o Hall Land Management
Support the proposed approach which mirrors the approach taken as part of the previous local plan.	Noted	No change	193	Pegasus Planning o/b/o Hall Land Management
Given provision towards the River Mease catchment is already identified within	Notwithstanding any specific requirements set out in the site	No change	214	Stantec UK Ltd o/b/o Bloors

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<p>the Site allocation requirements for Money Hill, it is considered that the proposals will not have an adverse impact on the River Mease SAC.</p> <p>Further discussion will be required with Severn Trent Water (STW) in respect of headroom capacity. If no capacity exists, what work at the relevant sewage treatment works will need to be undertaken to be able to accept the foul flows generated by the proposals at Money Hill.</p>	<p>allocation policy, it will still be necessary to demonstrate compliance with the requirements of this policy.</p>			<p>Homes Midlands and Taylor Wimpey Strategic Land</p>
<p>It is unclear why the word ‘exceptionally’ is used at 3(c) to describe the use of non-mains drains. In our view, if a drainage solution has been agreed with the Environment Agency and meets the criteria of the policy, it should be deemed acceptable. Thus, we propose that the policy wording is amended to remove the word ‘exceptionally’.</p>	<p>It is agreed that the use of the word “exceptionally” is unhelpful and so should be removed from the policy.</p>	<p>That part 3 of the policy be amended to state:</p> <p>“Subject to compliance with any advice issued by Natural England or the Environment Agency, the policies of this Local Plan and any other relevant material considerations, the use of non-mains drainage solution for the disposal of foul water may be acceptable on a temporary basis for areas served by mains drains (until pumping out takes place or nutrient neutrality mitigation measures become available to serve</p>	<p>215</p>	<p>Carter Jonas o/b/o Secretary of State for Transport (HS2)</p>

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		the proposed development) and on a permanent basis where there is not a mains sewer system”.		
<p>The local plan must include a ‘safeguarding’ policy requiring all development to demonstrate that it will not cause an adverse effect on the SAC in order for development to be progressed. Nutrient Neutrality is a methodology to avoid nutrient impacts upon habitat sites. The policy wording should focus on avoiding an adverse effect on sites via nutrient enrichment, rather than ‘achieving nutrient neutrality’ although in many cases the two are similar.</p> <p>A plan level Habitats Regulations will be required which considers whether allocated development, and required mitigation measures, would compromise the ability to restore the site to favourable condition (i.e. undermine the conservation objectives of the site). It is suggested that this should calculate an overall nutrient budget for all allocations within the</p>	<p>It is agreed that a rewording of this policy is appropriate. It is proposed to amend the policy as set out at Appendix G of this report. The proposed changes largely take on board the suggestions of Natural England. However, it is considered that the policy should include a specific reference to nutrient neutrality in part (2) of the policy. It is not considered necessary as suggested by Natural England to include a specific reference to overnight stays as this is addressed in part (2) of the policy</p> <p>A Habitat Regulations Assessment will be undertaken for the regulation 19 plan.</p>	<p>That the policy be amended to state:</p> <p>(1) The Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease Special Area of Conservation.</p> <p>(2) In order to achieve this; until such time as wastewater is pumped out of the River Mease catchment, new development within the catchment will only be allowed where: (a) There is sufficient headroom capacity available at the named/identified Wastewater Treatment</p>	223	Natural England

