



CABINET – TUESDAY 18 NOVEMBER 2025

ORDER PAPER

<u>ITEM</u>	<u>DETAILS</u>
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APOLOGIES FOR ABSENCE

Mr. K. Crook CC.

1. MINUTES (Pages 3 -10)

That the minutes of the meeting held on 28 October 2025 be taken as read, confirmed, and signed

2. URGENT ITEMS

None.

3. DECLARATIONS OF INTEREST

Members of the Cabinet are asked to declare any interests in the business to be discussed.

4. SCHOOL PLACES STRATEGY 2026-2031 (Pages 11 - 80)

Proposed motion

That approval be given for a consultation to be undertaken on the Leicestershire County Council's draft School Places Strategy 2026-2031, which is attached as an appendix to the report.

5. PROPOSED TRANSFER OF FUNDING FROM THE SCHOOLS BLOCK TO THE HIGH NEEDS BLOCK OF THE DEDICATED SCHOOLS GRANT FOR 2026/27 (Pages 81 - 96)

Proposed motion

- a) That the responses to the consultation on a 0.5% transfer from the Schools Block to the High Needs Block of the Dedicated Schools Grant for the 2026/27 financial year be noted;
- b) That consideration be given to the two options set out in paragraphs 48-64 of the report for funding a sustainable outreach and graduated support offer to mainstream schools through Oakfield School, noting the decision of the Schools Forum to not support either Option 1 (a 0.5% transfer from the Schools Block to the High Needs Block) or Option 2 (a per-pupil contribution

from schools to support pupil outreach support and a commitment from schools to supporting ongoing mainstream inclusion) but proposed further consultation with schools on Option 2;

- c) That a preferred option for implementation be agreed, noting that if it is agreed to progress with a Schools Block Transfer, the Director of Children and Family Services will be authorised to seek permission from the Secretary of State to approve a 0.5% transfer.

6. RESPONSE TO THE HINCKLEY AND BOSWORTH BOROUGH COUNCIL REGULATION 18 LOCAL PLAN CONSULTATION 2025 (Pages 97 - 130)

- *Comments in support of a written representation from Norton Heath Objection Group have been received from Mr Joshua Melen CC and are attached to this Order Paper, marked '6a'.*

Proposed motion

- a) That the County Council's response to Hinckley and Bosworth Borough Council's Regulation 18 Local Plan consultation, set out in paragraphs 37 to 65 of the report and the appendix, be noted and approved;
- b) That the Chief Executive, following consultation with the Cabinet Lead Member, be authorised to make any minor amendments to the consultation response prior to its submission to Hinckley and Bosworth Borough Council by 28 November 2025, including to strongly emphasise the urgent need for further evidence on the proposed strategic development, Norton Heath, given the significant concerns the County Council has over the proposed allocation.

7. ANNUAL DELIVERY REPORT AND PERFORMANCE COMPENDIUM 2025 (Pages 131 - 218)

- *The report was considered by the Scrutiny Commission on 10 November 2025 and its comments are attached to the Order Paper, marked '7a'.*

Proposed motion

- a) That the progress in delivering on the Council's service priorities, as set out in the draft Annual Delivery Report 2025, be noted;
- b) That the Council's low comparative funding, good performance outcomes position, and the financial pressures and risks now facing the authority set out in the Performance Compendium be noted;
- c) That in light of the pressure on the Council's financial sustainability arising from continued service demand, improvement and cost pressures, the Council continues to press its case for a fairer funding settlement, progresses plans for a fundamental Budget and Efficiency Review and its preference to secure c£40m efficiency savings and wider benefits from a new unitary authority for Leicestershire and Rutland;

- d) That the Chief Executive, following consultation with the Leader, be authorised to make any amendments to the draft Annual Delivery Report and the Performance Compendium prior to its submission for approval to the County Council on 3 December 2025.

8. ANNUAL REPORT OF THE TRADED SERVICES STRATEGY (Pages 219 - 228)

- *The report was considered by the Scrutiny Commission on 10 November 2025 and its comments are attached to the Order Paper, marked '8a'.*

Proposed motion

- a) That the performance against targets in the Traded Services Strategy during 2024/25 be noted;
- b) That the future developments as outlined in the report and outlook for 2025/26 be welcomed;
- c) That the current status of the programme to exit the School Food Service be noted;
- d) That the current status of the engagement process for the future of Beaumanor be noted.

9. ITEMS REFERRED FROM OVERVIEW AND SCRUTINY

None.

10. ANY OTHER ITEMS WHICH THE CHAIRMAN HAS DECIDED TO TAKE AS URGENT

None.

11. EXCLUSION OF THE PRESS AND PUBLIC

Proposed motion

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Expanding Locality Based Support for Early Years Children with Additional Needs

Officer to contact

Gemma Duckworth
Democratic Services
Tel: (0116) 305 6226
Email: gemma.duckworth@leics.gov.uk

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CABINET – 18 NOVEMBER 2025**COMMENTS FROM MR JOSHUA MELEN CC IN RELATION TO AGENDA ITEM 6****Response to the Hinckley and Bosworth Borough Council Regulation 18 Local Plan Consultation 2025**

I have attached the Norton Heath Objection group's response on Highways and Flood areas respectively to help inform LCC's response to the HBBC Reg 18 local plan consultation and hope that these can be considered by Cabinet as endorsed by myself.

In summary, I agree wholeheartedly with the objections raised by the NH Objection group- the development would create flood risks in the surrounding areas already under flooding pressure, create unsustainable traffic conditions on the A444 and A5 and irreversibly alter the rural character of the area.

I hope that the objection points raised will be integrated into the LCC responses from flooding and highways officers respectively. If there is any problem with this, please do not hesitate to contact me and I can present my case in more detail albeit the attached documents speak for themselves. I am aware that some departments are reluctant to present too much at the Reg 18 stage, but ask that the above points are adopted into a formal response by each LCC department. The risk that 10,000 proposed homes presents to the Twycross and wider area cannot be underestimated.

Kind regards,

Cllr Joshua Melen

Market Bosworth Division

Leicestershire County Council

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Transport & Accessibility

Statutory Policy & Framework

The transport and accessibility implications of the proposed Norton Heath allocation must be assessed against the statutory and national policy framework that governs development in England.

The most relevant documents are:

- the National Planning Policy Framework (NPPF, December 2024),
- the Department for Transport's Circular 02/2013 – Strategic Road Network and Development Management,
- and the Leicestershire Local Transport Plan (LTP, 2016-2036),
- together with the Hinckley & Bosworth Core Strategy (Policy DM17 - Transport).

Collectively, these instruments impose binding duties on both local authorities and developers to ensure that new growth is directed to sustainable locations, that realistic travel choices are provided for all users, and that the residual cumulative impacts on the highway network are not severe.

The NPPF

The NPPF (December 2024) introduces strengthened provisions regarding sustainable transport. Paragraph 11(d) retains the overarching presumption in favour of sustainable development but clarifies that such development must make effective use of land and occur in sustainable locations that are well served by public and active transport. This framework's updated wording emphasises that this presumption does not apply where the development would result in clear conflict with national policies on infrastructure capacity, environmental protection, or the delivery of sustainable transport solutions.

Paragraph 111 of the 2024 Framework establishes a decisive legal threshold for transport impacts: *“Developments should only be refused on transport grounds where the residual cumulative impacts of development are severe”*. This clause, while frequently cited by developers, places a positive duty on planning authorities to demonstrate that the site is capable of achieving safe and suitable access for all users and that any mitigation proposed is both deliverable and effective. Where mitigation depends on hypothetical or unfunded or strategic road improvements, the residual impact must be deemed severe by definition.

The NPPF also expands that the requirement for cross boundary strategic planning of infrastructure. Paragraph 34 stipulates that plans should be *“informed by infrastructure delivery plans that demonstrate how infrastructure will be provided, funded, and phased to support development.”* In the case of Norton Heath, no such delivery plan exists for

the road and public transport improvements that would be required to make the site acceptable. In the absence of secured funding or inter authority agreements with Warwickshire, Staffordshire and National Highways, the proposal cannot meet this test.

The Department for Transport

At national level, the Department for Transport's Transport Decarbonisation Plan (2021) and Circular 02/2013 remain material considerations. Both documents stress that development should avoid creating new car dependent settlements and that proposals likely to increase traffic on the Strategic Road Network (SRN) must be subject to detailed cumulative impact analysis and agreement with National Highways. Circular 02/2013 explicitly prohibits planning that would compromise the safe and efficient operation of the SRN unless mitigation is fully funded and deliverable within the plan period. The Norton Heath Proposal demonstrably fails to satisfy this requirement, as the necessary A5 Corridor and M42 Junction 11 upgrades remain unfunded and outside the current Road Investment Strategy 3 (2025-2030) programme.

Leicestershire Local Transport Plan

At county level, the Leicestershire Local Transport Plan 4 (2016-2036) prioritises modal shift, air quality improvement, and the integration of new development into sustainable transport networks. It identifies the A444 and A5 corridors as already operating at or near capacity and states that future growth should be focused in locations accessible by existing public transport corridors. The plan specifically cautions against dispersed rural expansion that would exacerbate congestion and emissions, precisely the outcome the Norton Heath scheme would produce.

Hinckley & Bosworth

Finally, Policy DM17 of the Hinckley & Bosworth Core Strategy Requires that all development proposals demonstrate adequate access, minimise car dependency, and provide mitigation proportionate to the scale of their impact. The proposed allocation at Norton Heath is inconsistent with this policy: it would introduce tens of thousands of additional vehicle movements into an already congested road network, without any credible or deliverable mitigation strategy.

Summary

Taken together, these statutory and policy provisions establish a clear framework: large scale development must be located where sustainable transport infrastructure already exists or can be viably delivered, where impacts on the strategic and local highway network are acceptable, and where cross boundary responsibilities for mitigation are secured. The Norton Heath proposal fails on all three counts. It therefore conflicts with the NPPF, Circular 02/2013, and the adopted Leicestershire LTP4, rendering the allocation unsound in transport accessibility terms.

Baseline Network Conditions

The existing transport network surrounding Norton Heath is already operating under considerable strain. Independent evidence prepared for Hinckley & Bosworth Borough Council by AECOM (2023-2024) and Ove Arup & Partners (2025) demonstrates that the A444 corridor, its feeder routes, and the adjoining A5 strategic corridor are functioning at or beyond their capacity even without the inclusion of the proposed new settlement. The baseline position is therefore one of constraint rather than opportunity. Any major development in this location would exacerbate congestion undermine network safety, and impose unacceptable cross boundary network impacts on North West Leicestershire, Warwickshire & Staffordshire.

Existing Traffic Volumes & Road Hierarchy

The Hinckley & Bosworth Strategic Transport Assessment (AECOM, 2023-24) identifies the A444 and A5 Redgate Junction as already operating at or above design capacity during the morning peak hour, even before any additional Local Plan Growth is Factored in. Forecast 2039 flows exceed 2000 vehicles per hour north of Twycross, compared with the accepted rural single carriageway capacity of 1800vph. AECOM's modelling records average speeds falling below 20mph between Atherstone & Twycross during the AM peak and persistent queuing on the M42 Junction 11 off ramps.

By contrast, the Developers consultants, David Tucker Associates (DTA), acting on behalf of Nurton Developments, report peak hour flows of only 900 to 1500 vehicles, a figure that understates real world volumes by more than 30 to 40 percent. The Council's own evidence therefore establishes that the existing highway network is already stressed and that *“major highway upgrades would be required to simply maintain acceptable operation.”*

The AECOM findings are reinforced by the Arup Infrastructure Capacity Study Phase 2 Addendum (October 2025), which records worsening congestion along the A5 corridor and confirms that all previous capacity enhancement schemes have been withdrawn. National Highways have stated that no funding is available for A5 improvements and that any future “A5 Concept Link” remains at feasibility stage with an indicative delivery horizon post 2041. In effect, the baseline condition for Norton Heath is one of saturation.

Vehicle Speeds and Safety Baseline

Speed surveys on the A444 and the B4116 corridors show 85th percentile speeds of 60.1 mph in a 60mph zone and 52.2mph in a 50mph zone, demonstrating habitual non compliance and elevated collision risk. The Department for Transport's Personal Injury Collision (PIC) database records multiple serious incidents within the Redgate - Twycross-Austrey triangle over the 2017-2021 period, consistent with AECOM's

observation that the network already performs below minimum safety standards. The omission of a full safety audit from the developer submission is therefore a material deficiency, contrary to DfT Guidance on Transport Assessments.

Trip Generation and Capacity Analysis

Applying standard rural trip generation parameters derived from the National Travel Survey (2023), 84 percent car mode share and average ownership of 1.8 cars per dwelling, the likely impact of the Norton Heath allocation is as follows.

Scenario	Dwellings	Cars	Daily Car Journeys	Peak Hour Flows (both directions)
Scenario 1	6,000	10,800	31,752	3,175 – 7,938 vph
Scenario 2	10,000	18,000	52,920	5,292 – 13,230 vph

Even under the most conservative assumptions, these flows exceed the combined practical capacity of the A444 and B4116 (3,000 vph). At median demand, the network would operate at more than twice its limit, generating extensive queueing and “rat running” through Orton on the Hill, Austrey, Norton Juxta Twycross, Warton and Polesworth. AECOM’s strategic model corroborates this outcome, predicting severe delay at Redgate Island and knock on congestion throughout the local network.

