

Local Plan Committee

4 June 2026

UPDATE

Item 5 – PROPOSED NORTH WEST LEICESTERSHIRE LOCAL PLAN (REGULATION 19)

Matter 1

On 2 June, officers became aware of a forthcoming Judicial Review involving Oxford City Council (OCC). The case will revolve around whether it was lawful for OCC to take the decision that it would submit its Local Plan without having seen the outcomes of the Regulation 19 consultation. It will be argued that the approach is contrary to the Strategic Environment Assessment Regulations (2004).

This case has not been heard and its outcome is unknown. Nonetheless, officers asked Counsel if there were implications for this Council's Local Plan, particularly as Recommendation (II) asks Members to agree the Local Plan for submission in advance of them knowing the main issues coming out of the Regulation 19 consultation.

As a precaution, Counsel advised a change to Recommendation (II) as follows:

II) THAT FOLLOWING THE PUBLIC CONSULTATION, FULL COUNCIL WILL BE INVITED TO CONSIDER THE REPRESENTATIONS RECEIVED ON THE DRAFT PLAN AND PRIOR TO CONSIDERING WHETHER THE PLAN SHOULD BE SUBMITTED TO THE SECRETARY OF STATE IN ACCORDANCE WITH UNDER REGULATION 22 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012, THE LOCAL PLAN WILL BE SUBMITTED TO THE SECRETARY OF STATE.

If agreed, this will mean that the outcomes of the Regulation 19 consultation will be reported to Council in the Autumn and Council will be asked to confirm the submission of the Plan to the Secretary of State before the Government deadline of 31 December 2026.

Matter 2

Policy En2 (River Mease Special Area of Conservation) and supporting text has been amended to address the role of private-led mitigation schemes, identify all parishes within the River Mease catchment, clarify the status of DCS1 and DCS2 and add timelines for upgrades to sewage treatment works. The amended policy and supporting text are appended to this update.

Matter 3

Policy IF5 (Long-term Management of Community Assets and Stewardship) amended as per the 20th May 2026 Local Plan Committee.

Policy En2 – River Mease Special Area of Conservation (Strategic Policy)

- 9.14 Special Areas of Conservation (SACs) are protected sites designated initially under the European Union's Habitats Directive and more recently by the Conservation of Habitats and Species Regulations 2017 (as amended – often referred to as the Habitats Regulations). SACs provide protection to a variety of wild animals, plants and habitats and play a vital role in global efforts to conserve the world's biodiversity.
- 9.15 The River Mease SAC includes the River Mease and its tributaries, extending into North West Leicestershire as well as parts of Staffordshire and Derbyshire. Within North West Leicestershire, parishes wholly located within the River Mease catchment are Ashby Woulds, Oakthorpe and Donisthorpe, Chilcote, Stretton en le Field, Appleby, Measham, Packington, Blackfordby and Snarestone. Ashby Town, Coleorton, Heather, Normanton le Heath, Ravenstone and Swebstone and Newton Burgoland are partly located within the catchment.
- 9.16 The SAC is also a Site of Special Scientific Interest (SSSI). Survey work by the Environment Agency revealed river water quality was poor, mainly due to high phosphorous levels. This arises from agriculture, both organic (e.g. farmyard manure) and inorganic (e.g. manmade fertilisers) sources, and from new development which increases foul water discharges (e.g. from toilets and washing facilities). Therefore, since 2009, new development in the catchments was restricted as a precaution against increasing phosphorous levels.
- 9.17 Under the Habitats Regulations, North West Leicestershire District Council is a 'competent authority', meaning it must be satisfied that a proposed development will not affect the overall water quality in the River Mease before granting planning permission. This is done through a Habitats Regulations Assessment (referred to as an Appropriate Assessment) which evaluates whether a local plan or project would significantly affect a protected European site. To support this process, applicants for new development must provide detailed information on both surface water and foul water drainage.
- 9.18 To address the concerns regarding water quality we have worked with a range of partner organisations (The Environment Agency; Natural England; Severn Trent; South Derbyshire District Council; and Lichfield District Council) to develop two Developer Contribution Schemes (DCS1 and DCS2). These schemes, adopted 2012 and 2016 respectively, have enabled developers to make a financial contribution to keeping water quality high in the River Mease. Any development that increased the amount of wastewater going into the sewerage system and therefore affected discharges into the River Mease from water treatment works, had to financially contribute to the costs to improving water quality. The schemes have funded measures that improve the water quality for both wildlife and people alike. However, DCS1 and DCS2 now have no capacity in terms of how much development could be supported. Whilst they were successful in supporting development and funding for river improvements, their capacity has now been reached, and both schemes are now full.
- 9.19 A Water Quality Management Plan (WQMP) identifies a range of measures designed to ensure that the status of the River Mease SAC achieves the conservation objectives and is brought back into favourable condition.

