

**NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION
POSITION STATEMENT OF NORTH WEST LEICESTERSHIRE DISTRICT
COUNCIL**

MATTER 9 – ENVIRONMENTAL AND HERITAGE



Matter 9a - Do Policies En1-4, En6 and He1-2 make appropriate provisions for the protection of recognised environmental, ecological and heritage interests in accordance with national policy?

Policy En1: Nature Conservation

1. The Council considers that Policy En1: Nature Conservation, is compliant with the NPPF and makes appropriate provision for the protection of recognised environmental and ecological interests. It facilitates the role of the planning system in contributing to and enhancing the natural and local environment and provides local context, seeking to ensure that important local features are not adversely affected. Background Paper No 10 (BP/10) provides more information with respect to this policy.
2. Although this policy seeks the protection of recognised features such as Special Areas of Conservation and Sites of Special Scientific Interest, as well as to provide gains in biodiversity, a significant number of responses to this policy suggested that the Local Plan should identify Local Green Spaces. However this issue is considered to be appropriately addressed by Policy IF3 and is also considered under Matter 8 – Countryside and Open Space.
3. Generally other comments received were supportive of the policy, which has been prepared with the Council working with Natural England and Leicestershire and Rutland Environmental Records Centre who have both agreed the wording of the policy.
4. Other issues that have been raised through the consultations include:
 - Reference to the National Forest, the matters which have been raised are considered to be addressed by Policy En3.
 - The Environment Agency suggested that the Local Plan should include a separate standalone policy to address the Water Framework Directive. This, along with the wording suggested, was considered, however the approach suggested was not considered necessary. Some of the issues raised are covered by Policy En1 and the Water Framework Directive is addressed by other legislation and a Local Plan policy on this matter would result in duplication.
 - Request that the policy recognises and affords proper protection to Areas of Particularly Attractive Countryside (APAC). However such changes have not been made as National Planning Policy Framework does not require APAC (or equivalent areas) to be identified.
 - Concerns were raised over the maintenance of SUDs but no policy changes were considered necessary as Leicestershire County Council are the Lead Local Flood Authority and are responsible for the maintenance of SUDS.
 - A number of responses to the consultation identified possible changes. However these were not considered necessary as the changes suggested largely repeat the wording of the NPPF.

Policy En2: River Mease Special Area of Conservation

5. The Council consider that Policy En2: River Mease Special Area of Conservation, is compliant with the NPPF and provides an appropriate framework for the protection of a specific environmental asset, the River Mease Special Area of Conservation. Development will not be permitted where there could be adverse effects on the River Mease SAC. Background Paper No 11 (BP/11) provides more information with respect to this policy.
6. Policy En2 seeks to manage further development in the catchment area so that it does not have an adverse effect on the water quality of the River Mease.
7. The Sustainability Appraisal recognises that Policy En2 will play an important role in ensuring that future development complies with the Water Quality Management Plan (WQMP) for the River Mease Catchment and therefore a significant positive effect is predicted.
8. Integral to this policy and to addressing the River Mease issues is the ongoing formal working partnership through the mechanism of River Mease Programme Board comprising representatives from the Environment Agency, Natural England, Severn Trent Water and North West Leicestershire, South Derbyshire and Lichfield District Councils. These stakeholders have worked together to address water quality issues in the River Mease and to prepare the Development Contribution Strategy, both DCS1 and DCS2, to provide a joint and co-ordinated approach to the issue. Policy En2 reflects the agreed approach.
9. Throughout the plan preparation, the Council have produced Habitat Regulations Assessments, an integral part of the plan preparation process and a requirement of the Conservation of Habitats and Species Regulation 2010. One of the European sites identified as being at a credible risk from the Local Plan is the River Mease Special Area of Conservation (SAC), part of which lies within the district. The assessment concluded that the Local Plan will have no likely significant effects, either alone or in combination with other plan and projects, upon this European Sites.
10. Generally comments received were supportive of the policy, although there were concerns raised with regard to the headroom capacity, and the monitoring of such, of the local waste water treatment works. However the Programme Board is responsible for ensuring ongoing monitoring of the River Mease in terms of water quality and that projects are contributing towards the reduction in phosphorous in the river as required by the WQMP. The headroom capacity of the local waste water treatment works is also monitored when dealing with relevant planning applications.
11. Other issues that have been raised through the consultations include:
 - Request for clarification reference the role of agriculture and phosphates and their impact on the River Mease. This has been addressed in the publication version of the Local Plan.