Sustainable Transport Deficit

The Norton Heath locality has no existing bus service, no railway stations within 12 kilometres, no continuous cycle or pedestrian infrastructure. The DTA Proposal for “enhanced bus services” and “mobility hubs” is purely aspirational: no operator agreement, funding mechanism, or patronage model exists. Integration with the West Coast Mainline would require a minimum of four peak hour buses in each direction, a service level that would be financially unsustainable without long term public subsidy.

Behavioural change assumptions within the developer’s modelling are unsupported by empirical evidence. Research by Cairns et al. (2004) demonstrates that sustained modal shift in rural areas requires multi year investment and structural incentives, neither of which form part of the Norton Heath proposal. The result is an inherently car dependent settlement, contrary to NPPF S112 (Dec 2024) and the Leicestershire Local Transport Plan 4 (2016 – 2036) objectives for modal shift and air quality improvement.

Strategic Network Context

The A5 Hinckley Tamworth corridor functions as the Midlands’s primary east west freight route with the so called “logistics golden triangle”. According to the Midlands Connect (2023), average speeds on this section fall from 48mph off peak to 32 mph at peak,

dropping to as low as 10mph at critical junctions such as Redgate and Gibbet Hill. The corridor already suffers from recurrent incident related closures and reliability issues.

Arup's 2025 Addendum confirms that this situation has deteriorated and that all growth in Hinckley and Bosworth now depends on an uncommitted A5 Concept link scheme, requiring cross authority collaboration and joint funding. This scheme's anticipated delivery after 2041 means that any development at Norton Heath would be occupied long before strategic mitigation could be provided, resulting in years of unacceptable congestion and elevated safety risk.

HBBC Infrastructure Capacity Study (October 2025)

The Council's own Infrastructure Capacity Study Addendum (Ove Arup & Partners, October 2025) explicitly identifies LPR231- Norton Juxta Twycross as a location "with relatively limited infrastructure [which] would inevitably require a significant amount of new infrastructure in order to effectively serve it". Arup concludes that the site "would significantly affect the A42 and A444 corridors" and that the current FoxConnect demand responsive bus service "would not be sufficient to serve the size of population envisaged." LCC and National Highways are recorded highlighting the need for developer funding and cross authority coordination, confirming that no national transport funding is available within the plan period. These findings corroborate this objections assessment that Norton Heath is unsuitable and undeliverable on transport grounds.

Summary

Independent, council commissioned evidence by AECOM (2023-24) and Arup (2025) demonstrates that the A444 and A5 corridors are already operating at or above capacity; that no funded mitigation exists within the current or next Road Investment Strategy; and that public transport options are wholly inadequate. The base line transport position for Norton Heath is therefore one of saturation, safety deficit, and structural car dependency. Under NPPF section 110 -112 (December 2024), this constitutes a severe residual cumulative impact, mandating refusal of any allocation or application on transport and accessibility grounds.

Trip Generation & Network Impact

The scale of vehicular movement generated by the proposed Norton Heath allocation would be unprecedented within the local road hierarchy and impossible to accommodate within the existing highway network. Based on standard Department for Transport TRICS (2024) trip generation parameters, a residential development of 10,000 dwellings would generate at least 25,000 additional vehicle movements per day. Even using conservative assumptions of 2.5 daily car trips per dwelling, this equates to

roughly 12,500 inbound and 12,500 outbound trips distributed across the network each day.

In practice, trip rates for rural locations are consistently higher. National Travel Survey data and AECOM's 2023-24 modelling both indicate that rural households generate 3 and 4.5 car trips per dwelling per day, reflecting limited access to public transport and higher average car ownership (1.8 vehicles per household). Applying these factors increases the expected daily flow to between 31,000 and 53,000 vehicle trips, the majority of these would load directly onto the A444 and B4116 corridors.

AECOM's regional model predicts that such volumes would extend queues at Redgate Island well beyond the design envelope, with junction delay times exceeding 300 seconds at the AM peak and average speeds on the A444 falling below 15mph. The M42 Junction 11 interchange would experience significant off ramp congestion and back blocking onto the mainline carriageway, increasing risk of collision and forcing diversionary traffic through local settlements. These impacts would not be isolated: congestion at Redgate would propagate north towards Measham and south towards Atherstone, constraining freight and commuter movement along the A5 strategic corridor.

No realistic mitigation is identified that could absorb this volume of traffic. The only conceivable interventions, major reconfiguration, dualling of the of the A444, and full dualling of the A5 Hinckley Tamworth link, are neither designed nor funded within the current or next Road Investment Strategy period. As a result, the residual cumulative effects on both the local and strategic highway networks would remain severe, satisfying the explicit refusal test in NPPF S111 (December 2024).

On the basis of these calculations and the Councils own transport evidence, the proposed allocation would lead to chronic congestion, degraded network safety, and significant environmental impacts through increased vehicle emissions. The magnitude of traffic generation alone is sufficient to render the Norton Heath site undeliverable within any reasonable planning horizon and incompatible with national and local transport policy.

Deficiencies in the Developer's Transport Appraisal (DTA, October 2023)

The Transport and Accessibility Appraisal prepared by David Tucker Associates (October 2023) on behalf of Nurton Developments forms the sole evidence relied upon by the promoter to justify the proposed Norton Heath allocation. Its content is materially deficient, methodologically unsound, and inconsistent with both national guidance and the Council's own transport evidence base. The document cannot therefore be afforded any evidential weight in plan making or decision taking.

Absence of Junction Modelling

The DTA report includes no quantitative junction capacity modelling for the key network nodes most affected by the development. No ARCADY, PICADY or LinSig analyses have been undertaken for the A444/ A5 Redgate Junction, the M42 Junction 11 interchange, or the adjoining A5 corridor junctions. These omissions contravene the minimum technical requirements of the DfT TAG Unit M2 (2023), which mandates capacity assessment of all materially impacted junctions. Without the modelling, the report provides no evidence that safe or efficient operation could be maintained.

Unsupported Trip Distribution and Assignment

Trip distribution assumptions are not transparently evidenced. The appraisal provides no gravity model output, Census 2021 journey to work analysis, or comparison with AECOMS validated regional model. As a result, the distribution of traffic to the A444, A42, and M42 corridors appears arbitrary and fails to account for realistic commuter patterns or cross boundary flows into Warwickshire and Staffordshire. This undermines the reliability of all subsequent network impact conclusions.

Omission of Cumulative Development Impacts

The DTA analysis treats the Norton Heath proposal in isolation, contrary to NPPF S111 and Circular 02/2013, which require cumulative impact assessment. The study disregards other major committed developments including Twycross Zoo expansion, MIRA Technology Park Growth, and additional allocations in Market Bosworth & Atherstone. AECOM's modelling demonstrates that, once these schemes are included, the A444 and Redgate corridors exceed operational capacity even without Norton Heath. The omission of this cumulative context renders the developers results meaningless.

Unrealistic Sustainable Transport Assumptions

The appraisal's claimed "sustainable transport measures" are speculative. References to "enhanced bus services", "mobility hubs," and "car sharing initiatives" are uncoded, unmapped and unsupported by any operator agreement or funding plan. No timetable, route design, or patronage modelling is provided. In reality, the site has no existing bus service, and the nearest rail stations, Atherstone, Nuneaton & Tamworth are over 12km away with not connecting public transport. The DTA narrative therefore rests on interventions that cannot be delivered or maintained within the plan period.

Over Optimistic Modal Shift & Behavioural Change Claims

The report assumes a significant shift from private car to public transport and active travel modes without presenting any behavioural change evidence or baseline survey data. No elasticity modelling, travel plan framework, or monitoring proposals are supplied. The claimed reductions in car uses are inconsistent with the National Travel

Survey (2023), which shows that over 84 percent of rural commuting trips are made by car. By ignoring established national datasets, the appraisal systematically underestimates traffic generation and overstates sustainability.

Summary

The DTA report fails to meet the evidential standards set out in DfT TAG Unit M2, Circular 02/2013, and NPPF Sections 110 – 112 (Dec 2024). It provides neither the quantitative modelling nor the robust policy justification required to demonstrate that the proposed development could operate safely or sustainably. Consequently, the appraisal cannot be relied upon as part of the Local Plan evidence base and should be discounted in its entirety.

Strategic Network Dependencies (A5 Corridor)

Background

The strategic road network surrounding Norton Heath is already operating at or near design capacity. The A5 Hinckley Tamworth corridor, which runs for approximately fourteen miles and forms the principal east west freight and commuter route across the southern Midlands, is a key artery within the national “logistics golden triangle”.

According to Midlands Connect (2023), average speeds on this section fall from around 48mph off peak to 32mph during peak periods, with speeds dropping as low as 10mph at critical pinch points such as Redgate Island, Gibbet Hill and the Longshoot/Dodwells junctions. This performance already reflects a level of demand that exceeds the corridors safe operating threshold.

Chronic Congestion

National Highways acknowledges that the A5 Hinkley – Tamworth link suffers from chronic congestion, unreliable journey times, and a collision rate higher than the national average for its road class. Between 2017 and 2021, more than 180 traffic incidents were recorded on this stretch, with approximately 20 percent resulting in serious injury. The route serves both commuter and heavy freight traffic and forms part of the UK’s “logistic golden triangle”, a designation that compounds pressure on the corridor during peak hours. Congestion at junctions such as Redgate Island, Gibbet Hill, and Dodwells already causes queueing that routinely extends onto the main carriage way, creating safety hazards and operational delays.

A5 Upgrade & Lack of Funding

The most recent documentation from Midlands Connect (2023) and National Highways (2024) confirms that the long anticipated A5 Hinckley Tamworth Upgraded remains only within the Road Investment Strategy 3 (RIS3) pipeline. The project is still at the option development stage, with no confirmed funding for construction before at least RIS4

(2035-2040). Even if design work proceeds, completion would fall well beyond the current Local Plan period. Midlands Connect estimate that a comprehensive upgrade, providing dual carriageway capacity and reconfigured junctions, would cost between £750 million and £1 billion, consistent with the A14 Cambridge – Huntingdon scheme which delivered a comparable 14 mile corridor at £1.48 billion.

Arup's Infrastructure Capacity Study Addendum (October 2025) reinforces this position noting that there is "no national funding available for A5 capacity enhancements" and that any future improvements depend upon multi authority partnership funding that has not yet been identified. This means that the strategic network constraint is structural: the A5 corridor will remain over capacity for at least the next fifteen years.

Proposed Development Impact

In the absence of a committed upgrade, the network has no residual capacity to absorb the 31,000 – 53,000 daily car trips that would be generated by the Norton Heath Settlement. Traffic modelling undertaken by AECOM and confirmed in the DTA Transport Assessment Review (Rev 04, 2025) shows that the A444/A5 Redgate Junction is already at critical capacity and that additional flows from Norton Heath would create extended queues and back blocking onto the A5 mainline, compromising the safety of the M42 Junction 11 interchange. These impacts would propagate through adjoining corridors, constraining freight movement, worsening journey time reliability, increasing safety risks and increasing emissions across the regional network.

No developer contribution could realistically or lawfully fund the scale of infrastructure required to mitigate these effects. Under CIL Regulation 122 (2010), planning obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development. A £1 billion national infrastructure upgrade falls far outside this test. Reliance on a non-committed, nationally funded scheme therefore renders the allocation undeliverable within the plan period and unsound under NPPF section 35 (a-c).

Summary

Without a funded and deliverable A5 upgrade the Norton Heath proposal cannot provide safe, suitable, or sustainable access as required by NPPF Section 110, nor avoid the "severe residual cumulative impacts" defined in Section 111. On transport grounds alone, the proposals reliance on an unfunded national scale scheme is fatal to its inclusion in the Local Plan.

Environmental & Safety Consequences

The environmental and road-safety implications of the proposed Norton Heath allocation are severe and wide-ranging. Traffic from a settlement of this scale would increase carbon emissions, degrade local air quality, introduce artificial-light intrusion

into a rural landscape, and heighten accident risk across both the strategic and local road networks.

Modelling based on DfT TRICS (2024) and National Travel Survey (2023) data indicates that vehicle movements associated with 10 000 dwellings would emit around 21 000 tonnes of CO₂ per year. This level of transport-related emission is incompatible with the national objectives set out in the Transport Decarbonisation Plan (2021) and with the statutory duties in the Environment Act (2021) to improve air quality and cut greenhouse-gas emissions. Rather than advancing the borough's net-zero trajectory, the proposal would move it further away from compliance.

The promoter suggests that increased electric-vehicle (EV) uptake would offset these emissions. That assumption is unrealistic. EVs remain significantly more expensive than petrol or diesel equivalents, and national uptake is already behind government targets. For a site where 40 per cent of homes are designated as affordable, widespread EV ownership is economically unattainable. Dependence on an unaffordable technology does not constitute genuine mitigation and fails the NPPF test of deliverable and proportionate measures.

