

## Burton and Dalby Neighbourhood Plan Comments Requested – 20<sup>th</sup> May 2022

Leicestershire County Council is supportive of the Neighbourhood plan process and welcome being included in this consultation.

### Highways

#### Specific Comments

##### **Policy B&D3 Great Dalby Character**

The Local Highway Authority (LHA) are supportive of cul-de-sac road layouts as detailed within the Leicestershire Highways Design Guide (LHDG). The LHDG recommends cul-de-sac road layouts for linear sites and typically private developments for generally up to 25 dwellings.

It is also noted that Cul-de-sac layouts are in-situ within Great Dalby.

It may be the case that hedgerows/woodland are required to be curtailed in order to provide visibility splays at site access locations.

##### **Policy B&D6 Little Dalby Character**

Any proposed accesses should be designed in accordance with LHDG. The LHDG contains details regarding appropriate width and surfacing extents dependent upon the use and scale of the proposed development.

##### **Policy B&D12 Design**

Paragraph 110 (b) of the National Planning Policy Framework (NPPF) states 'safe and suitable access to the site can be achieved for all users'.

Section DG13 of Part 3 of the LHDG stipulates the LHA's vehicle parking requirements.

##### **Road Network - Great Dalby**

The LHA could not locate this survey, or a more recent survey, utilising its C2 software package. Data from 2016 and 2017 suggests Average Daily Traffic (ADT) figures of circa 2750 and 2100 flows respectively. It should be noted that I have stated a daily figure to add context to the morning peak hour stated.

A review of Leicestershire County Council's (LCC) Location Centre mapping shows that no Personal Injury Collisions (PICs) have taken place within the most recent five-year period.

##### **Burton Lazars**

A review of LCC's Location Centre mapping shows that 13 Personal Injury Collisions (PICs) have taken place within the most recent five-year period along the A606 between Burton Lazars and Langham, including 1 fatal collision. The collision took place across circa 9km of highway.

A review of LCC's Location Centre mapping shows that no Personal Injury Collisions (PICs) have taken place within the most recent five-year period within Burton Lazars.

A review of LCC's Location Centre mapping shows that no Personal Injury Collisions (PICs) have taken place within the most recent five-year period along the A6 within Langham.

## General Comments

The County Council recognises that residents may have concerns about traffic conditions in their local area, which they feel may be exacerbated by increased traffic due to population, economic and development growth.

Like very many local authorities, the County Council's budgets are under severe pressure. It must therefore prioritise where it focuses its reducing resources and increasingly limited funds. In practice, this means that the County Highway Authority (CHA), in general, prioritises its resources on measures that deliver the greatest benefit to Leicestershire's residents, businesses and road users in terms of road safety, network management and maintenance. Given this, it is likely that highway measures associated with any new development would need to be fully funded from third party funding, such as via Section 278 or 106 (S106) developer contributions. I should emphasise that the CHA is generally no longer in a position to accept any financial risk relating to/make good any possible shortfall in developer funding.

To be eligible for S106 contributions proposals must fulfil various legal criteria. Measures must also directly mitigate the impact of the development e.g. they should ensure that the development does not make the existing highway conditions any worse if considered to have a severe residual impact. They cannot unfortunately be sought to address existing problems.

Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be assessed against the County Council's other priorities and as such may not be maintained by the County Council or will require maintenance funding to be provided as a commuted sum.

In regard to public transport, securing S106 contributions for public transport services will normally focus on larger developments, where there is a more realistic prospect of services being commercially viable once the contributions have stopped ie they would be able to operate without being supported from public funding.

The current financial climate means that the CHA has extremely limited funding available to undertake minor highway improvements. Where there may be the prospect of third-party funding to deliver a scheme, the County Council will still normally expect the scheme to comply with prevailing relevant national and local policies and guidance, both in terms of its justification and its design; the Council will also expect future maintenance costs to be covered by the third-party funding. Where any measures are proposed that would affect speed limits, on-street parking restrictions or other Traffic Regulation Orders (be that to address existing problems or in connection with a development proposal), their implementation would be subject to available resources, the availability of full funding and the satisfactory completion of all necessary Statutory Procedures.