Policy En3: The National Forest

12. This policy supports Core Planning Principle No 5 of the NPPF in that it takes account of the different roles and character of different areas and supports thriving rural communities. The Council consider that Policy En3: The National Forest, is compliant with the NPPF and it provides an appropriate framework for the protection of a specific local environmental asset, the National Forest, as well as support an increase in its woodland cover and recreation and tourism opportunities. The National Forest is not intended to prohibit development and this policy seeks an appropriate mix of built areas and the creation of woodland areas.
13. The Council has worked closely with the National Forest Company on preparing this policy which compliments the National Forest Strategy 2014-24 and their woodland cover target. The National Forest Company support this policy and the minor changes they requested at the draft plan stage have been incorporated within the publication version of the Local Plan.
14. Generally comments received were supportive of the policy, although the following other issues were raised;
 - Mature trees and hedges should be retained in the National Forest. This is covered by Policy En1 which states that planning permission will be refused where development would result in significant harm to a range of ecologically significant sites including ancient woodlands, mature plantation and ancient hedgerows.
 - It was agreed that the plan would benefit from clarification regarding development having a National Forest or locally inspired identity.

Policy En4: Charnwood Forest

15. This policy supports Core Planning Principle No 5 of the NPPF in that it takes account of the different roles and character of different areas and supports thriving rural communities. The Council consider that Policy En4: Charnwood Forest, is compliant with the NPPF and it provides an appropriate framework for the protection of a specific local environmental asset, the Charnwood Forest. It is not a protection policy as such but it does recognise the importance and unique characteristics of the Charnwood Forest.
16. The provisions of the policy should be read in conjunction with Policy S3 – Countryside, and intends to maintain the traditional working landscape of the Charnwood Forest, its character and appearance whilst supporting rural tourism and biodiversity.
17. A Charnwood Forest Regional Park Steering Group was established in 2012 and comprises North West Leicestershire District Council, Leicestershire County Council, Charnwood Borough Council, Hinckley and Bosworth Borough Council and other key stakeholder such as the National Forest Company, Natural England and the Leicestershire Local Access Forum. The group supports the concept and creation of the Charnwood Forest Regional Plan, across a number of local authorities, with a jointly supported concept, vision and objectives. Policy En4 of the Local Plan establishes the District Council's approach in respect of the Charnwood Forest and links with the jointly agreed vision.

18. Generally comments received to the Local Plan consultations were supportive of the policy.

Policy En6: Land and Air Quality

19. The NPPF advises that in meeting development needs planning should “prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”

20. Policy En6: Land and Air Quality, sets out the Council’s approach with respect to this matter and covers a range of issues namely:

- Land instability issues or contamination;
- Defined ‘Development High Risk Area’ in respect of the district’s Coal Mining legacy;
- Air Quality Management Areas;
- Groundwater quality;
- Soil quality

21. In particular circumstances a detailed investigation of matters is necessary to show that these features will not have an adverse impact on the application site or adjacent areas.

22. Adverse impacts on these features should be avoided and appropriate mitigation measures identified where necessary.

23. Policy D2: Amenity is also considered to be of relevance as it seeks development to be designed so as to minimise their impact on the amenity and quiet enjoyment of both existing and future residents, including the impacts from noise, vibration, pollution, unpleasant odour and lighting.

24. Generally comments received to the Local Plan consultations were supportive of the policy.

Policy He1: Conservation and enhancement of North West Leicestershire’s historic environment

25. This policy supports Core Planning Principle No 10 of the NPPF in that it seeks to conserve the district’s heritage assets. The Council consider that Policy He1: Conservation and enhancement of North West Leicestershire’s historic environment, is compliant with the NPPF and sets out a positive strategy for the conservation and enhancement of the historic environment and specifies a presumption against development that will be harmful to heritage assets.

26. Generally comments received were supportive of the policy and advice has been sought from Historic England throughout the preparation of this policy. Following the receipt of comments from Historic England at publication stage these discussions have continued. As a result the Council and Historic England have agreed a Statement of Common Ground which has been submitted to the Examination. This identifies some suggested changes to Policy He1 to address the concerns of Historic England, in particular in relation to the issue of harm.

27. A number of the other responses submitted have led to policy wording changes essentially to improve how it reads and to ensure compliance with the NPPF.

Policy He2: Shopfront Design

28. This policy also supports Core Planning Principle No 10 of the NPPF in that it seeks to conserve the district's heritage asset, in this case historic shop fronts. The Council consider that Policy He2: Shopfront Design, is compliant with the NPPF and sets out a positive strategy for the conservation and enhancement of the historic environment, with specific reference to the district's historic shop fronts.

29. This policy was not included within the Draft Local Plan and has been added to the Local Plan following discussions with Historic England. Subsequently some comments received to the Local Plan consultation expressed concern that the policy was not flexible enough and needed to provide more detail. However having assessed the issues raised it is considered that the policy as worded is proportionate, appropriate and provides flexibility and compliant with the NPPF.