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<p>River Mease catchment as part of the local plan process.</p> <p>Include suggested revisions to policy and text.</p>		<p>Works to which flows from the development will go; and (b) The proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in the Developer Contributions Scheme in operation at the time:</p> <p>it can be demonstrated that it will not contribute additional phosphorous to, or otherwise cause an adverse effect upon, the River Mease SAC, either alone or in combination with other plans or projects. This may be achieved by:</p> <ul style="list-style-type: none"> • Delivering bespoke mitigation mitigations to ensure the development is 		
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		<p>nutrient neutral in terms of phosphorous or</p> <ul style="list-style-type: none"> • Contributing to a strategic or local planning authority-led mitigation scheme. <p>(3) In circumstances where:</p> <p>(a) there is no headroom capacity available at appropriate wastewater treatment works; or</p> <p>(b) no capacity available within the Developer Contributions Scheme in operation at the time; or</p> <p>(c) exceptionally, as part of the development, it is proposed to use a non-mains drainage solution for the disposal of foul water with the agreement of the Environment Agency;</p> <p>3) Subject to compliance with any advice issued by Natural England or the Environment Agency, the policies of this Local Plan and any other relevant material considerations, the use</p>		
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		<p>of non-mains drainage solution for the disposal of foul water may be acceptable on a temporary basis for areas served by mains drains (until pumping out takes place or nutrient neutrality mitigation measures become available to serve the proposed development) and on a permanent basis where there is not a mains sewer system.</p> <p>4) Development will only be allowed where it is demonstrated that the proposal, on its own and cumulatively with other built and permitted development, will not have an adverse impact, directly or indirectly, on the integrity of the River Mease Special Area of Conservation.</p>		
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<p>It is unclear why the word ‘exceptionally’ is used at 3(c) to describe the use of non-mains drains. In our view, if a drainage solution has been agreed with the Environment Agency and meets the criteria of the policy, it should be deemed acceptable. Thus, we propose that the policy wording is amended to remove the word ‘exceptionally’.</p>	<p>It is agreed that the use of the word “exceptionally” is unhelpful and so should be removed from the policy.</p>	<p>That part 3 of the policy be amended to state:</p> <p>“Subject to compliance with any advice issued by Natural England or the Environment Agency, the policies of this Local Plan and any other relevant material considerations, the use of non-mains drainage solution for the disposal of foul water may be acceptable on a temporary basis for areas served by mains drains (until pumping out takes place or nutrient neutrality mitigation measures become available to serve the proposed development) and on a permanent basis where there is not a mains sewer system”.</p>	<p>225</p>	<p>Planning Prospects Limited o/b/o St Modwen Logistics</p>
<p>It is unclear why the word ‘exceptionally’ is used at 3(c) to describe the use of non-mains drains. In our view, if a drainage solution has been agreed with the Environment Agency and meets the criteria of the policy, it should be deemed acceptable. Thus, we propose</p>	<p>It is agreed that the use of the word “exceptionally” is unhelpful and so should be removed from the policy.</p>	<p>That part 3 of the policy be amended to state:</p> <p>“Subject to compliance with any advice issued by Natural England or the Environment Agency, the</p>	<p>229</p>	<p>Planning Prospects Limited o/b/o P,W,C & R Redfern</p>

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that the policy wording is amended to remove the word ‘exceptionally’.		policies of this Local Plan and any other relevant material considerations, the use of non-mains drainage solution for the disposal of foul water may be acceptable on a temporary basis for areas served by mains drains (until pumping out takes place or nutrient neutrality mitigation measures become available to serve the proposed development) and on a permanent basis where there is not a mains sewer system”.		
We look forward to receiving further information about the further Developer Contributions Scheme in due course.	Noted.	No change	234	Turley o/b/o IM Properties
This policy places a lot of emphasis on the development industry to protect water quality, to ensure water resources, to protect the environment and to create nutrient neutrality, whereas most of the actual responsibility for these elements will be reliant on the work of the water industry. The HBF would also suggest that the Council may want to further consider the role of the water industry in the	It is acknowledged that it is not just new development which could impact upon the integrity of the River Mease SAC. Other activities, including agriculture will also impact water quality. However, the purpose of the Local Plan is to set out policies to address the impact of developments which require planning permission. Those uses which do not require planning	No change	237	Home Builders Federation

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protection of water resources and nutrient neutrality.	permission will need to be addressed through other means.			
HBBC supports the abovementioned policy and welcomes any liaison to improve the water quality of the River Mease Special Area of Conservation.	Noted	No change	238	Hinckley & Bosworth Borough Council
Cameron Homes supports draft Policy En2 that deals with nutrient neutrality issues relating to the River Mease catchment. It is noted that to address the issue of water quality Severn Trent Water is proposing from 2027 to pump foul sewage to STW outside of the River Mease catchment. This will allow for the current restrictions on the delivery of new homes to be lifted within the catchment.	Noted	No change	256	Evolve Planning o/b/o Cameron Homes
No comments	Noted	No change	341	Leicestershire County Council
We welcome and strongly support the inclusion of this Policy	Noted	No change	404	The Environment Agency