## Flood Risk Management

The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.

The LLFA is not able to:

- Prevent development where development sites are at low risk of flooding or can demonstrate appropriate flood risk mitigation.
- Use existing flood risk to adjacent land to prevent development.
- Require development to resolve existing flood risk.

When considering flood risk within the development of a neighbourhood plan, the LLFA would recommend consideration of the following points:

- Locating development outside of river (fluvial) flood risk (Flood Map for Planning (Rivers and Sea)).
- Locating development outside of surface water (pluvial) flood risk (Risk of Flooding from Surface Water map).
- Locating development outside of any groundwater flood risk by considering any local knowledge of groundwater flooding.
- How potential SuDS features may be incorporated into the development to enhance the local amenity, water quality and biodiversity of the site as well as manage surface water runoff.
- Watercourses and land drainage should be protected within new developments to prevent an increase in flood risk.

All development will be required to restrict the discharge and retain surface water on site in line with current government policies. This should be undertaken through the use of Sustainable Drainage Systems (SuDS). Appropriate space allocation for SuDS features should be included within development sites when considering the housing density to ensure that the potential site will not limit the ability for good SuDS design to be carried out. Consideration should also be given to blue green corridors and how they could be used to improve the bio-diversity and amenity of new developments, including benefits to surrounding areas.

Often ordinary watercourses and land drainage features (including streams, culverts and ditches) form part of development sites. The LLFA recommend that existing watercourses and land drainage (including watercourses that form the site boundary) are retained as open features along their original flow path and are retained in public open space to ensure that access for maintenance can be achieved. This should also be considered when looking at housing densities within the plan to ensure that these features can be retained.

LCC, in its role as LLFA will not support proposals contrary to LCC policies.

For further information it is suggested reference is made to the [National Planning Policy Framework \(March 2012\)](#), [Sustainable drainage systems: Written statement - HCWS161 \(December 2014\)](#) and the [Planning Practice Guidance webpage](#).

Flood risk mapping is readily available for public use at the links below. The LLFA also holds information relating to historic flooding within Leicestershire that can be used to inform development proposals.

Risk of flooding from surface water map:

<https://flood-warning-information.service.gov.uk/long-term-flood-risk>

Flood map for planning (rivers and sea):

<https://flood-map-for-planning.service.gov.uk/>

## Planning

### Minerals & Waste Planning

The County Council is the Minerals and Waste Planning Authority; this means the council prepares the planning policy for minerals and waste development and also makes decisions on mineral and waste development.

Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned

minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood.

You should also be aware of Minerals and Waste Safeguarding Areas, contained within the adopted [Minerals and Waste Local Plan \(Leicestershire.gov.uk\)](https://www.leicestershire.gov.uk). These safeguarding areas are there to ensure that non-waste and non-minerals development takes place in a way that does not negatively affect minerals resources or waste operations. The County Council can provide guidance on this if your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.

## Property Education

Whereby housing allocations or preferred housing developments form part of a Neighbourhood Plan the Local Authority will look to the availability of school places within a two-mile (primary) and three-mile (secondary) distance from the development. If there are not sufficient places then a claim for Section 106 funding will be requested to provide those places.

It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a development, or the size of a development would yield a new school.

However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.

## Strategic Property Services

No comment at this time.

## Adult Social Care

It is suggested that reference is made to recognising a significant growth in the older population and that development seeks to include bungalows etc of differing tenures to accommodate the increase. This would be in line with the draft Adult Social Care Accommodation Strategy for older people which promotes that people should plan ahead for their later life, including considering downsizing, but recognising that people's choices are often limited by the lack of suitable local options.

## Environment

### Specific Comments

#### Archaeology and the Historic Environment

##### **Policy B&D 11 Non-designated Heritage Assets**

It is noted the plan policy references non-designated heritage assets listed in Appendices 2 (archaeological sites) and 3 (ridge and furrow). Both the latter are drawn from the Leicestershire and Rutland Historic Environment Record (HER consultation dated 10/07/2019). It should be noted within the plan that the HER is a dynamic record and as such it is recommended that development or other land use change should be informed by direct consultation with the HER (see below for contact details), rather than rely upon the indicative list of assets included in the plan.

