

## Quorn Neighbourhood Plan Comments Request – 15 October 2018

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

### Highways

#### **Specific Comments**

#### **Traffic & Signals Team**

Policy H1: Residential site allocation

- It is unlikely that LCC would support an access onto the A6. This is contrary to the Leicestershire Design Guide policy IN5 for access onto A and B class roads.
- Policy IN5
  - “We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:
    - roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
    - roads with a speed limit of 40mph or less which are essentially rural in nature;
    - routes where the access would affect bus-corridor or bus-priority measures being put in place;
    - roads that are at or near capacity (cannot carry more traffic); and
    - roads where there is an existing problem with road safety.”
- The location of the site is in close proximity to the roundabout of the A6/A6004 and the access is unlikely to operate effectively during peak times. Access could be obtained through the redesign of the roundabout. However, again given the size of the development it is unlikely that the developer would choose this option given the costs involved.

Policy H2: Reserve site

- The access to the potential development site will be subject to a section 278 agreement which may include Buddon Lane. It is noted that part of Buddon Lane would need to be improved to allow access to a potential site.
- Looking at the existing highway network there is no obvious alternative access apart from Buddon Lane.

Section 8.2 Traffic Management (T&S)

- Any improvements to the aesthetics of the highway would need to be funded by a third party.
- If vehicles are using minor routes to avoid traffic calmed areas then the parish may wish to consider further traffic calming on these routes. However, they must

be fully aware of the costs (~£15K per traffic calming measure) and that they are installed via the correct legislation. LCC could support this provided that there are no detrimental effects to the existing highway, such as the loss of on-street parking.

- A third party funded scheme supported by LCC would have to establish if there is an actual speeding problem through speed survey data. The management of speed would have to be assessed to ensure the correct limit is in place for the location. This assessment alongside liaison with Leicestershire Police would ensure that limit set would also have a high driver compliance level. The assessment would take into account the current driver compliance with the current speed limit, the class of road, the type of road, the physical environment (including direct frontages), the interaction between all road users and the accident record.

### Section 8.3 Parking

- LCC would work with the Parish to assist with the provision of on-street parking and to compliment any off-street additions.

### Comments on Community Actions

TTCA1: Cyclists and pedestrians have use of a shared use footway with a controlled crossing point on the A6004, there is little opportunity to further enhance these facilities. Improving traffic management at this roundabout would be subject to a major project, which LCC as the highway authority would need to bid for specific funding. LCC would need to determine if improvements to roundabout would offer good value for money and real term benefits.

TTCA2: LCC supports this action and the Parish should contact the Safe and Sustainable Travel Team to discuss

TTCA3: \*Highway maintenance\*

TTCA4: LCC would review and assess to see if further signing is required. Additional signing may be subject to third party funding.

TTCA5: Only through an evidence led assessment (PV2 assessment) will further crossing be considered.

TTCA6: Only through an evidence led assessment to justify the need to improve the current arrangements

TTCA7: LCC would need to establish if any improvements offered good value for money and where necessary for any highway pavement improvements

TTCA8: LCC would look to seek funding from the developer for connecting new developments to the existing highway network.

TTCA9: LCC would support this through third party funding as it does not meet our criteria.

### **Highways Development Management Team**

Policy H1: Residential site allocation - H1, Part G: The LHA could not insist on additional parking provision for visitors over and above what is advised within the Leicestershire Highways Design Guide.

Policy H2: Reserve site - "Access to the site will not be from Buddon Lane"

Buddon Lane appears to be the only access point to the development without demolition of existing properties on Chestnut Close. However, Buddon Lane does not form part of the adopted highway; therefore any development accessed from this road would not be suitable for adoption. Buddon Lane is also single track and the LHA would not be able to secure mitigation (such as passing places) on third party land.

Policy TT1: C: Provide for accessible and efficient public transport routes within the development site, with site-specific travel plans to be provided for all developments of six or more dwellings; Whether public transport routes should be re-routed through a specific development would be considered at the time of application, if it was considered necessary. The LHA only require a Travel Plan to be submitted as part of an application when the quantum of development is over 80 dwellings.

### **General Comments**

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

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

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

Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be assessed against the County Council's other priorities and as such may not be

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maintained by the County Council or will require maintenance funding to be provided as a commuted sum.

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

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

## **Flood Risk Management Specific Comments**

- Planning Context (page 13): The LLFA welcomes the inclusion of the National Planning Policy framework (NPPF) and would like to highlight policies 148-165 for consideration in planning applications to the Local Planning Authority (Charnwood Borough Council).
- Sustainable Development (Page 13): The LLFA welcomes the inclusion of sustainable development and it's consideration in this neighbourhood plan. The LLFA welcomes the section "An environmental role" (page 14) and welcomes the consideration and inclusion of the NPPF in relation to sustainable development.
- Policy H1 Residential Site Allocation(page 21) :
  - C) "Flooding concerns are addressed through the provision of a pumping station within the development and open channels provided to enhance drainage, with appropriate landscaping incorporated and 3 soak-away areas provided"
    - The LLFA would like to reiterate its statutory consultee function with regard to planning applications. Leicestershire County Council, as the LLFA, are consulted on any major planning applications, and will also comment on minor applications that are deemed in a flood risk area. It is therefore essential that any planning application properly mitigates flood risk with an appropriate surface water drainage strategy, incorporating Sustainable drainage Systems (where possible) and adhering to Approved Document H – Surface Water drainage hierarchy where possible. Please refer to our "Surface water drainage for developments" website for guidance. Please also refer to the flood risk management website for