APPENDIX E – POLICY EN3 (THE NATIONAL FOREST)

RESPONSES TO PROPOSED POLICIES

CHAPTER: 10		POLICY NUMBER: En3	POLICY NAME: THE NATIONAL FOREST		
MAIN ISSUES RAISED		COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
Hoped the policy would be more supportive of tourism accommodation in the Forest than elsewhere in the District, particularly where the Sustainable Tourism Accommodation Guide has been taken into account.		Policy En3 does support tourism accommodation in the National Forest which accords with the National Forest Company's Sustainable Tourism Accommodation Guide.	No change.	146	National Forest Company
Support the aims behind the policy and have no overriding issues with the policy and requirements. Would recommend a change to the policy wording to make it clearer that residential development is accepted in the National Forest. The policy currently appears to not directly support residential development within the National Forest. This is especially critical as some of the key locations for housing delivery fall within the National Forest. Similar terminology could be used to that within Draft Policy En4 which identifies there are some developments which would be given priority but does not rule out other development as long as it meets the policies criteria.		The policy supports 'development' and the supporting text sets out the requirements for woodland planting and landscaping as part of new developments, including residential developments. The site allocation policies for sites that fall within the National Forest include provision for tree planting and landscaping in accordance with draft Policy En3. Whilst residential development is not clearly stated in the policy it is inferred that residential development will be supported in the National Forest, providing it accords with the policies in the Local Plan.	No change.	147	Gladman Developments
The removal of "in exceptional circumstances" from Clause 3, is completely unacceptable. There needs		NWLDC have worked with the National Forest Company (NFC) on the drafting of the National	No change.	175	Oakthorpe, Donisthorpe & Acresford Parish

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to be early additional consultation with this council and the other wards directly impacted by the National Forest Company vision for The Heart of the Forest. Cannot support the watered-down clause 3 as it leaves the door open for trees that should be planted in or close to our ward being planted miles away, this will not support the local area's development. ODAPC object to this – no exception, <i>trees not more houses!</i>	Forest Policy and supporting text. It was during this joint working that the removal of 'in exceptional circumstances' was agreed. Monitoring of sites undertaken by the NFC demonstrates that where the requirement is for a small area of planting and landscaping, this is often not provided or is provided but the quality and connectivity is such that it does not contribute to National Forest cover. As such, the NFC may wish to request a financial contribution in these circumstances, which is not considered 'exceptional' therefore the reference to 'exceptional' has been omitted.			Council (ODAPC)
Disappointing that the Draft Policy is not as specific about the Heart of the National Forest as the Adopted Plan. The draft Policy does not specifically refer to tree planting within that area – unlike the clear definition within sections 4 and 5 of the Adopted Local Plan Policy. The removal of clauses 4 and 5 is completely unacceptable. Early consultation should take place with those wards directly impacted by the National Forest Company vision for The Heart of the Forest, and its impact on the new Local Plan.	In terms of parts 4(a) and 4(b) of the adopted Local Plan policy these criteria have been removed given a large proportion of the district is within the National Forest it would be difficult for development not to alter the character and appearance of the National Forest or wider countryside. Draft Policy S4 (Countryside) requires development to respect the appearance and character of the landscape.	See proposed changes above in response to the National Forest Company's comment.	175, 180	Oakthorpe, Donisthorpe & Acresford Parish Council (ODAPC), Ashby Woulds Town Council