Any theoretical congestion relief would be negated by induced demand—a recognised phenomenon in transport planning whereby added road capacity encourages further car use. Without structural changes to travel behaviour or viable public-transport options, new highway works would only relocate congestion and increase emissions. This outcome directly conflicts with national policy expectations that plan-making must promote modal shift and avoid creating new car-dependent settlements.

The safety consequences are equally serious. The predicted diversion of traffic onto surrounding minor roads, particularly through Orton on the Hill, Austrey, and Norton juxta Twycross, would create hazardous conditions on narrow rural lanes unsuited to commuter traffic. Department for Transport Personal Injury Collision (PIC) data already record multiple serious incidents within this area; higher flow levels would increase collision risk substantially, contravening the NPPF requirement for safe and suitable access for all users.

Beyond emissions and safety, the proposal would cause light pollution from extensive new highway infrastructure, junction lighting, and vehicle headlights. Artificial illumination across open countryside would alter the night-time environment, affect wildlife movement, and diminish dark-sky quality in an area currently characterised by low background light levels. Such impacts would further erode the rural setting and local biodiversity value.

Additional environmental harm would occur through noise, vibration, and degraded air quality adjacent to Twycross Zoo and nearby residential areas. The zoo's international conservation role depends on maintaining low-disturbance conditions; continuous

traffic noise, light intrusion, and airborne particulates would harm animal welfare, diminish visitor experience, and threaten a key regional tourism and education asset.

Summary

Taken together, these impacts show that the Norton Heath proposal is neither environmentally nor socially sustainable. It conflicts with the Transport Decarbonisation Plan (2021), breaches the statutory duties of the Environment Act (2021), and fails to provide the safe, inclusive, and healthy environment required by NPPF §110 (Dec 2024). The development would raise carbon emissions, increase light and noise pollution, worsen public-health outcomes, and compromise road safety across the wider network. On environmental and safety grounds alone, the allocation should be deemed unsound and removed from the Local Plan.

Infrastructure Funding & Section 106 Burden (Transport Focused)

The viability of the Norton Heath allocation depends on the delivery of extensive transport infrastructure that is neither designed or funded. Even under the most optimistic assumptions, the cost of essential highway and public transport improvements far exceeds the level that could be lawfully secured through developer contributions. This result is a structural funding gap that renders the scheme undeliverable in the plan period.

Cost Responsibility Framework

Infrastructure Component	Responsible Body	Estimated Cost	Commentary
A444/A5 Redgate Junction Upgrade and A444 Dualling (partial)	Leicestershire CC & National Highways	£100- 150 million	Aecom and DTA Review (Rev 04) confirm that the A444 would need to be dualled between Twycross and the A5 to accommodate projected flows. Requires bridge widening, land acquisition, and a full junction redesign; cannot be delivered in isolation from the A5 upgrade.
A5 Dualling (M69 – M42)	National Highways & Leics/ Warwks/ Staffs	£750 million - £1 billion	Unfunded national scale scheme; remains in the

			RIS3 pipeline with no confirmed delivery before 2040.
Local Connector Roads (incl. Shelford Lane link roads)	HBBC/ Developer (S106)	£25 – 50 million	Land acquisition and utilities relocation create major unfunded liability.
Public Transport & Active Travel Provision	HBBC/ LCC/ Developer (S106 short term)	£5- 10 million	No operator commitment; would require indefinite revenue subsidy to maintain bus frequency and coverage.

Indicative total £880 million to £1.2 billion.

Limits of Section 106 and CIL Recovery

Less than 10 percent of this could be realistically recovered through Section 106 obligations.

Under Regulation 122 of the Community Infrastructure Levy Regulations (2010), planning obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development.

Neither the A444 nor A5 dualling schemes meet these criteria: both are strategic network interventions serving a multi county function and cannot lawfully be funded through a single developments contributions.

Hinckley and Bosworth Borough Council has no adopted Community Infrastructure Levy, preventing the pooling of more than five developer contributions for the same project. There is therefore no lawful or practical mechanism for the Council to secure the sums required for either scheme. In consequence , the financial burden would default to the public purse, local tax payers, neighbouring highway authorities and National Highways.

Developer Funding Feasibility

Even if Nurton Developments sought to fund the required highway works privately and recover those costs through the future sale of serviced land parcels, this would not make the scheme deliverable. The company does not possess the financial capacity to underwrite strategic infrastructure of this magnitude. The A444 dualling and A5 corridor

upgrades together represent capital costs approaching £1 billion, far beyond the borrowing limits or balance-sheet strength of a private land promoter.

In practice, such costs would have to be recouped by increasing the price of development land sold to housebuilders. Doing so would erode residual land values and render the site commercially unattractive to volume builders, particularly where 40 per cent of dwellings are designated as affordable. Developers would either withdraw or seek to reduce planning obligations to restore viability, shifting the burden back onto public funds. This scenario has been observed in comparable large-scale sites across the Midlands, where high infrastructure costs have resulted in stalled delivery and renegotiated Section 106 agreements.

Accordingly, even with hypothetical private pre-funding by Nurton, the required transport infrastructure could not be viably delivered or recovered within the economics of the scheme. The allocation therefore remains undeliverable in financial and procedural terms.

Cross Boundary Cost Shifting

The transport impacts of the Norton Heath proposal extend across multiple administrative areas:

- Leicestershire County Council - Responsible for the A444 and local access junctions.
- Warwickshire County Council – Faces displacement of traffic through Atherstone and rural connector roads.
- Staffordshire County Council – Impacts on the A5/M42 corridor and associated freight movement.
- National Highways – Increased maintenance, delay, and safety management costs on the Strategic Road Network.

No cross authority funding or delivery agreement exists to apportion these liabilities. The absence of any such mechanism makes the scheme financially incoherent and undeliverable across jurisdictions, contravening the “effective and deliverable” test of NPPF S35 (c).

Transport Viability Assessment

Even if the A5 dualling were excluded, the remaining highway and sustainable transport works required to make the development acceptable would cost between £150 and £200 million, equivalent to £15,000 to £25,000 per dwelling across 6,000 to 10,000 units. Such obligations would reduce developer profit margins below viability thresholds recognised in the Council’s own evidence base. The requirement

for the A444 dualling and Redgate reconstruction would further increase capital costs and delay delivery by at least a decade.

Under NPPF S182(a), proposals must be “deliverable and viable” within the plan period. On the available evidence, the Norton Heath allocation fails both tests. Its dependence on unfunded strategic road schemes, combined with the absence of a lawful mechanism to recover infrastructure costs, renders the proposal financially and practically undeliverable.

In Summary:

The transport infrastructure necessary to support Norton Heath, the A444 dualling, A5 upgrade, local connectors, and public transport provision, cannot be financed by developer obligations, local authority budgets, or existing national programmes. The reliance on speculative and unfunded highway projects makes the allocation unsound on transport grounds and incompatible with the statutory plan soundness tests of the National Planning Policy Framework (December 2024).

Legislative & Procedural Constraints

The Norton Heath allocation is inconsistent with the statutory and policy framework governing transport planning and infrastructure delivery. The following instruments establish binding duties that the proposed development fails to meet. In each case, the shortfall creates direct legal risk for the Local Plan and exposes the Council to potential intervention or judicial review.

Regulation/Policy	Requirement	Risk/ Consequence
NPPF S111 (Dec 2024)	Development must be refused where residual cumulative impacts on the transport network are severe.	Allocation deemed unsound; exposes the authority to potential Judicial Review defence costs (typically £50 000–£100 000) – based on PAS / Cornerstone Barristers planning-litigation guidance (2021–2023)
DfT Circular 02/2013 – Strategic Road Network & Development Management	Requires National Highways’ agreement to ensure no adverse effect on the Strategic Road Network.	Allocation cannot proceed without NH agreement; failure would trigger Secretary of State intervention or plan call-in, typically causing 12–18 months’ delay – as evidenced by NH procedural directions (2020–2024).

Environment Act 2021	Imposes a statutory duty to reduce transport sector emissions and improve air quality.	Development generating $\approx$ 21 000 t CO ₂ per year would breach statutory decarbonisation duties – contrary to Defra / DfT implementation guidance (2022–2024).
Leicestershire Local Transport Plan 4 (2016 – 2036)	Requires new development to prioritise sustainable and active travel modes.	Allocation entrenches long-term car dependency; conflicts with adopted county transport policy – risk of non-conformity objection at Examination.
Transport Decarbonisation Plan (2021)	Directs authorities to avoid creating new car dependent settlements	Creates a national-policy contradiction; undermines Local Plan compliance statement – risk of Inspector requiring site deletion at Regulation 19.
CIL Regulation 122 (2010)	Limits Section 106 to obligations that are necessary, directly related, and fairly related in scale and kind.	Funding for A5 / A444 upgrades legally unrecoverable; renders mitigation unviable – confirmed by Planning Inspectorate appeal decisions (2019–2024).

Summary

The cumulative effect of these conflicts is decisive. The Norton Heath allocation would breach national transport policy, fail the statutory decarbonisation duty, and depend on mitigation that cannot lawfully secure or funded. As such, it is procedurally indefensible and fails the soundness tests of NPPF S35 (a-c): it is neither positively prepared, justified, nor effective. Inclusion of the site within the Local Plan would therefore expose HBBC to potential legal challenge, delay, and reputational risk and damage.

Deliverability & Plan Soundness

The transport evidence demonstrates that the Norton Heath allocation cannot be delivered in a manner consistent with national or local policy. Its dependence on strategic road upgrades are neither designed or funded, together with the absence of lawful or viable mitigation, renders the proposal undeliverable within any realistic plan period.

The sites success relies entirely on a non existent A5 corridor upgrade and the dualling of the A444, both of which remain unfunded and outside the control of the developer or HBBC. Without these schemes, the existing network would operated well beyond its safe capacity, creating chronic congestion, extended journey times, and elevated accident risk across the surrounding highway system. These impacts constitute the “severe residual cumulative effects” described in NPPF S111, which require refusal,

The development would also generate more than 21,000 tonnes of transport related CO2 annually, entrenching car dependency and directly contradicting the Transport Decarbonisation Plan (2021) and the Environment Act (2021) duty to reduce transport emissions. The result is a high carbon, unsuitable settlement that conflicts with both local and national climate objectives.

Financially, the allocation imposes an infrastructure burden exceeding £1 billion, spread across four separate authorities, Hinckley and Bosworth, Leicestershire, Warwickshire and Staffordshire, without any defined delivery or funding mechanism. Less than 10% of this cost could be recovered through S106 obligations, leaving the balance to fall on public funds. This dependency of unfunded cross boundary infrastructure means the proposal fails the NPPF S 182 (a) test of viability and the NPPF S35(c) test of effectiveness.

Taken together, these failings mean that Norton Heath cannot be considered positively prepared, justified, effective, or consistent with national policy as required by NPPF S35. On transport grounds alone, the allocation is unsound and should be removed from the draft Local Plan.

Phasing & Temporal Transport Implications

The promoter claims that only around 2 000 dwellings would be delivered within the current Local Plan period, implying limited early-stage transport impact. In practice, even this initial phase would overwhelm the existing highway network almost immediately. The A444 already operates close to its design capacity of 1 800 vehicles per hour (vph), as recorded in the AECOM Strategic Transport Assessment (2023 – 24). Under DMRB TA 79/99, any flow beyond this threshold constitutes a capacity and safety breach on a rural single-carriageway route.

Short Term (Construction and Early Phases – 0 to 10 years)

Continuous HGV and plant movement for site clearance, bulk earthworks and infrastructure installation would generate approximately 250 – 400 two-way HGV trips per day on the A444 and B4116 corridors. This range aligns with empirical data from comparable new-settlement schemes: Northstowe (10 000 homes, Cambridgeshire – *Mott MacDonald 2015 Environmental Statement*, ≈ 360 HGV/day); Otterpool Park (8 500 homes, Kent – *Arup 2019 Transport Assessment*, ≈ 250–400 HGV/day); and New

Lubbesthorpe (4 250 homes, Leicestershire – *Leicestershire County Council Monitoring Report 2017–2020*, $\approx 220\text{--}300$ HGV/day). The Highways England Construction Logistics Planning Guidance (2018) cites a similar range for large residential infrastructure phases.

These heavy-goods flows alone would consume 15 – 20 per cent of the A444's hourly design capacity, eroding the minimal reserve available for normal traffic. Once the first homes are occupied, even a modest 2 000-dwelling phase would add 6 000 – 8 000 daily car trips, equivalent to 600 – 900 vph in each direction. This lifts total flow to $\approx 2\,400\text{--}2\,700$ vph, immediately exceeding the 1 800 vph design limit. The A444 would therefore operate in failure conditions well before the first plan period concludes.

Sustained HGV loading on rural carriageways would accelerate surface deterioration and increase collision exposure, transferring early maintenance costs to Leicestershire County Council. Temporary lane closures for junction tie-ins and utility works would further constrain capacity and degrade air quality along the route.

Medium Term (Early Occupation – 10 to 25 years)

By mid-build-out, with $\approx 4\,000\text{--}6\,000$ homes complete, daily traffic would rise to 18 000 – 25 000 vehicle movements. Peak-hour volumes on the A444 would reach two times its practical limit, producing sustained queueing at Redgate Island and the M42 Junction 11 interchange. Congestion would divert drivers through Orton on the Hill, Austrey, and Norton juxta Twycross, converting narrow rural lanes into commuter rat-runs. Emergency-service response times and freight reliability along the A5 corridor would decline.