- 9.20 In 2022, further advice from Natural England confirmed that development in the catchment area for the River Mease SAC cannot proceed if it increases nutrient levels or causes eutrophication (the harmful process of nutrient overload). Development can now only proceed if it is 'nutrient neutral'.
- 9.21 Nutrient neutrality primarily affects developments involving overnight accommodation (such as housing and holiday accommodation). However, a wider range of development types, including employment and some commercial uses, are also affected by water quality requirements. In all cases the Council as a 'competent authority' must be able to conclude that proposed development would not result in an adverse impact on the SAC.
- 9.22 The government is looking at possible ways to address nutrient neutrality. Until the necessary legislation or regulations are in place, the Council will continue to follow the advice of Natural England.
- 9.23 To address water quality issues, Severn Trent Water is upgrading the Packington and Measham Sewage Treatment Works (STW) to pump treated foul flows out of the River Mease catchment. These works are due for completion by 1 April 2027 and will benefit a substantial part of the catchment. From when the upgrades are completed, development (both allocated and windfalls) discharging to these treatment works will no longer affect the River Mease SAC.
- 9.24 Despite proposed upgrades to other STWs serving the District (including Snarestone, due 2026 and Donisthorpe, due 2030), nutrient neutrality is still required for development discharging to these works. There are currently no agreed mitigation schemes for development within those parts of the catchment that do not benefit from the improvements at Packington and Measham STW. These areas include Appleby Magna, Donisthorpe and parts of Moira and affect one identified allocation (H3r (Ap1)). Bespoke mitigation measures may be acceptable in these areas and must be secured for the lifetime of the development. The Council is also working in partnership with the Trent Rivers Trust to identify and deliver appropriate mitigation schemes during the plan period to ensure development in this part of the catchment does not have adversely affect the integrity of the River Mease. The Local Plan housing trajectory shows no windfall development is assumed before April 2028, and Site Ap1 is not expected to be delivered until after April 2030. The mitigation schemes currently being considered are likely to provide sufficient capacity for both this allocation and future windfall development. Their anticipated timescale for delivery should allow these schemes to be implemented in advance.
- 9.25 Private led mitigation schemes can operate alongside local planning authority-led mitigation schemes and also provide an alternative to on-site mitigation. They enable developers to purchase mitigation credits from approved third-party providers to offset nutrient pollution. The Council will require submitted proof of credit purchase from a scheme that has been approved by Natural England to demonstrate that development is nutrient neutral before planning permission can be granted.
- 9.26 In addition to foul water discharges, new development can contribute to poor water quality through surface water run off entering the river, its tributaries and the wider water environment. Policy Ap8 requires SuDS to be designed in accordance with the

National Standards for Sustainable Drainage Systems. Additional guidance on SuDS design is set out in the CIRA SuDS Manual (C753).

Policy En2 – River Mease Special Area of Conservation (Strategic Policy)

- (4) 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.
- (4) In order to achieve this, new development within the catchment will only be allowed where 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:
 - (a) Delivering bespoke mitigation measures to ensure the development is nutrient neutral in terms of phosphorous
 - (b) Contributing to a strategic or local planning authority-led mitigation scheme.
 - (c) Purchase of mitigation credits from Natural England approved private-led mitigation schemes
 - (d) The provision of Sustainable Drainage Systems (SuDS) to manage surface water flow.
- (4) 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 to serve the proposed development.
- (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.