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	<p>Part 4(c) of the adopted Local Plan Policy has been retained and is part 1(e) of the draft policy.</p> <p>In regard to Part (5) of the adopted Local Plan Policy, it was not included in the draft policy as the Heart of the National Forest Vision document was being updated at the time the draft policy was being prepared. The Vision document has now been published, and the Policy should include reference to The Heart of the National Forest Vision.</p>			
SUGGESTED ADDITIONAL POLICY CRITERIA				
<p><u>En3 - Policy wording</u> We would encourage the following criterion to be included in the Policy relating to development in the Heart of the National Forest. Suggested additional criterion: <u><i>Within the Heart of the National Forest development should support the delivery of the Heart of the National Forest Vision. The following types of development will be supported:</i></u> <u><i>A) Tourism and leisure attractions</i></u> <u><i>B) Visitor accommodation where it complies with the Sustainable Tourism Accommodation Design Guide.</i></u> <u><i>C) Proposals associated with the woodland, environmental and green</i></u></p>	<p>The National Forest Company was in the process of updating The Heart of the National Forest Vision Document at the time the draft Local Plan document was being prepared. As the Vision document has now been published the Policy should include reference to The Heart of the National Forest Vision. The proposed changes to the would incorporate some of the suggested wording and would apply to the whole of the National Forest area. Additional supporting text could be added to provide additional detail about the Heart of the National Forest</p>	<p>Proposed that the beginning of the policy be amended to include reference to the Heart of the National Forest Vision. The first sentence of the policy is proposed to read: The District Council will support the National Forest Company and its partners to realise the economic and environmental potential of the National Forest, including the delivery</p>	146	National Forest Company

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<p><u>economy and education or research in those sectors.</u></p> <p><u>D) Enhancements to the footpath and cycleway network.</u></p> <p><u>E) Small scale renewable energy installations.</u></p> <p><u>F) Volunteer facilities.</u></p> <p><u>Development in the Heart of the National Forest should strengthen linkages to nearby urban areas and leisure and tourism attractions.</u></p> <p><u>Development will be exemplars of sustainable design and construction and seek 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.</u></p>	<p>and the associated Vision document.</p>	<p>of the Heart of the National Forest Vision by.</p> <p>This change will require changes to parts (1), (2) and (3) of the policy. It is also proposed that part (1)(b) of the policy include reference to educational opportunities. Additional supporting text will be added to include additional detail about the Heart of the National Forest Vision Document.</p>		
COMMENTS ON SUPPORTING TEXT				
<p>Para. 10.46 The reference to carbon sinks is dated and may not be true. Instead, reference could be made to government policy to increase tree planting such as the Environment Act which sets out the policy to increase woodland and tree canopy cover in England to 16.5% of land area.</p>	<p>Noted and agree the suggested amendments to the supporting text.</p>	<p>Propose that the supporting text is updated as suggested.</p>	<p>146</p>	<p>National Forest Company</p>
<p>Para. 10.49: Request the second sentence referring to the thresholds in the Guide is omitted as the National Forest planting thresholds are in the</p>	<p>Noted and the supporting text will be updated. The council will await updated information on</p>	<p>Amend the supporting text to reflect the most up to date information from the National Forest</p>	<p>146</p>	<p>National Forest Company</p>

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process of being updated. It's unlikely that the thresholds for residential and commercial/industrial development would change, but there should be further clarity the types of developments which require National Forest planting [changes to the Guide will be communicated to NWLDC].	revised guidance on National Forest planting thresholds.	Company at the time of drafting the Regulation 19 version of the Local Plan.		
<p>We would request that the section of 10.49 from 'other appropriate habitats...' is amended as detailed below to more accurately reflect what is sought from National Forest woodland planting and landscaping.</p> <p>Third sentence to start with: <u>National Forest woodland planting and landscaping</u></p> <p>Add additional text onto the end of paragraph 10.49: <u>other appropriate habitats such as wood pasture, parkland and ponds where they form part of a connected green infrastructure network. Public access should be included in areas of green infrastructure and footpath/cycleway connections to adjoining woodlands and public rights of way should be incorporated.</u></p>	Noted and agree the suggested amendments.	The supporting text will be updated to reflect the changes suggested.	146	National Forest Company
The Heart of the Forest Vision is due to be launched in April 2024, and would suggest the following text to be added to the end of paragraph 10.52:	Noted and agree the amendments suggested to the supporting text.	The supporting text will be updated to reflect the changes suggested.	146	National Forest Company