It is noted that the Plan makes reference to 'features of Local Heritage Interest', Section 6.33, additionally Maps 8-12 refer to 'Locally listed Heritage Assets' for clarity it is recommended that the term non-designated heritage asset is preferred.

With reference to the supporting document Parish of Burton & Dalby Neighbourhood Plan Local List (Non-designated Heritage Assets), where possible designations should be identified for each individual building, e.g. 11, 13, 15, 17 and 19, Main Street.

## General Comments

With regard to the environment and in line with Government advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of archaeology and the historic and natural environment including heritage assets, archaeological sites, listed and unlisted historic buildings, historic landscapes, climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.

## Archaeology and the Historic Environment

The planning process provides one of the most effective tools to manage the impact of land use change upon the historic environment. This is achieved both through the shaping of development plans (Local and Neighbourhood Plans) and the delivery of development management advice on individual planning applications. In that context, the inclusion of heritage in your Neighbourhood Plan, and the provision of relevant and effective policies, will significantly strengthen the management of these issues, and will be an effective way of the community identifying its own concerns and priorities.

Ideally, Neighbourhood Plans should seek to work in partnership with other agencies to develop and deliver this strategic objective, based on robust local evidence and priorities. We recommend that each Neighbourhood Plan should consider the impact of potential development or management decisions on the conservation and enhancement of the historic environment. The historic environment is defined as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving evidence of past human activity, whether upstanding, buried or submerged, as well as landscapes and their historic components.

The Leicestershire and Rutland Historic Environment Record (LRHER) can provide a summary of archaeological and historic environment information for your Neighbourhood Plan area. This will include gazetteers and maps describing the locally identified non-designated heritage assets, typically archaeological sites (both earthworks and buried archaeological remains), unlisted historic buildings and historic landscapes (parks and gardens). We will also provide information on medieval ridge and furrow earthworks to help you evaluate the surviving earthworks in your area.

Information on Designated assets (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Battlefields) is available from the National Heritage List for England (NHLE). <https://historicengland.org.uk/listing/the-list/>

Consideration of the historic environment, and its constituent designated and non-designated heritage assets, is a material consideration in the planning process. While the data held by the LRHER is constantly maintained and updated, it is unlikely that the record represents an exhaustive list of all assets with the plan area. We suggest that information provided by the LRHER should be taken into account when preparing the Neighbourhood Plan and contribute to any list of locally identified heritage assets. Based upon a structured assessment process, this will be the basis of any non-designated heritage assets identified within the plan and given force through the preparation of appropriate heritage policy.

Contact: [her@leics.gov.uk](mailto:her@leics.gov.uk), or phone 0116 305 8323

For help with including heritage in your Neighbourhood Plan please see the following guidance:

CBA Toolkit No. 10, Neighbourhood Planning (2017)

<https://www.archaeologyuk.org/asset/6FE3A721-B328-4B75-9DEBBD0028A4AEED/>

National Trust Guide to Heritage in Neighbourhood Plans (2019)

<https://www.nationaltrust.org.uk/documents/neighbourhood-planning-and-heritage-guidance.pdf>

## Climate Change

The County Council through its Environment Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the existing and predicted changes in climate. Furthermore, LCC has declared a climate emergency along with most other UK councils. The County Council has committed to becoming carbon neutral as a council by 2030 and to working with others to keep global temperature rise to less than 1.5 degrees Celsius, which will mean in effect needing to achieve carbon neutrality for Leicestershire by 2050 or before. Planning is one of the key levers for enabling these commitments to be met and to meeting the legally binding target set by the government for the UK to be carbon neutral by 2050. Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and to increasing the county's resilience to climate change.