Long Term (Full Build-Out – 25 to 40 years)

At full occupation, 10 000 dwellings would generate approximately 52 000 daily vehicle journeys, producing 5 000 – 6 000 peak-hour flows per direction—more than three times the A444's design capacity. Long-term operation would necessitate complete dualling of the A444 and replacement or widening of the River Sence bridge, together with reconstruction of the Redgate Island junction, at a combined cost estimated between £100 million and £150 million (*AECOM STA 2023 – 24; DTA Review Rev 04, 2025*).

Construction activity would persist across multiple phases for up to four decades, producing continuous disturbance—dust, vibration, lighting, and HGV traffic—affecting nearby residents, businesses, and Twycross Zoo throughout the life of the scheme. Without funded strategic upgrades, cumulative congestion, emissions, and safety risks would breach NPPF §§ 110 – 112 and the Environment Act (2021) duty to reduce transport emissions.

Summary

Even under the promoter's phased scenario, the Norton Heath allocation would breach the A444's 1 800 vph safe-capacity threshold almost immediately, generating chronic congestion, accelerated road wear, and heightened safety risk. Early construction and partial occupation alone would cause persistent negative effects extending over forty years. Limiting delivery to 2 000 dwellings within the plan period does not mitigate transport harm; it merely prolongs it for successive generations of road users and residents.

Conclusion

In transport terms alone, the proposed Norton Heath allocation is unsound and undeliverable. The evidence presented demonstrates clear and unresolvable conflict with national policy, statutory requirements, and the technical standards governing highway capacity and sustainable transport.

The proposal fails the tests of safety, sustainability, and cumulative impact set out in NPPF Sections 110 -112 (December 2024). It depends upon a £1 billion unfunded upgrade to the A5 corridor, together with the dualling of the A444, neither of which are programmed for delivery within the plan period. The scheme would also impose £150-200 million in additional transport liabilities that cannot lawfully be secured through Section 106 under CIL Regulation 122 (2010).

The resulting traffic generation would intensify congestion, degrade network safety, and produce an estimated 21,000 tonnes of CO₂ emissions per year, directly contravening the Transport Decarbonisation Plan (2021), the Environment Act (2021) and the modal shift priorities of the Leicestershire Local Transport Plan 4 (2016-2036). It would also transfer the financial burden of mitigation to taxpayers across Leicestershire, Warwickshire and Staffordshire, creating a long term fiscal and operational liability for multiple public authorities.

Recommendation:

The Norton Heath allocation should be removed at Regulation 19 on transport and accessibility grounds. The proposal is incompatible with the National Planning Policy Framework, the Transport Decarbonisation Plan (2021), and the Leicestershire Local Transport Plan 4 (2016-2036), and therefore cannot be regarded as a deliverable or sustainable site within the Local Plan period.

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Appendices

Appendix A – Policy Extracts

Key national and local transport policies referenced in Sections 1 and 8.

Document	Relevant Section	Extract
NPPF (December 2024)	§§110–112	“Development should only be refused on transport grounds where the residual cumulative impacts are severe.”

DfT Circular 02/2013	Paragraph 9	“Development proposals likely to impact the Strategic Road Network must be subject to agreement with National Highways.”
Environment Act 2021	Part 1 §2	Establishes a duty on Ministers to set long-term environmental targets, including for air quality.
Transport Decarbonisation Plan (2021)	Policy 5	“Avoid the need to travel by car and shift journeys to walking, cycling and public transport.”
Leicestershire LTP4 (2016 – 2036)	Policy LTP4.2	“Ensure that new development is accessible by sustainable transport and does not increase congestion.”

Appendix B – Traffic and Capacity Data

Summarised data used in Sections 2 and 3.

Metric	Source	Value / Comment
A444 base flow (2023 weekday peak)	AECOM STA 2023 – 24	≈ 2 000 vph (north of Twycross)
A444 design capacity	DMRB TA79/99	≈ 1 800 vph (single carriageway)
M42 Junction 11 delay (PM peak)	AECOM STA 2023 – 24	> 300 seconds average delay
Predicted Norton Heath flows (6 000–10 000 homes)	DTA Review Rev 04 (2025)	31 752 – 52 920 daily vehicle journeys
CO ₂ emissions from new trips	TRICS 7.10 / BEIS CO ₂ factors	≈ 21 000 t CO ₂ per year

Appendix C – Calculation Methods

1. Trip Generation

Based on **TRICS 7.10 (DfT 2024)** suburban/rural edge datasets.

Average = 2.5 vehicle trips per dwelling × 10 000 dwellings = 25 000 trips/day.

Sensitivity range (NTS 2023 rural average 3.1–4.3) = 31 000–43 000 trips/day.

2. CO₂ Estimation

Mean trip length = 8.8 miles (14.2 km).

Average car emission factor (2023 fleet) = 0.180 kg CO₂/km.

→ 43 000 trips × 14.2 km × 0.180 kg = ≈ 21 000 t CO₂/year.

3. Capacity Comparison

A444 practical capacity = 1 800 vph; B4116 ≈ 900 vph.

Combined capacity ≈ 2 700 vph vs forecast 5 000 – 13 000 vph (Section 3).

Appendix D – Safety Evidence

Summary of recorded collisions and baseline risk.

Location	Period	Recorded Incidents	Severity (% Serious)	Source
A444 / A5 Redgate Island	2017 – 2021	48	21 % Serious	DfT STATS19 Dataset
A444 north of Twycross	2017 – 2021	32	19 % Serious	DfT STATS19 Dataset
B4116 Austrey – Orton	2017 – 2021	27	18 % Serious	Leics CC Road Safety Team

Interpretation: baseline risk is already above the rural A-class average (14 % serious); projected traffic growth would further elevate exposure.

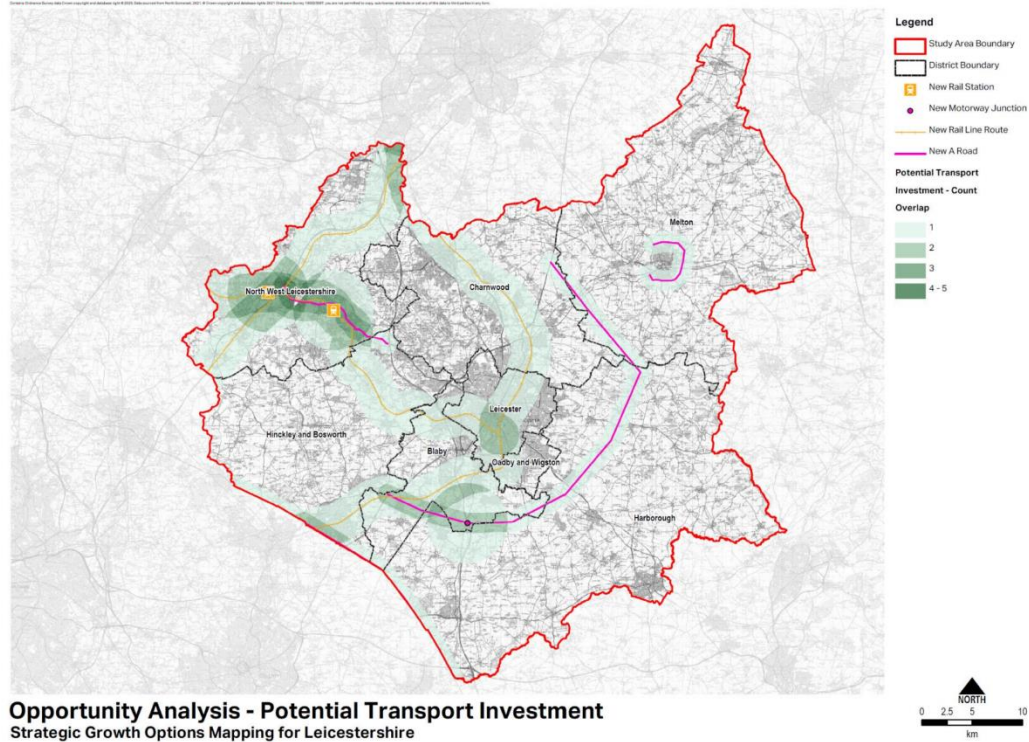
Appendix E – Cost Summary (Transport Elements)

Scheme	Lead Authority	Estimated Capital Cost	Status / Funding
A5 Dualling (M69 – M42)	National Highways + Midlands Connect	£750 m – £1 bn	RIS3 pipeline only; no funding before 2040
A444 Dualling + River Sence Bridge	Leics CC / HBBC	£100 – 150 m	No scheme design or funding identified
Redgate Junction Reconstruction	Leics CC / NH	£25 – 50 m	Dependent on A5 scheme delivery
Local Connector Roads (Shelford Lane corridor)	HBBC / Developer	£25 – 50 m	S106 potential only; no secured funding
Public Transport & Active Travel Measures	HBBC / LCC / S106	£5 – 10 m	Would require permanent revenue subsidy

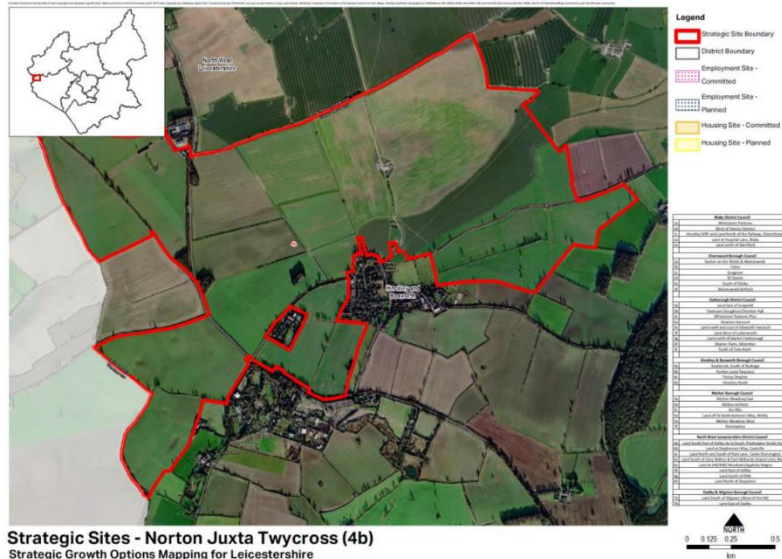
Total indicative cost ≈ £880 m – £1.2 bn (≤ 10 % recoverable via Section 106)

Appendix F – Mapping

Figure 4.12 Potential Future Transport Infrastructure



4b Norton Juxta Twycross



Criterion

Environment
Landscape
Heritage
Transport
Utilities and Infrastructure
Housing
Economy
Conclusion - Unsuitable Area for Strategic Growth

Appendix G – Abbreviations

AECOM – HBBC’s strategic-transport consultant
ARCADY/PICADY/LinSig – DfT junction-capacity models
DTA – David Tucker Associates
HBBC – Hinckley & Bosworth Borough Council
LCC – Leicestershire County Council
NH – National Highways
NPPF – National Planning Policy Framework
RIS – Road Investment Strategy
SRN – Strategic Road Network
TRICS – Trip Rate Information Computer System

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Flood Risk, Hydrology & Nutrient Neutrality

Legal Policy & Framework

The National Planning Policy Framework (December 2024) requires local plans to avoid inappropriate development in areas at risk of flooding and to direct growth to the safest locations. Paragraphs 159 to 169 set out the tests for sequential exception assessments. Development should only proceed where it can be proven safe for its lifetime without increasing flood risk elsewhere. Paragraph 183 requires planning authorities to protect sites with statutory ecological designations and prevent any adverse effect on their integrity.

The Flood & Water Management Act 2010 designates Lead Local Flood Authorities (LLFAs) with statutory duties to manage local flood risk from surface water, groundwater, and ordinary watercourses. This included assessing cumulative impacts of major developments on downstream catchments and approving sustainable drainage designs.

Under the Environmental Permitting Regulations 2016, discharge of surface water or treated effluent to controlled waters requires an Environment Agency Permit. Any proposal within the River Mease catchment must demonstrate that discharges will not increase nutrient or sediment loading to the designated site.

The Conservation of Habitats and Species Regulations 2017 require that any plan or project likely to have a significant effect on a Special Area of Conservation (SAC) undergoes a Habitats Regulations Assessment. The competent authority may only approve the project if there is a certainty, beyond reasonable scientific doubt, that it will not adversely affect site integrity. This applies directly to the River Mease SAC and its associated SSSI.

The Environment Act 2021 introduces a statutory requirement for at least ten percent biodiversity net gain and sets binding water quality improvement targets. These obligations place additional land and cost pressures on large allocations within sensitive catchments such as the Mease.

Locally, the Hinckley & Bosworth Local Plan seeks to promote climate resilience, protect green infrastructure, and secure sustainable drainage as integral parts of all major development. The Leicestershire Local Transport Plan 4 (LTP4) also embeds water environment and flood resilience objectives across infrastructure delivery. Any allocation inconsistent with these principles conflicts with adopted policies and statutory duties.