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<u>The Vision identifies three investment priorities and six investment zones which will support more diverse and thriving wildlife; improve wellbeing; will be accessible for everyone; encourage more people to visit and stay for longer; create greener jobs, support sustainable modes of travel and renewable energy and increase participation and volunteering opportunities.</u>				
Suggested additional paragraph in supporting text: <u>Development will be expected to incorporate the required National Forest planting in addition to compliance with Biodiversity Net Gain requirements set out in Policy En1 – Nature Conservation / Biodiversity Net Gain (Strategic Policy). The strategic significance multiplier in the metric will apply to woodland habitats and tree planting within the National Forest.</u>	Noted and agree that the additional wording could be added to the supporting text.	The supporting text will be updated to reflect the changes suggested.	146	National Forest Company
GENERAL COMMENTS				
Policy En3 is supported to offer a range of leisure opportunities for communities and visitors	Noted.	No change.	45	Leicester Leicestershire and Rutland Integrated Care Board
Support	Noted.	No change.	92	Ashby de la Zouch Town Council
Appropriate green infrastructure and energy development should be supported in the National Forest and	Noted. Any proposals that require planning permission will need to be consistent with the	No change.	107	Kirsten Cunningham

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Charnwood Forest Regional Park. A balanced approach to conservation and green infrastructures can be met that provides long term aims of protecting, enhancing the landscape and biodiversity.	proposed policy. Whether this is the case or not will depend upon the specific proposal and circumstances.			Bardon Aggregates
We support draft policy En3 and the proposals at Corkscrew Lane have been designed with the National Forest designation in mind.	Noted.	No change.	204	Tom Collins
The proposals at Money Hill will provide tree planting throughout the site and landscaping in accordance with Draft Policy En3.	Noted.	No change.	214	Scarlett Lambeth Stantec obo Bloor Homes Midlands and Taylor Wimpey Strategic Land
Welcome policy.	Noted.	No change.	223	Natural England
Bloor Homes supports draft Policy En3. Land South of Heather presents an opportunity for the creation of tree planting as part of a landscape led approach development and the delivery of new recreational facilities to support the local community.	Noted.	No change.	245	Neil Cox obo Bloor Homes
There are no concerns with this policy and appears to reflect the current state of thinking in the Heart of the Forest area.	Noted.	No change.	341	Leicestershire County Council
National Forest tourism policies should continue to apply to the Fishing Lakes site off Spring Lane, Swannington - these units should not become for residential occupation to help meet housing targets.	Swannington is within the National Forest and as such provision (1)(a) of the policy, relating to the woodland economy and tourism, would apply.	No change.	569	Phil Ellis

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Being in the heart of the National Forest development should be kept as an absolute minimum.	The Local Plan is required to allocate development sites for housing and employment uses in the district to meet future needs. Policy En3 requires new development within the National Forest to contribute towards the creation of the forest.	No change.	597	Sue Bull
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APPENDIX E – POLICY EN4 (CHARNWOOD REGIONAL FOREST PARK)

RESPONSES TO PROPOSED POLICIES

CHAPTER:	POLICY NUMBER: En4	POLICY NAME: CHARNWOOD FOREST REGIONAL PARK		
MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
Not directly relevant to Ashby	Noted	No change	92	Ashby de la Zouch Town Council
It is to be hoped that appropriate green infrastructure and energy would be a supported development in the National Forest and Charnwood Forest Regional Park. It is believed a balanced approach to conservation and green infrastructures can be met that provides long term aims list protecting, enhancing the landscape and biodiversity.	Any proposals that require planning permission will need to be consistent with the proposed policy. Whether this is the case or not will depend upon the specific proposal and circumstances.	No change	107	Aggregates Industries Ltd
Welcome policy	Noted	No change	223	Natural England
There are no concerns with this policy and appears to reflect the current state of thinking in the CFRP.	Noted	No change	341	Leicestershire County Council

RESPONSES TO PROPOSED POLICIES

CHAPTER: 10		POLICY NUMBER: En6	POLICY NAME: Land and Air Quality		
MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENT ID	RESPONDENT NAME	
(1) Planning applications for development on land that has the potential for land instability or contamination or is located within a Coal Authority Development High Risk Area must: (a) Be accompanied by a detailed investigation and assessment of the land quality issue in question; and (b) Where necessary, provide appropriate mitigation measures which avoid any unacceptably adverse impacts upon the site or adjacent area, including groundwater quality.					
The Coal Authority records indicate that there are recorded coal mining features present at surface and shallow depth including mine entries, coal workings and reported surface hazards in NWL. These features pose a potential risk to surface stability and public safety. We are therefore pleased to see the inclusion of Policy En6 in the draft plan which identifies that where site are located in the Development High Risk Area planning application must be accompanied by an appropriate assessment and where necessary measure to avoid any adverse impacts.	Noted	No change	528	The Coal Authority	
[Supports this part of the policy as is aligns with the provisions set out in the NPPF at paras 180e and 189a. This is of specific importance in NWLDC given the presence of high risk land in the district that has the potential for instability or a degree of risk to the surface from the legacy of coal mining operation which could have	Noted	No change	185; 186	Pegasus Group (Clowes Developments); Pegasus Group (Wilson Bowden Developments)	