## Landscape

The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; Leicester, Leicestershire and Rutland Landscape and Woodland Strategy; the Local District/Borough Council landscape character assessments and the Landscape Sensitivity and Green Infrastructure Study for Leicester and Leicestershire (2017) which examines the sensitivity of the landscape, exploring the extent to which different areas can accommodate development without impacting on their key landscape qualities. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands' Advisory Document (2006) published by English Heritage.

LCC would encourage the development of local listings as per the National Planning Policy Framework (NPPF) and LCC have some data on the social, cultural, archaeological and historic value of local features and buildings (<https://www.leicestershire.gov.uk/leisure-and-community/history-and-heritage/historic-environment-record>)

## Biodiversity

The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural environment, providing net gain for biodiversity, and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development or management of open spaces on enhancing biodiversity and habitat connectivity, such as hedgerows and greenways. Also, habitat permeability for habitats and species which addresses encouragement of movement from one location to another such as the design of street lighting, roads, noise, obstructions in water, exposure of species to predation and arrangement of land-uses.

The Leicestershire and Rutland Environmental Records Centre (LRERC) can provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species.

These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme.

Contact: [planningecology@leics.gov.uk](mailto:planningecology@leics.gov.uk), or phone 0116 305 4108

## Green Infrastructure

Green infrastructure (GI) A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity (NPPF definition). As a network, GI includes parks, open spaces, playing fields, woodlands, street trees, cemeteries/churchyards allotments and private gardens as well as streams, rivers, canals and other water bodies and features such as green roofs and living walls.

The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design; promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits; meeting the challenges of climate change and flood risk; increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding.

Neighbourhood Plan groups have the opportunity to plan GI networks at a local scale to maximise benefits for their community and in doing so they should ensure that their Neighbourhood Plan is reflective of the relevant Local Authority Green Infrastructure strategy. Through the Neighbourhood Plan and discussions with the Local Authority Planning teams and potential Developers communities are well placed to influence the delivery of local scale GI networks.

## Brownfield, Soils and Agricultural Land

The NPPF encourages the effective use of brownfield land for development, provided that it is not of high environmental/ecological value. Neighbourhood planning groups should check with Defra if their neighbourhood planning area includes brownfield sites. Where information is lacking as to the ecological value of these sites then the Neighbourhood Plan could include policies that ensure such survey work should be carried out to assess the ecological value of a brownfield site before development decisions are taken.

Soils are an essential finite resource on which important ecosystem services such as food production, are dependent on. They should be enhanced in value and protected from adverse effects of unacceptable levels of pollution. Within the governments "Safeguarding our Soils" strategy, Defra have produced a code of practice for the sustainable use of soils on construction sites which could be helpful to neighbourhood planning groups in preparing environmental policies.

High quality agricultural soils should, where possible be protected from development and where a large area of agricultural land is identified for development then planning should consider using the poorer quality areas in preference to the higher quality areas. Neighbourhood planning groups should consider mapping agricultural land classification within their plan to enable informed decisions to be made in the future. Natural England can provide further information and Agricultural Land classification.

## Strategic Environmental Assessments (SEAs)

Information for Neighbourhood Planning groups regarding Strategic Environmental Assessments (SEAs) can be found on the Neighbourhood Planning website ([www.neighbourhoodplanning.org](http://www.neighbourhoodplanning.org)) and should be referred to. As taken from the website, a Neighbourhood Plan must meet certain basic conditions in order to be 'made'. It must not breach and be otherwise compatible with EU obligations. One of these obligations is Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment' (Environmental Assessment of Plans and Programmes Regulations, 2004, available online). This is often referred to as the SEA Directive. Not every Neighbourhood Plan

needs a SEA, however, it is compulsory to provide when submitting a plan proposal to the local planning authority either:

- A statement of reasons as to why SEA was not required
- An environmental report (a key output of the SEA process).

As the UK has now left the EU, Neighbourhood Planning groups should remain mindful of any future changes which may occur to the above guidance.