Under the regulations any development that increases nutrient or sediment load within the River Mease catchment would fail the legal tests of Habitat Regulations and NPPF. Assertions that such a scheme could “improve “ the Mease have no statutory scientific basis.

Catchment Context & Environmental Designations

The proposed Norton Heath allocation covers approximately 700 hectares of active farmland within the River Mease hydrological catchment. Surface water from the site drains north via Twycross Brook and River Sence to the River Mease, a designated Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). These tributaries form part of the Mease’s functional network and carry nutrient and sediment loads from all upstream sources into its main channel.

The River Mease holds international protection under the Habitats Directive for its populations of spined loach (*Cobitis taenia*) and bullhead (*Cottus gobio*) and for its Annex I river habitat. Natural England’s condition assessment lists the site as “Unfavourable – Declining”. Excessive phosphorus, fine sediment, and organic pollution have already breached the conservation objectives. The River Mease Nutrient Management Plan confirms the catchment is at or beyond its assimilative capacity. The current legal position is on of *no deterioration*: no new development may lawfully increase the nutrient load entering the SAC.

The land within the allocation is a mixture of, grazed pasture and mixed farmland managed under Countryside Stewardship and the Sustainable Farming Incentive (SFI). These farms have invested in buffer strips, riparian fencing, nutrient management, and reduced fertiliser inputs to protect the Mease and its tributaries. Adjacent arable holdings operate under SFI principles, maintaining soil cover, grass margins and winter stubble to slow run off. Together, these measures provide infiltration, nutrient buffering, and habitat continuity across the sub catchment.

Replacing this network of low intensity, actively managed farmland with 10,000 dwellings, roads and drainage infrastructure would reverse years of environmental stewardship. Hardstanding and foul drainage remove infiltration capacity, accelerate surface run off, and increase both flow and nutrient loading. These effects cannot be neutralised or reversed through engineered systems.

Claims that development could “make the Mease better” are false. The SAC’s decline is a product of cumulative load within a fixed ecological limit, not an absence of mitigation effort upstream. The existing land use already contributes to the catchment protection; conversion to an urban settlement would cause measurable harm that no mitigation package can lawfully or practically offset.

Flood Zones and On site Risk

Environment agency mapping confirms that the Norton Heath allocation contains extensive land within Flood Zones 2 and 3 along the Twycross Brook, the River Sence, and their connected tributaries. These corridors form an active flood plane and provide essential water storage during peak rainfall events. The central and northern parts of the allocation, including land south of Norton Juxta Twycross, lie within these high risk zones.

LiDar topography shows the site falling from south east to north west towards the Twycross Brook and the River Sence, which both discharge into the River Mease SAC. The lowest areas adjacent to these channels already experience seasonal flooding and prolonged soil saturation. This landscape currently functions as a natural sponge, holding and filtering water before it reaches the Mease.

Much of this land is managed under the countryside Stewardship Scheme and Sustainable Farming Incentive (SFI) schemes, which maintain grassland cover, buffer strips and controlled grazing. These measures slow run off and limit sediment transfer. Replacing this system with roads, housing plots and engineered drainage would remove infiltration capacity and disrupt exceedance routes.

To deliver “safe” development, large scale re-profiling, bunding, and flood storage would be required. Such works would displace floodwater, increase velocity, and heighten downstream flood peaks, contrary to NPPF Sections 159 and 167 which prohibit development that increases flood risk elsewhere. The assertion that engineered drainage could “make the Mease better” ignores the ecological and hydrological function already provided by existing farmland.

The sites current form provides flood storage and filtration that no SuDS network can reproduce. Building within Flood Zones 2 and 3 would erase these natural defences and breach both the sequential and exception tests under national policy.

Developers may suggest that they would “avoid” construction within the mapped flood plain and instead convert those areas into wetlands or “habitat enhancement zones”. In practice, this would not reduce flood risk or improve the Mease. The existing land already acts as a natural sponge, absorbing and slowly releasing rainfall through its grassland soils and root structures. Engineered wetlands replace infiltration with permanent open water. They reduce soil storage, increase evaporation losses, and push flood peaks downstream.

True wetland restoration requires stable catchment hydrology and low nutrient inflow. Creating artificial ponds within a new urban drainage system does the opposite, it concentrates polluted run off and displaces floodwater from where it naturally settles. These features serve engineering compliance, not ecological recovery.

Converting functional farmland floodplain into constructed wetlands would therefore increase local flood frequency and worsen nutrient transfer into the Mease. It is not environmental betterment; it is a loss of an already working natural system.

Surface Water & Run off Impacts

A settlement of between 6,000 and 10,000 dwellings would introduce over 400 hectares of impermeable surface across, roofs, roads and pavements. This removes the natural infiltration capacity that currently absorbs rainfall and filters surface water through grassland and topsoil. Under current farm management, rainwater percolates into the ground, recharging aquifers and feeding the Twycross Brook system at a slow, controlled rate. Urbanisation replaces this with rapid, channelled discharge.

Modelling from comparable developments shows surface run off volumes increasing by two to three fold once open ground is sealed. Flow peaks rise sharply, and the lag time between rainfall and downstream flooding shortens. The result is higher flood levels along the Twycross Brook, the River Sence, and ultimately the River Mease.

The Environment Agency's climate change allowances require an uplift of 20-40 percent in design rainfall for the 1 in 100 year storm event, and up to 70 percent for extreme scenarios approaching a 1 in 1,000 year. When applied to this allocation, even enhanced SuDS would not prevent exceedance flooding. Attenuation basins would fill faster and fill more often, particularly when catchments are already saturated.

Urban run off also carries fine sediment, hydrocarbons, tyre residue and domestic pollutants. These wash directly into the tributaries feeding into the Mease SAC. Increased flow rates mobilise existing sediment and erode channel banks, releasing trapped phosphorus. The cumulative effect is higher nutrient loading at every storm event.

Developers may claim that on site SuDS, green roofs, or "wetland features" would offset this. In reality, these engineered systems only delay discharge; they do not remove nutrients or restore infiltration. Once capacity is reached, water is released in a concentrated pulse, worsening downstream peaks. The existing farmland, managed under SFI & Countryside Stewardship, already performs this function far more effectively through natural soil structure and vegetative cover.

Replacing permeable farmland with urban drainage would therefore accelerate run off, increase flood risk, and intensify nutrient pollution. No mitigation strategy proposed to date demonstrates that these impacts could be neutralised, let alone deliver any improvement to the River Mease SAC.

Nutrient Neutrality Requirement

The entire 700 hectare Norton Heath allocation lies within the River Mease SAC catchment. The SAC is in “Unfavourable – Declining” condition due to the excess phosphorus and fine sediment. Under the Conservation of Habitats and Species Regulations 2017, any development within the catchment must prove “no adverse effect on site integrity.”

Independent analysis using Natural England’s River Mease Nutrient Neutrality Calculator (v3.01.6) shows the proposed 10,000 home settlement would add 2,435 kg total phosphorus (TP) per year at full build out, with a cumulative excess of +41,601 kg TP over a 40 year delivery period. This load originates primarily from foul drainage, with waste water contributing roughly 1,893 kg TP/year, accounting for 80% of the total. Land use change from farmland to urban surface adds a further 136 kg TP/year, even assuming the developers unverified claim of 50% “parkland”.

On-site Sustainable Drainage Systems (SuDS) could offset only 10-19 percent of the phosphorus increase, equivalent to 250-465kg TP/year, leaving approximately 2,700kg TP/year requiring offsite mitigation in a catchment with no remaining capacity. The River Mease Partnership has confirmed the DCS1 and DCS2 mitigation schemes are fully allocated. No additional trading capacity exists.

Developers may attempt to claim that “parkland”, “wetlands” or “enhanced green infrastructure” would improve water quality. But the Independent Nutrient Audit demonstrates this is not possible. True phosphorus reduction requires large scale land conversion to permanent wetland or woodland, at costs of £20,000-£35,000 per dwelling, producing a total mitigation liability of £200-£350 million. No such land, funding or delivery mechanism exists.

The remaining 81-90 percent phosphorus would discharge untreated into the headwaters of the Mease, undermining restoration projects already funded by Natural England and the Environment Agency. This directly contravenes the “no deterioration” requirement under the Water Framework Directive and the Habitats Regulations test of Integrity.

The existing farmland already functions as active mitigation. Under Countryside Stewardship and SFI, participating farms maintain buffer strips, riparian fencing, and low input practices that absorb nutrients before they enter the Twycross Brook and Sence system. Replacing this with foul sewers, SuDS tanks, and impermeable surfaces would eliminate this protective function.

In this context, claims that the development could “make the Mease better” are demonstrably false. The proposal introduces 40 tonnes of phosphorus onto the rivers headwaters and destroys the very land that currently filters and protects it. There is no lawful route to nutrient neutrality, no spare credit capacity, and no feasible offsite mitigation.

The allocation therefore fails the Habitats Regulations, NPPF S183, and Environment Act water quality objectives. It cannot be made compliant within the plan period and must be removed from the draft Local Plan on environmental grounds.

Flood Defence & Drainage Infrastructure

A settlement of this scale would require a complete artificial drainage network. To meet minimum standards the developer would need to deliver:

- A full SuDS management train incorporating permeable paving, swales, attenuation basins, and constructed wetlands.
- Exceedance routing to intercept overland flow from higher ground and channel it safely through the site.
- Flood storage and discharge controls to restrict outflow into the Twycross Brook and River Sence system.

These measures demand significant land take. Based on standard design ratios, SuDS and flood attenuation infrastructure would occupy 15- 20% of the total allocation, or roughly 100-140 hectares. Additional buffers for watercourses, biodiversity net gain, and maintenance access increase this to over 150 hectares. This reduces the developable yield and pushes densities beyond reasonable limits.

The location of the A444 and its existing drainage system introduces further complexity. Any SuDS discharge must align with the A444's highway drainage and Environment Agency outfall controls. This creates dependencies outside the developers control. The A444 already suffers surface water flooding during high rainfall, so additional inflows would require costly off site upgrades. Without those, exceedance water would back up into residential areas, breaching NPPF S167's requirement for safe development for the lifetime of the scheme.

Even if attenuation basins and wetlands succeeded in holding back some surface water on site, hydraulic pressure would still be transmitted downstream. The Twycross Brook and River Sence already carry flows from several high risk catchments before joining the River Mease. By adding a new urban drainage system, the proposal would increase both base flow and storm volume entering these channels. This pushes flood pressure into Flood Zones 2 and 3 further downstream, transferring rather than reducing risk. Such displacement is contrary to NPPF S159 and the Flood and Water Management Act 2010 which require developers to avoid causing flooding elsewhere.

Constructed wetlands or balancing ponds, often presented as multifunctional "amenity" features, do not offset these risks. They remove the soil's natural infiltration function, increase open water surface area, and require constant desilting and vegetation management. Maintenance costs are high and continuous, typically £5,000 - £10,000 per hectare per year over the lifetime of the scheme.

Long term adoption presents further uncertainty. Severn Trent Water is unlikely to adopt extensive open SuDS systems within the Mease catchment due to pollution liability. Management would fall to private maintenance companies funded by estate service charges. Experience across similar sites shows high default rates, poor maintenance, and long term failure of attenuation systems once management companies dissolve.

In practical terms, the required flood defences and drainage infrastructure would:

- Reduce developable land area by at least 150 hectares.
- Depend on third party highway and outfall upgrades not secured or funded.
- Introduce long term maintenance costs and liabilities for residents.
- Replace functioning farmland drainage with engineered systems that cannot replicate infiltration or nutrient buffering.
- Increase flood pressure in downstream zones along the Twycross Brook, River Sence and Mease.

These dependencies, costs, and liabilities make the site undeliverable within the plan period. The claim that such infrastructure could “make the Mease better” is unsound. It would instead substitute a natural hydrological system with a fragile, high cost engineered one that increases long term flood & pollution risk.

Cost, Viability & Deliverability

Delivering the drainage, nutrient, and flood infrastructure requires to make the Norton Heath allocation policy compliant would impose costs far beyond any realistic developable margin.

The estimated nutrient neutrality liability alone sits between £200 million and £350 million, based on the current £20,000- £35,000 per dwelling range used by Natural England and the River Mease Partnership. This excludes land purchase, construction or maintenance of any offset sites. No market for phosphorus credits exists within the Mease catchment, and both DCS1 and DCS2 schemes are fully allocated.

Flood and drainage infrastructure adds a further £80 -£120 million, including:

- Extensive SuDS and attenuation systems across 150 ha of land.
- A444 drainage upgrades and highway outfall works.
- Long term operation, desilting & vegetation management.
- Replacement or reinforcements of culverts and outfalls into the Twycross Brook & River Sence.

Biodiversity Net Gain (BNG) requirements under the Environment Act 2021 remove an additional 10 percent per hectare, and carry compliance costs estimated at £20,000- £30,000 per hectare. Combined, these obligations cut net yield and destroy financial viability.

No secured funding or partnership scheme exists to share these costs. The Local Plan evidence base contains no viability testing for a scheme of this scale within a protected SAC catchment. Without guaranteed mitigation land, nutrient credits, or infrastructure funding, the project fails the NPPF tests of deliverability and soundness.