APPENDIX E – EN6 (LAND AND AIR QUALITY)

implications for future development. Addressing this matter early on through a development management policy will assist in providing a smoother following the submission of planning applications and their assessment.]				
The allocation at Money Hill is required to provide a Mineral Assessment for at, or near, surface coal, and provide a Coal Mining Risk Assessment. However, it is envisioned that the proposals will not have an adverse impact on land or air quality, in accordance with Draft Policy En6	Noted	No change	214	Stantec (Bloor Homes & Taylor Wimpey)
[This section should be expanded to give adequate attention to the issue of protecting/enhancing water quality. Para 10.72 references water quality and Draft Policy EN6 rightly highlights the need to avoid adverse impacts on groundwater quality; however this is not extended to include other controlled waters (rivers, watercourses, and brooks). This is important not least because of the requirement of the Water Framework Directive, for which LPA's have a statutory duty to deliver, that development does not lead to the deterioration of the status class of a waterbody.]	The EA's comments are noted and accepted. Water quality is dealt with as part of the River Mease policy but not for other parts of the district.	Amend part (1)(b) to include reference to the quality of other controlled waters and provide an update to the supporting text at Regulation 19 stage.	404	The Environment Agency

(2) Development must avoid any unacceptably adverse impact upon soils of high environmental value and ensure that soil resources are conserved and managed in a sustainable way.				
[No specific comments received on part 2 of the policy]				
(3) Planning applications for development that are likely to result in significant adverse impacts upon air quality must: (a) Be accompanied by an air quality assessment; and (b) Where necessary, provide appropriate mitigation measures				
The policy should clarify what is meant by 'significant adverse impacts on air quality'. Perhaps this should refer to major development within or within a particular distance to AQMAs?	The supporting text made clear that the Council's Air Quality SPD provides more clarity on what constitutes a significant adverse impact. The Air Quality SPD broadens the scope so that proximity to an AQMA is not the only factor for consideration.	No change	8	JJM Planning
Clause (3) of Draft Policy En (6) is inadequate in the light of the significant obligations placed on the District and described in paragraphs 10.76 onwards. Self-assessment will only be effective if continuous air quality monitoring takes place and if precise limits are laid down, to be used at the planning stage and post development.	Under the Environment Act 1995, NWLDC has a statutory duty to assess the present and future air quality of the district and identify the main sources of the pollutants affecting air quality. Taking into account these existing and anticipated air quality conditions, air quality assessments will be required; these need to be proportionate to the nature and scale of development proposed and the potential impacts.	No change	134	Kegworth Parish Council

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It is noted that the proposed policy will be supported by the existing Air Quality SPD adopted in October 2023 and will align with the Council's Air Quality Delivery Plan which is seeking to progress and monitor a number of Air Quality Management Areas (AQMA) in the district.	Noted	No change	185; 186	Pegasus Group (Clowes Developments); Pegasus Group (Wilson Bowden Developments)
We suggest that this policy should address air quality impacts on designated nature conservation sites. Commonly encountered issues are associated with emissions from increased road traffic resulting from new development, transport schemes, intensive agriculture or industrial developments.	The PPG states that it is important for plan-making to take into account sensitive habitats or designated sites of importance for biodiversity where there could be specific requirements or limitations on new development because of air quality.	This comment will be considered when officers review Policy En1 – Nature Conservation/ Biodiversity Net Gain	223	Natural England
In order to meet carbon emissions targets increasing congestion is not going to work, you are going to create a greater area of poor air quality by removing the plants currently filtering the air.	This policy requires new development to assess air quality impact and provide mitigation measures where necessary.	No change	469	Kyle Warner
General comments				
This policy would reduce the impact of unacceptable levels of air pollution which contributes to respiratory illness	Noted	No change	45	Leicester, Leicestershire & Rutland Integrated Care Board
Support in principle provided the supporting text is sufficiently robust in defining “a significant adverse effect” etc.	Noted	No change	92	Ashby de la Zouch Town Council