### Impact of Development on Household Waste Recycling Centres (HWRC)

Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and Leicestershire County Council. The County's Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local HWRC infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated. Contributions to fund these projects are requested in accordance with Leicestershire's Planning Obligations Policy (2019) and the relevant Legislation Regulations.

## Communities

Consideration of community facilities is a positive facet of Neighbourhood Plans that reflects the importance of these facilities within communities and can proactively protect and develop facilities to meet the needs of people in local communities. Neighbourhood Plans provide an opportunity to;

1. Carry out and report on a review of community facilities, groups and allotments and their importance with your community.
2. Set out policies that seek to;
  - protect and retain these existing facilities,
  - support the independent development of new facilities, and,
  - identify and protect Assets of Community Value and provide support for any existing or future designations.
3. Identify and support potential community projects that could be progressed.

You are encouraged to consider and respond to all aspects of community resources as part of the Neighbourhood Planning process. Further information, guidance and examples of policies and supporting information is available at [www.leicestershirecommunities.org.uk/np/useful-information](http://www.leicestershirecommunities.org.uk/np/useful-information).

## Economic Development

We would recommend including economic development aspirations with your Plan, outlining what the community currently values and whether they are open to new development of small businesses etc.

## Fibre Broadband

High speed broadband is critical for businesses and for access to services, many of which are now online by default. Having a fast broadband connection is no longer merely desirable but is an essential requirement in ordinary daily life.

All new developments (including community facilities) should have access to ultrafast broadband (of at least 100Mbps) and allow mechanisms for securing a full fibre broadband provision for each premise and business from at least one network operator, provided on an open access basis. Such provider must deploy a Fibre to the Premise (FTTP) access network structure in which optical fibre runs from a local exchange to each premise.

Developers should take active steps to incorporate adequate broadband provision at the pre-planning phase and should engage with telecoms providers to ensure fibre broadband is



available as soon as build on the development is complete. Where practical, developers should consider engaging several telecoms providers to encourage competition and consumer choice.

The Council supports a 'dig once' approach for the deployment of communications infrastructure and a build which is sympathetic to the character and appearance of the surrounding area. The Council encourages telecommunications build which does not significantly impact on the appearance of any building or space on which equipment is located and which minimises street clutter.

## Equalities

While we cannot comment in detail on plans, you may wish to ask stakeholders to bear the Council's Equality Strategy 2020-2024 in mind when taking your Neighbourhood Plan forward through the relevant procedures, particularly for engagement and consultation work. A copy of the strategy can be viewed at:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/7/10/Equality-strategy-2020-2024.pdf>

The Neighbourhood plan should comply with the main requirements of the Public Sector Equality Duty. This requires public bodies to have due regard of the need to:

Eliminate discrimination

Advance equality of opportunity

Foster good relations between different people

## Accessible Documents

In today's working environment more and more information is being produced digitally. When producing information which is aimed at or to be viewed by the public, it is important to make that information as accessible as possible. At least 1 in 5 people in the UK have a long-term illness, impairment or disability. Many more have a temporary disability.

Accessibility means more than putting things online. It means making your content and design clear and simple enough so that most people can use it without needing to adapt it, while supporting those who do need to adapt things.

For example, someone with impaired vision might use a screen reader (software that lets a user navigate a website and 'read out' the content), braille display or screen magnifier. Or someone with motor difficulties might use a special mouse, speech recognition software or on-screen keyboard emulator.

Public sector organisations have a legal requirement to make sure that all information which appears on their websites is accessible. As Neighbourhood Plans have to be published on Local Planning Authority websites, they too have to comply with [government regulations for accessibility](#). Guidance for creating accessible Word and PDF documents can be found on the Leicestershire Communities website under the heading 'Creating Accessible Documents':- <https://www.leicestershirecommunities.org.uk/sr/>

### **NIK GREEN (MRS)**

Policy Officer | E: [neighbourhoodplanning@leics.gov.uk](mailto:neighbourhoodplanning@leics.gov.uk)

Policy, Economy & Community, Chief Executive's Department, Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA

For further information visit:

<http://www.leics.gov.uk/index/environment/planning/neighbourhoodplanning.htm>