Developers may attempt to rescope the scheme to phase the costs over 40 years, but this does not remove the up front requirement for nutrient neutrality and flood safety before the first dwelling is occupied. The capital outlay required to achieve compliance would exceed the lands residual value, rendering the entire allocation financially unviable.

In effect:

- Nutrient neutrality mitigation alone exceeds any realistic profit margin.
- Flood and drainage works are unfunded and dependent on third party infrastructure.
- Biodiversity and stewardship land losses reduce yield below viable thresholds.
- The Local Plan provides no mechanism or evidence to secure or deliver these works.

The allocation is therefore not viable, not fundable, and not deliverable within the plan period. It fails the NPPF tests of being positively prepared, justified, effective and consistent with national policy, and should be removed at regulation 19.

Policy Compliance & Soundness

NPPF Paragraph 35 sets the four tests of soundness. Plans must be:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On flooding, hydrology and nutrient neutrality, this allocation fails all four.

Positively Prepared

The NPPF expects plans to meet needs in a way that respects environmental limits. Here, the evidence shows:

- The River Mease SAC is already in “Unfavourable – Declining” condition.
- The Norton Heath site adds over 2,400kg in total phosphorus per year and 41,000+ kg over 40 years, with no route to neutrality.
- Flood risk rises on site and in downstream Flood Zones 2 and 3.

A plan that knowingly worsens a failing SAC and increases downstream flood risk is not positively prepared.

Justified

A justified plan uses appropriate strategy, based on proportionate evidence, when reasonable alternatives exist. NPPF paragraphs 182-183 require great weight for designated landscapes and set strict tests major development where harm arises.

Here:

- The strategy places a 10,000 home town at the Mease headwaters, in direct conflict with Natural England's own nutrient management guidance.
- The brownfield register is out of date and reasonable alternative sites have not been fully explored or updated.
- HBBC relies on developer supplied reports and not produced independent hydrology or nutrient evidence to justify this choice.

This is not a justified strategy.

Effective

Effective plans are deliverable over the plan period based on effective joint working. NPPF requires that key infrastructure and mitigation are "strategic, costed and deliverable."

For Norton Heath:

- DCS1 and DCS2 nutrient schemes are fully allocated. No spare credits exist in the Mease catchment.
- Nutrient neutrality needs £200-£350 million of off site land use change, with no land, funding, or delivery body in place.
- Flood and drainage works depend on unfunded upgrades to the A444 and downstream watercourses, outside the promoters control.

Mitigation is neither secured nor practically deliverable. The allocation is therefore ineffective.

Consistent with national policy.

NPPF natural environment policies require protection and enhancement of designated sites and avoidance of pollution.

The Habitats Regulations demand no adverse effect on SAC integrity. The Environment Act introduces legally binding water quality and biodiversity targets.

This allocation:

- Increases phosphorus loading into a failing SAC with no neutralisation route.
- Replaces SFI and stewardship farmland that currently supports Mease recovery with impermeable urban drainage.
- Increases flood pressure along the Twycross Brook, River Sence and Mease, at odds with national adaptation and flood risk guidance.

That conflicts with NPPF paragraphs on flood risk, pollution and designated sites, and with the Habitats Regulations legal test.

On flooding hydrology & nutrient neutrality alone LPR231 is not positively prepared, not justified, not effective, and not consistent with national policy. It is unsound and should be removed from the Local Plan at Regulation 19.

Proposed Mitigations & Their Limitations

Developers are expected to promote a range of technical and land based measures to argue that the Norton Heath allocation can achieve nutrient neutrality and flood resilience. These follow a familiar pattern seen on other sensitive catchments and rely on optimistic or non compliant modelling. None remove the underlying problem: the River Mease SAC has zero spare capacity. Any additional load breaches the Habitats test of integrity.

Claimed Mitigations & Their Technical Limitations

Proposed Measure	What they will claim	What they will enter in the Natural England calculator	Why it fails
Water efficient fittings (low flush toilets, taps, appliances)	Reduces wastewater volume per person	Lower daily water use (90L instead of 110L)	At best cuts phosphorus by 5–7 %. Already assumed in baseline housing. Negligible effect on diffuse pollution
Private or modular wastewater treatment works	On site plant discharging at 0.5mg/L TP	Replace STW discharge value with 0.5mg/L	Needs EA permit, operator, energy and sludge removal. Declines within 3–5 years. EA rarely permits new discharges in SAC headwaters.
Constructed wetlands or reedbeds	“Natural Polishing” removes 70%P	Apply 50-70% removal factor to wastewater portion	Field data show 10–20 % average removal. Requires

			> 100 ha, £50–100 k/ha build cost, plus annual maintenance. Raises flood risk.
Urban greenspace/ parkland filtration	Half the site will be green and absorb nutrients	Code 300-350 ha as semi natural greenspace	Only ~160 ha realistic greenspace remains. Compacted soils export more P within years. Disallowed as mitigation by NE TIN200.
Rainwater harvesting/ grey water reuse	Less wastewater produced	Lower per capita discharge	Cuts load < 5 %. High failure rates. Maintenance heavy and unreliable.
SuDS basins, ponds and swales	Capture and treat surface run off	Apply “best practice” offset	CIRIA data show 10–19 % P removal. Stores, not removes, pollutants. Spills release concentrated pulses.
Off site land use change (nutrient offsetting)	Convert farmland elsewhere to wetland or grassland	Add “mitigation land” with negative P export	DCS1 / DCS2 credit banks full. Needs 2,000 + ha and £200–350 m. No land, covenant, or funding exists.
Future Severn Trent upgrades	Later AMP9 works will lower P at STWs	Substitute effluent concentration of 1 mg/L	Not funded or approved. Reliance on hypothetical upgrades invalid under HRA.
Behavioural or education schemes	Residents will cut waste or fertiliser use.	None (narrative only)	No quantifiable nutrient value. Ignored in formal HRA.

Calculator Manipulation Tactics & Why They Are Misleading

Manipulation Tactic	What they will change in the calculator	Why it is misleading or non-compliant
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Reduced occupancy	Lower household size 2.4 → 2.1	Artificially lowers wastewater load. Occupancy must reflect census or HEDNA data. Breaches NE guidance.
Lower water consumption	Reduce daily use 110–125 → 90 L/person	Assumes universal adoption of high-spec fittings and perfect behaviour. Unrealistic and effect < 7 %.
Enhanced phosphorus removal	Reduce daily use 110–125 → 90 L/person	No approved plant. Creates fictional capacity. Requires new EA permit and funding that do not exist.
Re-labelling land as greenspace/wetland	Code large tracts as low-export “semi-natural”	Misrepresents urban parkland as countryside. Compaction and dog waste increase P export. Disallowed under NE TIN200.
Inflated SuDS efficiency	Enter 50–70 % P-removal factor	Contradicts CIRIA C753 data (10–19 %). Gives false neutrality.
Excluding construction phase	Omit excavation/topsoil loss	Removes major short-term nutrient source. NE requires inclusion.
Ignoring long-term degradation	Assume constant system performance	SuDS clog and fail within 3–5 years. Ignores decay and breaches precautionary principle.
Assuming future Severn Trent upgrades	Substitute improved effluent (1 mg/L)	Not funded or scheduled in AMP8. Reliance on speculation fails deliverability test.
Combining unverified offsets	Add unapproved farmland conversions	DCS1 / DCS2 full. Unregistered offsets lack legal or monitoring framework. Misuse of calculator.

Why None of It Works

- All measures depend on third party approvals, land or funding beyond the developer’s control.

- Combined capital and maintenance costs exceed £300 million, erasing scheme viability.
- None achieve the legal threshold of *no adverse effect on site integrity*.
- Many options increase flooding and all remove farmland that currently filters nutrients.
- Manipulating calculator inputs breaches the precautionary principle that governs all Habitats Regulations Assessments.

Summary

The mitigation options proposed for Norton Heath are neither credible or lawful. They rely on model manipulation, hypothetical upgraded, and the rebranding of existing farmland functions as “environmental enhancement”. Every measure falls short of the statutory requirement for nutrient neutrality and flood safety.

The River Mease SAC already exceeds its ecological limits. Any additional phosphorus or hydrological loading, no matter how engineered on paper, constitutes deterioration. The claim that this development could “make the Mease better” is scientifically false, legally indefensible, and renders the allocation unsound.

Conclusion

The Norton Heath allocation fails every relevant legal, environmental, and policy test. It sits within the headwaters of the River Mease Special Area of Conservation and Site of Special Scientific Interest—one of England’s most protected and environmentally constrained catchments. The Mease is already in “Unfavourable – Declining” condition, with no residual nutrient capacity.

The proposed development would add more than 2,400 kilograms of phosphorus each year and over 41,000 kilograms cumulatively over the plan period. This scale of increase cannot be mitigated through on-site systems, green infrastructure, or SuDS. Both River Mease Partnership mitigation schemes (DCS1 and DCS2) are fully allocated, and no additional credit market or funding mechanism exists.

All suggested mitigation measures are either technically ineffective, financially unviable, or legally prohibited. Constructed wetlands, SuDS, and “parkland” features displace the farmland systems that currently absorb and filter rainfall. Engineered drainage and wetland systems cannot replicate the infiltration, nutrient buffering, or ecological balance delivered by the existing Countryside Stewardship and SFI management.

The scheme conflicts with the Habitats Regulations, the Environment Act 2021, and NPPF Sections 159-169 and 183. It also breaches the tests of soundness set out in NPPF S35:

- It is not positively prepared, as it worsens a failing SAC.
- It is not justified, relying on speculative and misleading evidence.
- It is not effective, as mitigation and infrastructure are unfunded and undeliverable.
- It is not consistent with national policy, which requires protection and restoration of designated sites and avoidance of pollution.

The allocation would increase flood and nutrient pressures, remove functioning farmland, and obstruct restoration of the River Mease. There is no lawful or deliverable route to compliance.

Conclusion

LPR231 – Norton Heath must be removed from the draft Local Plan at Regulation 19. It is unsound, undeliverable, and incompatible with national environmental policy and statutory obligations.

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Appendices

Appendix A – Legal and Policy Framework Extracts

A1. National Planning Policy Framework (NPPF, December 2024)

Paragraphs 159–169 require planning authorities to avoid inappropriate development in areas at risk of flooding and to apply the sequential test to steer development to the lowest-risk locations. Where development in flood risk areas is unavoidable, it must be demonstrated to be safe for its lifetime without increasing risk elsewhere. Paragraph 167 confirms that flood risk should not be increased on- or off-site, and that natural floodplain storage should be retained wherever possible.

Paragraph 183 requires that planning decisions protect sites designated under the Habitats Regulations and ensure that developments do not have an adverse effect on the integrity of such sites. It specifically prohibits granting permission where uncertainty remains about potential harm to a protected habitat.

Paragraph 188 requires planning policies to contribute to the improvement of the natural environment by preventing new or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by pollution.

A2. Conservation of Habitats and Species Regulations 2017

Regulation 63 requires a *Habitats Regulations Assessment (HRA)* where a plan or project may have a likely significant effect on a European site. The competent authority must ascertain, beyond reasonable scientific doubt, that the plan will not adversely affect the integrity of the site before it can be approved.

Regulation 64 allows a project that fails this test to proceed only where there are *imperative reasons of overriding public interest* and where there are no alternative solutions—neither of which applies to speculative housing allocations. In all cases, full compensatory measures must be secured before approval.

A3. Environment Act 2021

The Act sets legally binding long-term environmental targets, including those for water quality and biodiversity. It introduces a mandatory minimum 10 percent Biodiversity Net Gain (BNG) requirement for most major developments and a duty to enhance and protect the natural environment.

Section 7 places a statutory duty on public authorities to consider environmental improvement plans and water quality targets when exercising planning functions. Section 18 requires the Secretary of State to report on progress toward those targets, ensuring local decisions do not undermine national objectives.

A4. Flood and Water Management Act 2010

The Act designates Lead Local Flood Authorities (LLFAs) with responsibility for managing local sources of flooding—surface water, groundwater, and ordinary watercourses. Schedule 3 establishes national standards for sustainable drainage systems (SuDS) and requires developers to obtain LLFA approval for major drainage proposals.

Section 9(1) obliges LLFAs to investigate flood events and Section 13 promotes cooperation between local planning authorities, the Environment Agency, and water companies. Any allocation that increases downstream risk conflicts with these statutory duties.

A5. Leicestershire Local Transport Plan 4 (LTP4)

LTP4 integrates flood resilience into transport planning. It commits to protecting existing infrastructure, reducing the carbon impact of new developments, and preventing new growth from increasing flood risk to strategic routes such as the A444 corridor. The Norton Heath allocation conflicts with these objectives by adding surface water discharge and traffic loading to an already flood-sensitive transport corridor.

A6. Department for Transport – Transport Decarbonisation Plan (2021)

The plan sets out the need for all new development to align with a low-carbon, climate-resilient transport network. It requires infrastructure decisions to factor in flood resilience, sustainable drainage, and avoidance of road-led growth that increases emissions or flood exposure.