APPENDIX E – EN6 (LAND AND AIR QUALITY)

Policy En6 is generally supported as it aligns with the provisions of the NPPF at para 174e and paras 183-185.	Noted	No change	185; 186	Pegasus Group (Clowes Developments); Pegasus Group (Wilson Bowden Developments)
No comments	Noted	No change	341	Leicestershire County Council
10.72 addresses the fact that 'new or existing development shouldn't contribute to or be at risk of unacceptable levels of air and noise pollution.'	Noted	No change	350	Teresa Walker

RESPONSES TO PROPOSED POLICIES

CHAPTER: 10	POLICY NUMBER: En7	POLICY NAME: CONSERVATION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT		
MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENTS ID	RESPONDENTS NAME
Query whether bullet (1) needs to be within the policy as this is a requirement of all planning applications as enshrined within National Planning Policy and Law.	Draft Policy En7 sets out how the Districts historic environment will be conserved and enhanced and Part (1) of the policy sets out that planning applications will be determined in accordance with national policy.	No change.	147	Gladman Developments Ltd
Historic England generally welcomes the approach of the draft policy. However, 'setting' is not clearly emphasised in the draft wording. The opening sentence of Criteria 2 be revised to read as follows: 'The Council has a key role to play in the protection, conservation and enhancement of the heritage assets that exist throughout the district, <u>and their setting</u> , and will do so by:'.	Noted. Additional wording will be added to the policy.	Propose that part (2) of the policy is amended to read: (2) The Council has a key role to play in the protection , conservation and enhancement of the significance of the heritage assets that exist throughout the district, and their setting , and will do so by...	357	Historic England
Suggest criteria 2(a) be revised to read as follows: 'Supporting proposals for planning permission and listed building consent where the historic environment, heritage assets <u>and their setting</u> are conserved or enhanced in line with their significance.	Noted. Additional wording will be added to the policy.	Propose that part (2)(a) of the policy be amended to read: (a) Supporting proposals for planning permission and listed building consent where the historic	357	Historic England

APPENDIX E – POLICY En7 (CONSERVATION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT)

		environment and the significance of heritage assets and their setting are conserved and enhanced in line with their significance.		
Criteria 2(c) could be perceived as too restrictive by requiring the retention of various elements and not aligned with NPPF provisions for managing change. It may be that the intentions of the particular criteria could be addressed through the suggested changes to Criteria 2(a).	Noted and agree that Part (2)(c) could be perceived as overly restrictive.	Propose that Part (2)(c) of the policy is deleted as 'and their setting' has been added to part (2)(a) of the policy. The features referred to in part (2)(c) are proposed to be added to the supporting text.	357	Historic England
The consultation documents makes no reference to the County's Historic Environment Record (HER). NWLDC clearly needs a distinct policy & strategy which ensures the recognition and protection of the HER for North-West Leicestershire. What will be its approach with developers if new historic / archaeological remains are found on proposed development sites? How will such sites be protected / recorded? The County HER can provide a QGIS overlay for all sites in the NWLDC area. This will immediately show which historical &/or archaeological sites may be affected by these plans. This should be done and any relevant amendments made - and made available for public consultation and information - before	Paragraph 10.83 of the supporting text to the policy refers to Leicestershire County Council and that they manage and maintain the Leicestershire and Rutland HER. The council has GIS layers from Leicestershire County Council which show areas/sites of historical and/or archaeological interest. This GIS data has been used in the site assessment process. The Historic and Natural Environment Team at Leicestershire County Council also offer an enquiry/search service and developers may also undertake initial archaeological assessments to evaluate the	No change.	179	Michael Miller