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- guidance on ordinary watercourse land drainage consent alongside recently updated guidance to Leicestershire residents.
- D) “its design includes, as appropriate, sustainable drainage systems (SuDS) with ongoing maintenance provision, other surface water management measures and permeable surfaces”
    - The LLFA welcomes the reference to sustainable drainage systems and actively encourages (where possible) their incorporation into any new development.
  - Policy H2 Reserve Site (page 23)
    - D) “its design includes, as appropriate, sustainable drainage systems (SuDS) with ongoing maintenance provision, other surface water management measures and permeable surfaces”
      - The LLFA welcomes the reference to sustainable drainage systems and actively encourages (where possible) their incorporation into any new development.
  - POLICY E4: Farm Diversification (page 63):
    - E) “There is no significant adverse impact on neighbours through noise, light or other pollution, increased traffic levels or increased flood risk”
      - The LLFA welcomes the support of no increased flood risk. As a part of the LLFA’s strategy, no development should increase flood risk – flood risk should be mitigated (where possible).
  - 8.1 Introduction (page 65)
    - “Through the years, improvements in communications have altered its character and the need to widen the road route and to build raised embankments to cope with the regular flooding of the valley has compounded the visual impact in the landscape”.
      - The LLFA holds historic flooding incidents information which is available on request. Furthermore, the LLFA is able to give flood risk information upon request to [flooding@leics.gov.uk](mailto:flooding@leics.gov.uk). The LLFA utilises Environment Agency flood risk information – this information is open source and available from <https://flood-warning-information.service.gov.uk/long-term-flood-risk> by entering property details. It is the LLFA’s statutory role to respond to flooding incidents caused from Surface Water and/or an Ordinary Watercourse. To report a flooding incident, please visit the council website for guidance and for the council’s flood reporting form. Flooding from a main river, a reservoir or coastal water requires reporting to the environment agency, please see the councils website for further guidance.

## General Comments

The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the

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LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.

The LLFA is not able to:

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

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

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

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

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

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

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

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

Risk of flooding from surface water map:

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

Flood map for planning (rivers and sea):

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

## **Planning**

### **Developer Contributions**

If there is no specific policy on Section 106 developer contributions/planning obligations within the draft Neighbourhood Plan, it would be prudent to consider the inclusion of a developer contributions/planning obligations policy, along similar lines to those shown for example in the Draft North Kilworth NP and the draft Great Glen NP albeit adapted to the circumstances of your community. This would in general be consistent with the relevant District Council's local plan or its policy on planning obligations in order to mitigate the impacts of new development and enable appropriate local infrastructure and service provision in accordance with the relevant legislation and regulations, where applicable.

[www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf](http://www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf)

[http://www.harborough.gov.uk/downloads/file/3599/great\\_glen\\_referendum\\_version\\_2pdf](http://www.harborough.gov.uk/downloads/file/3599/great_glen_referendum_version_2pdf)

### **Mineral & Waste Planning**

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

Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood.

You should also be aware of Mineral Consultation Areas, contained within the adopted Minerals Local Plan and Mineral and Waste Safeguarding proposed in the new [Leicestershire Minerals and Waste Plan](#). These proposed safeguarding areas and existing Mineral Consultation Areas are there to ensure that non-waste and non-minerals development takes place in a way that does not negatively affect mineral resources or waste operations. The County Council can provide guidance on this if

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your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.

### **Education**

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

It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a development, or the size of a development would yield a new school. However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.

### **Property**

#### **Strategic Property Services**

No comment at this time.

### **Adult Social Care**

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

### **Environment**

With regard to the environment and in line with the Governments advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of the natural environment including climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.

### **Climate Change**

The County Council through its Environment Strategy and Carbon Reduction Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the predicted changes in climate. Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and increasing the county's resilience to climate change.

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## **Landscape**

The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; LCC's Landscape and Woodland Strategy and the Local District/Borough Council landscape character assessments. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands ' Advisory Document (2006) published by English Heritage.

## **Biodiversity**

The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework (NPPF) clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural environment and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development on enhancing biodiversity and habitat connectivity such as hedgerows and greenways.

The Leicestershire and Rutland Environmental Records Centre (LRERC) can provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species. These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme.

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

## **Green Infrastructure**

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

The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design;

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promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits; meeting the challenges of climate change and flood risk; increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding.

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

### **Brownfield, Soils and Agricultural Land**

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

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

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

### **Impact of Development on Civic Amenity Infrastructure**

Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and the Leicestershire County Council. The County’s Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local civic amenity infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated.

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Contributions to fund these projects are requested in accordance with Leicestershire's Planning Obligations Policy and the Community Infrastructure Legislation Regulations.

## **Communities**

### Communities

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

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

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

## **Economic Development**

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

## **Superfast Broadband**

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

All new developments (including community facilities) should have access to superfast broadband (of at least 30Mbps) Developers should take active steps to incorporate superfast broadband at the pre-planning phase and should engage with telecoms providers to ensure superfast broadband is available as soon as build on the development is complete. Developers are only responsible for putting in place broadband infrastructure for developments of 30+ properties. Consideration for developers to make provision in all new houses regardless of the size of development should be considered.

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## **Equalities**

While we cannot comment in detail on plans, you may wish to ask stakeholders to bear the Council's Equality Strategy 2016-2020 in mind when taking your Neighbourhood Plan forward through the relevant procedures, particularly for engagement and consultation work. A copy of the strategy can be view at:

[www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/30/equality-strategy2016-2020.pdf](http://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/30/equality-strategy2016-2020.pdf)

## **NIK GREEN (MRS)**

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