The Norton Heath proposal, dependent on major highway expansion through the River Mease catchment, conflicts with these principles and fails to meet the plan's direction of sustainable, resilient infrastructure investment.

Appendix B – Supporting Evidence and Calculations

B1. Independent Nutrient Neutrality Assessment (Lee, 2025)

An assessment prepared by a community hydrologist (Lee, 2025) used Natural England's *River Mease SAC Nutrient Neutrality Calculator v3.01.6* to quantify the phosphorus load from the proposed Norton Heath allocation.

Key findings:

- Net additional phosphorus load: **+2,435 kg TP/year** at full build-out (10,000 dwellings).
- Cumulative phosphorus excess: **+41,601 kg TP** over 40 years.
- Wastewater contribution: **≈1,893 kg TP/year (80% of total)**.
- Land-use change (arable to urban): **+136 kg TP/year**.
- On-site SuDS offset: **10–19% of load (250–465 kg TP/year)**.
- Off-site mitigation required: **≈2,700 kg TP/year**, with no capacity available in DCS1 or DCS2.

The assessment concludes that nutrient neutrality cannot be achieved and that the proposal would irreversibly damage the River Mease SAC from the headwaters downwards.

B2. Natural England River Mease Nutrient Management Plan (TIN200, June 2024)

Natural England identifies the River Mease as “Unfavourable – Declining” due to excess phosphorus and sediment. The plan confirms:

- No residual assimilative capacity exists in the catchment.
- “Any additional nutrient input upstream will make its way downstream and add to current exceedance.”
- All new development must demonstrate *no deterioration* in phosphorus load.
- Development requiring off-site mitigation must secure credits before permission is granted.

These criteria make new settlement-scale growth incompatible with the conservation objectives for the Mease SAC.

B3. River Mease Partnership Statements (2024)

The River Mease Partnership's published developer contribution reports confirm:

- DCS1 and DCS2 nutrient mitigation schemes are fully allocated.
- No further credits or capacity exist within the Partnership.

- Any new mitigation would require **creation of a DCS3**, which has not been designed, funded, or consulted on.

HBBC and the developer therefore have no lawful mechanism to offset nutrient impact.

B4. CIRIA C753 – SuDS Performance Data

Empirical evidence from *The SuDS Manual* (CIRIA, 2024) shows:

- Mean phosphorus removal efficiency for vegetated SuDS features ranges **10–19 percent**.
- Long-term removal efficiency declines with sediment build-up and cold-weather stagnation.
- Effective nutrient removal requires ongoing desilting, vegetation cutting, and sediment disposal, creating perpetual costs and pollution risks.

This data confirms that SuDS can delay discharge but cannot achieve nutrient neutrality.

B5. Environment Agency (EA) Permitting Guidance and Correspondence

EA correspondence for the Mease catchment (2024) confirms:

- No new discharge permits will be issued that increase phosphorus entering the SAC or its tributaries.
- Private package treatment works are not acceptable due to compliance and monitoring concerns.
- New discharges would contravene the *Environmental Permitting (England and Wales) Regulations 2016* and the *Water Environment (Water Framework Directive) Regulations 2017*.

B6. Phosphorus Load Summary Table

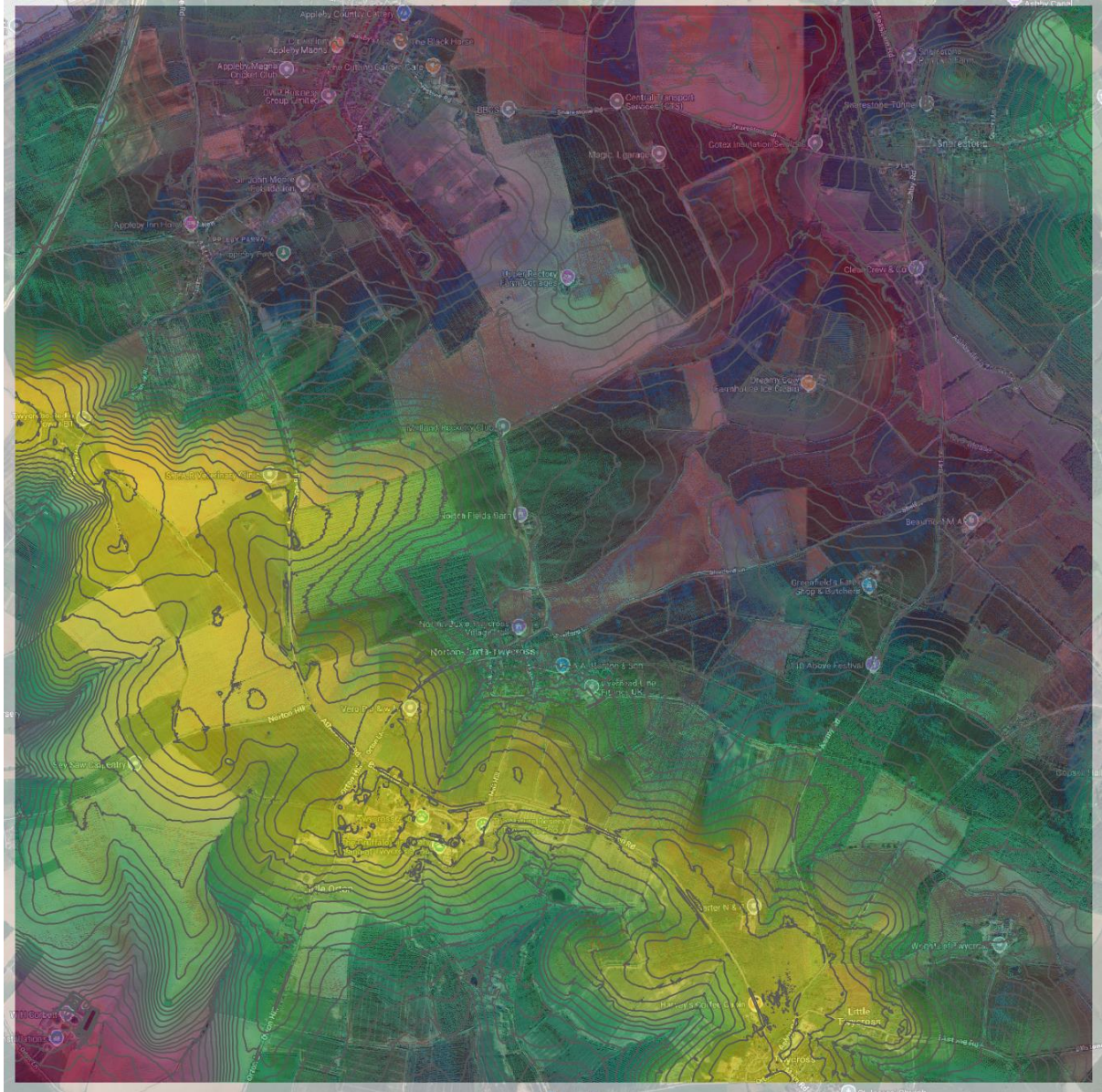
Component	Description	Estimated TP Load (kg/year)	Notes
Baseline farmland	Existing arable (650 ha) + dairy (50 ha)	≈371	Current land management under SFI and Countryside Stewardship supports infiltration and low runoff.
Proposed development	10,000 dwellings + infrastructure	≈2,400	Includes foul discharge and surface runoff.

Component	Description	Estimated TP Load (kg/year)	Notes
Net increase		≈+2,029	+20% precautionary buffer applied → 2,435 kg TP/year .
On-site SuDS removal	Swales, ponds, wetlands	250–465	10–19% removal efficiency.
Off-site mitigation required		≈2,700	No credits or scheme available.
40-year cumulative load		≈41,600	Equivalent to 112 years of current baseline runoff.

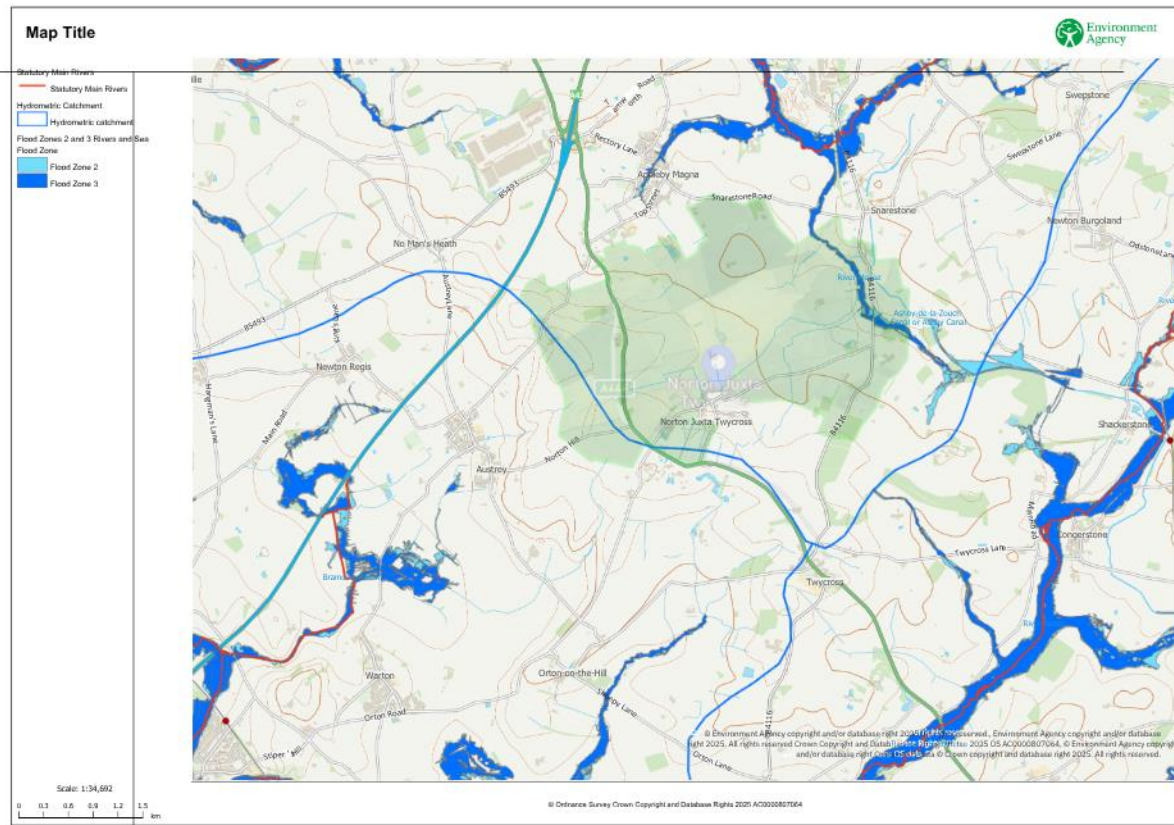
(Source: Lee, 2025; Natural England Calculator v3.01.6)

Appendix C – Hydrology and Catchment Evidence





. LiDAR-derived aspect map showing dominant slope orientation between 280° and 320°, confirming the Norton Heath site drains north-west toward the Twycross Brook and River Sence, which flow into the River Mease SAC. This demonstrates full hydrological connectivity between the allocation and the protected catchment.



Environment Agency Surface Water Flood Risk mapping (RoFSW) overlay illustrating local overland flow routes and ponding within the Norton Heath allocation. Flow paths align with the Twycross Brook and River Sence valleys, reinforcing evidence of north-west drainage into the River Mease SAC

Appendix D – Flood and Drainage Infrastructure Analysis

D1. SuDS management train and attenuation layout

For a 700 ha settlement the drainage strategy will need a full SuDS management train, from plot to outfall, in order to meet current LLFA and EA expectations. The sequence is:

- Roof and driveway drainage to permeable paving and rain gardens at plot level.
- Local swales and filter strips along residential streets, employment plots and school sites.
- Neighbourhood detention basins and dry ponds sized for 1 in 100 year plus climate change storms.
- Strategic attenuation ponds and constructed wetlands at the lowest points before discharge to the Twycross Brook and River Sence.

- Flow control structures limiting discharge to greenfield runoff rates or lower.
- Exceedance flow routes along streets and open space directing residual surface water towards designed storage rather than dwellings.

Strategic elements sit within the floodplain and along the north west boundary where the land falls towards the Mease system. Any failure or blockage in upstream components pushes water through these low points and into Flood Zones 2 and 3.

D2. Indicative land-take for storage and buffers

Based on standard design ratios for major greenfield schemes, the required land-take is as follows. Figures are indicative but conservative.

Function and feature

- Local plot SuDS (permeable driveways, rain gardens)
- Street swales, filter strips and small basins
- Strategic attenuation basins and wetlands
- Watercourse buffers, riparian habitat and access strips
- Biodiversity net gain habitat linked to SuDS
- Total strategic SuDS, flood and habitat land

Approximate land requirement

- 20 - 30 ha
- 25 - 35 ha
- 60 - 70 ha
- 20 - 25 ha
- 10 - 15 ha
- 135 - 175 ha

This takes at least 150 ha out of productive use, in addition to normal open space, schools, roads and employment land. Net developable land for housing drops sharply, driving densities above realistic levels for a rural location and undermining viability.