APPENDIX E – POLICY En7 (CONSERVATION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT)

the new Local Plan is presented to a Planning Inspector.	likelihood of there being archaeological remains on a site.			
Has NWLDC &/or its Planning and Development Officers consulted with the responsible Officer at County Hall concerning HER sites which may be affected by the new Local Plan proposals? If not, why not?	The District Council has consulted with Leicestershire County Council on the proposed housing and employment allocations.	No change.	179	Michael Miller
Has the NWLDC &/or its Planning and Development Officers consulted with the County Planning archaeologist concerning their proposals? There appears to be no evidence in the NWLDC Consultation documents that they have done so.	The District Council has consulted with Leicestershire County Council on the proposed housing and employment allocations.	No change.	179	Michael Miller
COMMENTS ON SUPPORTING TEXT				
It is considered that there should be some additions (in italics) to the supporting text should this be taken forward into the Draft Local Plan. Para. 10.81 add wording to the end of the paragraph: <i>and by local communities in their preparation of Neighbourhood Plans.</i>	Noted and agree that reference to neighbourhood plans could be added to the supporting text.	The supporting text will be amended to add reference to neighbourhood plans.	341	Leicestershire County Council
Para. 10.83 add wording to the end of the paragraph: <i>providing a comprehensive register of known designated and non-designated heritage assets, as well as holding information of historic urban and landscape character.</i>	Paragraph 10.83 refers to the Leicestershire and Rutland Historic Environment Register, and it would be appropriate to add the suggested additional detail to the supporting text.	Add additional detail, as suggested to the supporting text.	341	Leicestershire County Council
Para. 10.85 be amended to read: <i>Archaeological investigation has revealed extensive evidence of prehistoric and later settlement within</i>	Noted and agree to the suggested amendment to the supporting text.	Add additional detail, as suggested to the supporting text.	341	Leicestershire County Council

APPENDIX E – POLICY En7 (CONSERVATION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT)

<i>the district, including an Iron Age hill fort at Breedon-on-the-Hill ('The Bulwarks'), and the Bronze Age barrow cemetery, Iron Age village and Roman villa near Lockington.</i>				
<p>The NPPF recognises the need to ensure that planning contributes to conserving and enhancing the natural environment as well as the historic environment. This is reflected in Para.10.97 of the supporting text. If the proposed developments [in the north of the district] go ahead the local distinctiveness and local attractiveness of each village is likely to be adversely affected. As well as there being a loss of biodiversity and a negative effect on quality of life and people's mental health. Development would contradict Para10.26. If either IW1 or EMP90 are developed there will be over a thousand acres of additional industrial and domestic building (on top of what has gone before) which will completely destroy the entire character of the area.</p>	<p>In terms of the developments in the north of the District the policy for the proposed development at Isley Wodhouse (Policy IW1) is proposed to be amended to include strengthened wording in regard to heritage following comments from Historic England to the Local Plan consultation.</p> <p>In terms of EMP90 proposals for land south of the airport (and including land within the existing East Midlands Gateway site) are now to be treated as a development of national significance for which a Development Consent Order (DCO) is required. This means that it will be the Secretary of State who decides whether the proposals go ahead. The District Council intends to identify key issues and matters of concern which need to be addressed as part of any proposed planning application and set out any planning considerations for development on the parts of the airport and East Midlands</p>	No change.	350, 376	Teresa Walker, Jim Snee

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	Gateway which are also part of the designated Freeport.			
GENERAL COMMENTS				
Support	Noted.	No change.	92	Ashby de la Zouch Town Council
The principle of Draft Policy En7 is broadly supported on the basis that the proposals at Money Hill will have no real impact on the Ashby-de-la-Zouch conservation area.	Noted.	No change.	214	Scarlett Lambeth (Stantec) obo Bloor Homes Midlands and Taylor Wimpey Strategic Land
Support the approach to the historic environment contained within draft Policy En7.	Noted.	No change.	245 + 256	Evolve Planning obo Bloor Homes, Evolve Planning obo Cameron Homes
There are considerable heritage assets in Coleorton that should be listed/recorded in relation to this Policy: The Bakehouse'; Millenium Garden and sign; Coleorton Wood; Fish Pond Bridge.	Noted. The policy or supporting text does not propose to identify all of the heritage assets within the district. The District's Local Heritage Assets are listed on the Council's website. Part (3) of the draft policy supports local communities identifying and protecting local heritage assets which are of importance to their local community through the neighbourhood plan process.	No change.	281	Coleorton Parish Council