D3. Comparative costs for SuDS and flood defence works

Order of magnitude costs for the strategic elements are:

- Earthworks, lining and structures for attenuation basins and wetlands - £45 million to £60 million.
- Swales, filter drains and street level SuDS features - £10 million to £15 million.

- Culvert upgrades, headwalls and outfall controls into the Twycross Brook and River Sence - £10 million to £15 million.
- A444 and local highway drainage upgrades, including additional carrier pipes and outfalls - £15 million to £20 million.
- Design, environmental assessment, supervision and risk allowances - £5 million to £10 million.

Total indicative capital expenditure for flood and drainage infrastructure sits in the range £85 million to £120 million, before nutrient mitigation or long term operation costs.

None of this funding is identified in the Local Plan evidence base or any capital programme.

D4. Drainage interaction with the A444 corridor

The AECOM HBBC Strategic Transport Assessment Phase 2 shows that the A444 carries the majority of vehicular movements from the proposed settlement and already suffers congestion and incident related delay. Surface water flooding already affects parts of the corridor during heavy rainfall.

Any SuDS strategy for Norton Heath must therefore:

- Avoid increasing peak discharge to highway culverts that already approach or exceed design capacity.
- Accommodate runoff from widened carriageways, junctions and new roundabouts.
- Integrate with Highways Authority standards for gully spacing, carrier drains and pond freeboard.

This multiplies dependencies and cost. Without committed funding from National Highways or the County Council, and without early design of off-site drainage upgrades, the SuDS strategy remains theoretical and fails the deliverability test for Regulation 19.

D5. Maintenance, adoption and long term risk

Experience from large UK SuDS estates shows persistent problems with adoption and maintenance:

- Water companies resist adoption of open SuDS features in sensitive catchments because they carry pollution and safety risk.
- LLFAs expect developer funded management for life, which shifts responsibility to private management companies.
- Service charges for residents often rise steeply once initial agreements expire. Non payment leads to under maintenance and system failure.
- Desilting of ponds and wetlands every 5 to 10 years requires specialist plant, waste handling and disposal to licensed facilities, pushing lifetime costs far beyond initial estimates.

For a network of 100 ha or more of SuDS features, typical whole life maintenance costs sit in the region of £5,000 to £10,000 per hectare per year. Over a 60 year design life this yields an additional liability of £30 million to £60 million in present day terms, falling on residents or on the public sector if management companies fail.

These unresolved adoption and funding issues sit alongside the technical evidence in the main report:

- Land-take for storage and buffers removes at least 150 ha from development.
- Capital costs for SuDS and flood defence works reach £85 million to £120 million with no identified funding route.
- Long term maintenance liabilities reach tens of millions and rely on fragile management arrangements.

Taken together, the flood and drainage infrastructure package required for Norton Heath is neither fundable nor secure. It does not deliver a robust or resilient replacement for the existing farmland drainage system, and it does not meet the NPPF requirement for safe development for its full lifetime without increasing flood risk elsewhere.

Appendix E – Viability and Deliverability Evidence

E1. Summary of Cumulative Cost Exposure

Cost Category	Key Components	Indicative Range
Nutrient Mitigation	• Off-site land-use change, wetland or woodland creation in the Mease catchment • Benchmarks £20 000 – £35 000 per dwelling • 10 000 dwellings = £200 m – £350 m	£200 m – £350 m
Flood & Drainage Works	• Strategic SuDS network (~150 ha) • A444 and watercourse upgrades • Design and permit costs included	£80 m – £120 m
Biodiversity Net Gain (BNG)	• 10 % net gain on 700 ha greenfield site • Habitat creation and long-term management • £20 000 – £30 000 per ha	£20 m – £30 m

Total indicative environmental and flood cost exposure: £300 m – £500 m before any housing is built.

E2. HBBC Local Plan Viability Study

Review of the published viability work shows:

- Strategic sites tested without full Mease nutrient neutrality requirements.
- No line item for purchase or covenant of mitigation land holdings.
- No allowance for DCS1 / DCS2 exhaustion or the need for a new DCS3.
- Flood and SuDS costs treated as standard greenfield drainage rather than a SAC headwater constraint.

The evidence therefore underestimates abnormal costs and overstates deliverability.

E3. Management Company Maintenance Failures on UK SuDS Estates

Experience from large schemes shows persistent issues:

- Service charges rise once developer control ends, causing non-payment and under-maintenance.
- Ponds and wetlands silt up, outfalls block and freeboard reduces.
- Local authorities step in without dedicated budgets.
- In several cases the EA or LLFA has funded remedial works at public expense.

For a 100 ha + SuDS network at Norton Heath, whole-life maintenance costs $\approx$ £30 m – £60 m over 60 years. No secured funding exists for this liability.

E4. Residual Land Value and Negative Viability

A scheme is viable only if residual land value remains positive after all abnormal costs, infrastructure and profit.

- Environmental / flood costs alone: £300 m – £500 m.
- Standard infrastructure (schools, roads, utilities etc.) adds further tens of millions.
- Land value uplift for a high-risk Mease headwater site is minimal.

Even on optimistic sales values, the residual land value turns negative once full obligations are included. The scheme would require major public subsidy or relaxation of environmental standards — both contrary to national policy and the Environment Act.

E5. Implications for Deliverability

Given:

- Key cost items omitted from HBBC viability testing.
- Large unfunded off-site mitigation and infrastructure requirements.

- Dependence on private management companies with poor performance records.
- Negative residual land value when realistic costs are applied.

The Norton Heath allocation is **not viable and not deliverable** within the plan period. Claims of deliverability ignore the true environmental and flood obligations that apply within the River Mease catchment.

Appendix F – Policy and Soundness Review

F1. NPPF Soundness Tests

Under paragraph 35 of the *National Planning Policy Framework (Dec 2024)*, a Local Plan must be:

1. **Positively prepared** – meeting needs within environmental limits.
2. **Justified** – based on proportionate, reasonable evidence.
3. **Effective** – deliverable within the plan period and underpinned by joint working.
4. **Consistent with national policy** – enabling sustainable development in line with the NPPF.

F2. Assessment Against Each Test

NPPF Test	Requirement	Norton Heath Position	Outcome
Positively Prepared	Must plan for growth within environmental limits	The site lies entirely within the River Mease SAC catchment, already in “Unfavourable – Declining” condition. The development adds >2,400 kg phosphorus per year and worsens flood risk.	Fails
Justified	Must rely on proportionate, evidence-based strategy	No independent hydrological or nutrient analysis supports the allocation. Developer data is used without verification. Reasonable brownfield and lower-impact alternatives were not assessed.	Fails
Effective	Must be deliverable and supported by infrastructure funding	Nutrient mitigation (£200–£350 m), SuDS/flood works (£80–£120 m), and BNG (£20–£30 m) are unfunded. DCS1/DCS2 exhausted; no DCS3.	Fails

NPPF Test	Requirement	Norton Heath Position	Outcome
		Dependent on unapproved Severn Trent upgrades.	
Consistent with National Policy	Must comply with NPPF §§159–169 (flood) and §183 (habitats)	The allocation increases flood and nutrient load, contrary to NPPF, the Habitats Regulations, and the Environment Act 2021.	Fails

F3. Habitats Regulations and Environment Act Duties

- The proposal cannot pass the Habitats Regulations test of “no adverse effect on site integrity.”
- No lawful mitigation or nutrient credit capacity exists within the Mease catchment.
- The Environment Act 2021 imposes statutory water-quality and biodiversity targets that the scheme would breach.
- Any approval would risk infraction of the *Water Environment (Water Framework Directive) Regulations 2017*.

The allocation therefore conflicts with UK environmental law and binding statutory duties.

F4. Conflict with National and Local Transport Policy

Policy Framework	Key Objective	Conflict Identified
Transport Decarbonisation Plan (DfT, 2021)	Avoid road-led growth that increases flood exposure or emissions	Settlement depends on A444 corridor expansion through floodplain; adds congestion and surface run-off.
Leicestershire LTP4 (2016–2036)	Protect existing infrastructure, integrate flood resilience	Site adds surface-water inflow to already flood-prone transport corridors; no funded resilience works.
Environment Act 2021	Integrate climate adaptation into all local decisions	Development undermines statutory resilience and adaptation goals.

F5. Key Policy Conflicts Summary

Policy / Regulation	Requirement	Effect of Allocation
NPPF §§159–169	Avoid development in flood risk areas	Development lies in Flood Zones 2–3 and displaces storage.
NPPF §183	Protect designated habitats	SAC deterioration through nutrient loading.
Habitats Regulations 2017	No adverse effect on integrity	Unable to demonstrate neutrality or compensation.
Environment Act 2021	Achieve water-quality improvement targets	Adds >40 tonnes P over plan period; direct contravention.
Flood and Water Management Act 2010	Prevent increased off-site flood risk	Pushes flow to downstream zones 2–3.
LTP4 & DfT Decarbonisation Plan	Strengthen resilience and reduce flood exposure	Requires major unfunded road drainage and embankment works.

F6. Overall Soundness and Policy Position

The Norton Heath allocation conflicts with every relevant policy framework:

- It worsens a failing SAC and floodplain system.
- It depends on mitigation, infrastructure, and funding that do not exist.
- It contravenes the Habitats Regulations, Environment Act, and NPPF.
- It increases road-based emissions and flood risk contrary to the Transport Decarbonisation Plan and LTP4.

Result:

The allocation is not positively prepared, not justified, not effective, and not consistent with national policy. It is therefore unsound and undeliverable under Regulation 19 and should be removed from the draft Local Plan.

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**SCRUTINY COMMISSION – 10th November 2025****MINUTE EXTRACT****ANNUAL DELIVERY REPORT AND PERFORMANCE
COMPENDIUM 2025**

The Commission considered a report of the Chief Executive the purpose of which was to present the draft Annual Delivery Report and Performance Compendium for 2025 which set out the Council's progress and performance over the past year and which would be presented to full Council on 3 December 2025. A copy of the report, marked Agenda Item 8 is filed with these minutes.

Arising from discussion, the following points were made:

- (i) Members welcomed the report as well as the Council's performance which remained strong despite its low funded position.
- (ii) Noting the fall in performance for park and ride journeys, it was questioned why this service did not appear to perform as well in Leicestershire as it did in other areas. It was suggested this was due to lower parking costs and improved bus services into the City. It was noted that the Council currently subsidised this service jointly with the City Council.
- (iii) Survey results regarding adult social care satisfaction and quality of life continued to be disappointing, the Council performing marginally lower than other comparative authorities. It was not entirely clear why this was the case as the survey did not allow for the collection of wider feedback. However, some of the issues raised in the CQC Inspection report relating to the complexity of navigating the health and social care system, finding information, waiting times, care staff turnover and tight criteria for access to some services were likely to be factors. It was noted that due to the Council's low funding position the threshold to access some of its services had had to be increased over previous years. Members noted that a new Improvement Plan was being progressed following the inspection and aimed to secure increased overall satisfaction levels.
- (iv) A Member questioned what performance data was available regarding the Council's Multi Agency Travellers Unit, in particular regarding the education of children from that community. The Chief Executive undertook to provide more information on this outside the meeting.

RESOLVED:

That the Annual Delivery Report and Performance Compendium for 2025 be noted and welcomed.

**SCRUTINY COMMISSION – 10th November 2025****MINUTE EXTRACT****ANNUAL TRADED SERVICES STRATEGY UPDATE AND
PERFORMANCE REVIEW**

The Commission considered a report of the Director of Corporate Resources the purpose of which was to provide an update on the performance of Leicestershire Traded Services (LTS) during 2024/25. The report also sought the Commission's views on the future direction of Beaumanor Hall and Park, as part of the Council's engagement process. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from discussion, the following comments were made:

- (i) Members acknowledged the reasons for ending the School Food Service. However, recognising the importance of food quality for school children, an area on which the Service had focused, some expressed disappointment that this had been necessary, particularly as the Service had generated a small profit this year.
- (ii) Whilst positive outcomes had been observed over the current financial year, Members expressed satisfaction that the Council was moving away from operating cafés given high costs and stronger private sector competition.
- (iii) Whilst the proposal to sell Beaumanor Hall had not been taken forward by the current administration some expressed concerns about taxpayers continuing to subsidise a facility that was not widely used by residents in their areas. Members commented that whilst a small profit could be achieved from continuing to run the Hall, this would require significant and ongoing investment. Given this was an aging listed building, this was felt to be unsustainable in the long term. It was recognised that the Council had to balance financial considerations against cultural heritage. However, as the lowest funded County Council and in light of the £90m deficit in the Medium Term Financial Strategy, some Members commented that this might need to be revisited again in the future.
- (iv) It was questioned whether running the Century Theatre could be regarded as a strategic fit for the Council and its core business. A Member suggested that the theatre could be better run by the community noting that theatres brought wider health and social benefits. It was noted that this was the only theatre owned and run by the Council.

Members further noted that efforts were being made by the theatre to make it more outward facing, aligning some shows with the school curriculum.

RESOLVED:

That the performance of Leicestershire Traded Services (LTS) during 2024/25 be noted and the Commission's views on the future direction of Beaumanor Hall and Park be forwarded to the Cabinet for consideration as part of the Council's ongoing engagement process.