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## Appendix 9.1 Legislation, Policy and Guidance

### 1.1 Legislative Framework

1.1.1 There is no applicable legislation of relevance to this assessment.

### 1.2 Planning Policy

1.2.1 Planning policy at the national and local level and its relevance to environmental design and assessment is discussed in the Planning Statement submitted as part of this planning application.

1.2.2 Policies (or extracts thereof) relevant to Landscape and Visual matters are discussed below.

#### ***National Planning Policy Framework***

1.2.3 The revised National Planning Policy Framework (NPPF) was adopted on 19th February 2019 and the following paragraphs are considered relevant to this assessment.

1.2.4 Paragraph 10 states that:

*“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)”.*

1.2.5 Section 12 of the NPPF sets out the requirements of well-designed places and Paragraph 124 states that:

*“...Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

1.2.6 Paragraph 125 states that:

*“Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”.*

1.2.7 Paragraph 126 states that:

*“To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and*



*high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified”.*

1.2.8 Paragraph 127 states that:

*“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) .... do not undermine the quality of life or community cohesion and resilience.”*

1.2.9 Paragraph 131 states that:

*“...great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

1.2.10 Section 15 of the NPPF deals with conserving and enhancing the natural environment.

1.2.11 Paragraph 170 states that the planning system “contribute to and enhance the natural and local environment”, through amongst other things, protecting and enhancing valued landscapes.

1.2.12 Paragraph 172 states that:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and*



*enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.”*

### **Local Policy**

1.2.13 Local planning policy within the District of Blaby is set out in the Local Plan (Core Strategy) 2013 and the Blaby District Delivery Development Plan Document (Delivery DPD) 2019, which replaced the previous Local Plan 1999 in its entirety.

#### Blaby District Core Strategy (2013)

#### POLICY CS2 - DESIGN OF NEW DEVELOPMENT

1.2.14 The Strategic objective of this policy are to:

- To improve the design quality of all new developments in the District including the need to design out crime;
- To protect the important areas of the District’s natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners; and
- To preserve and enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development.

*“In order to secure a high quality environment, all new development should respect distinctive local character and should contribute to creating places of a high architectural and urban design quality, contributing to a better quality of life for the local community.*

*Design should be appropriate in its context and should take any opportunities available to improve the character and quality of an area and the way it functions. Development proposals should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings through urban design, landscaping (including tree planting), architecture and architectural detailing. At the same time, the Council will support innovative design that is appropriate in its context.*

...



*The design of new development should take account of, and provide opportunities to enhance, the natural and historic environment, including improvements to Green Infrastructure and opportunities to promote biodiversity...”*

#### POLICY CS4 - STRATEGIC EMPLOYMENT SITE

1.2.15 Land east of the Site is the preferred location for a Strategic Employment Site (SES). While this is not the subject of this planning application, this employment scheme is related to the proposed development within the Site.

*“Land east of the Warrens (south of the M69) at Enderby (as shown by an asterisk on the key diagram) is the preferred location for a Strategic Employment Site (SES) in conjunction with the proposed Sustainable Urban Extension (SUE) at Lubbethorpe.*

...

*Development proposals should seek to ensure nearby communities (including the proposed SUE) are able to gain easy access to the SES by a range of transport modes. A new bridge across the M69 will be required in order to encourage movements between the SES and the Blaby District Core Strategy - Adopted (February 2013) 39 proposed SUE north of the M69 (particularly for pedestrians and cyclists). The timing of the delivery of this bridge will be determined through a phasing plan to be agreed as part of any planning approval for the SUE.*

...

*The design and layout of any new scheme must seek to minimise its visual impacts on the nearby Lubbethorpe Scheduled Monument, Enderby Hall, Enderby Conservation Area and Enderby Park. Building heights, scale and massing should seek to minimise the impact on key views from these areas”*

#### POLICY CS10 - TRANSPORT INFRASTRUCTURE

1.2.16 As this policy focuses on the transport network and infrastructure development it is not included below. The strategic objectives policy upon which this policy is built are:

- To deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby including those arising from growth and to make services accessible to all;
- To maximise sport and recreation opportunities;
- To minimise energy use and use of valuable resources and to encourage renewable energy production in suitable locations; and

- To deliver the transport needs of the District and to encourage and develop the use of more sustainable forms of transport

#### POLICY CS14 - GREEN INFRASTRUCTURE

1.2.17 provides strategic objectives and states that:

*Blaby District Council and its partners will seek to protect existing, and provide new, 'networks of multi-functional green spaces'. This network will comprise public and privately owned land. Green Infrastructure can include formal open spaces for sport and recreation, green areas that can be used for informal recreation, areas that are valuable for their biodiversity (flora and fauna and network links), areas that are of cultural importance (heritage assets and their settings), areas that maintain natural and ecological processes (such as floodplains) and other areas that contribute to the health and quality of life of communities.*

*The Council will seek to improve and enhance the Green Infrastructure network throughout the District using opportunities identified in available evidence including, but not limited to, exploring with partners improved access to:*

- *the River Soar and River Sence corridors and Grand Union Canal.*
- *the Rothley Brook corridor.*
- *the network of Green Wedges that adjoin the urban areas.*

*Opportunities to incorporate key landscape features such as woodlands, ponds, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and useful open spaces and links.*

*It is important that the subsequent maintenance of GI is considered at the earliest opportunity and that the bodies and resources responsible for its long term management and maintenance liabilities are identified..."*

#### POLICY CS16 - GREEN WEDGES

1.2.18 The strategic objectives are stated as:

- "iv) To maximise sport and recreation opportunities;*
- vi) To protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners;*



- vii) To preserve and enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development.*
- ix) To minimise the risk of flooding (and other hazards) to property, infrastructure and people; and*
- xi) To deliver the transport needs of the District and to encourage and develop the use of more sustainable forms of transport (including walking, cycling, other forms of non-motorised transport and public transport)."*

1.2.19 Policy CS16 states:

*Green Wedges are important strategic areas. They will be designated in order to:*

- Prevent the merging of settlements;*
- Guide development form;*
- Provide a green lung into the urban areas; and*
- Provide a recreation resource.*

*The need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations....In addition, opportunities to create new Green Wedges will be explored particularly in areas around the proposed Sustainable Urban Extension to the west of Leicester.*

*Along with its partners the Council will encourage the active management of land that promotes environmental improvements, recreational facilities (other than built development) and improved access within Green Wedges.*

*In circumstances where the development would not be harmful to the functions of Green Wedges, the following uses will be allowed: wind turbines (and other renewable energy facilities that are not within buildings); park and ride schemes; transport infrastructure (including new roads); and mineral extraction.*

*Land use or development in Green Wedges should:*

- a) retain the open and undeveloped character of the Green Wedge;*
- b) retain and create green networks between the countryside and open spaces within the urban areas; and*
- c) retain and enhance public access to the Green Wedge, especially for recreation."*



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## POLICY CS18 - COUNTRYSIDE

### 1.2.20 Strategic objectives applied with regard to this policy seek:

*“iv) To maximise sport and recreation opportunities;*

*vi) To protect the important areas of the District’s natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners; and*

*x) To provide the appropriate quantity, quality and mix of employment opportunities to meet the needs of the District’s current and future populations, and to meet strategic employment, education and training needs;”*

*Land will be designated as Countryside where it is outside the limits to built development and outside designated Green Wedges and Areas of Separation.*

*Within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.*

*Planning permission will, however, be granted for limited small scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts.*

*The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations. The detailed boundaries of Countryside will be determined through the Allocations, Designations and Development Management DPD.”*

#### Blaby District Delivery Development Plan Document (Delivery DPD) 2019

### 1.2.21 The Delivery DPD proposes a 33 ha (gross) employment site at Land West of St Johns, Enderby in the employment Site Allocations Policy SA3. The policy states a need for a comprehensive package of transport improvements (informed by a robust transport assessment), which should include:

*“Improvements to junction and link capacity in Enderby Village Centre including opportunities to complete the Enderby by-pass linking the B582 at Enderby to Leicester Lane via Warren Park Way and Leicester Lane Strategic Employment Site”*



### 1.3 Guidance

#### ***National Planning Policy Guidance***

- 1.3.1 The NPPF is supported by the Planning Practice Guidance (PPG), which contains guidance on the design of new developments and on landscape and the natural environment, with reference to the relevant policy contained in the NPPF.
- 1.3.2 The PPG will be updated in due course to reflect changes to the new version of the NPPF that was published in February 2019. Until then the PPG that accompanies the 2012 NPPF is still of relevance.
- 1.3.3 The Design section of the guidance describes the importance of good design as an integral part of providing sustainable development.
- 1.3.4 Paragraph 006 states:

*“Design impacts on how people interact with places. Although design is only part of the planning process it can affect a range of economic, social and environmental objectives beyond the requirement for good design in its own right. Planning policies and decisions should seek to ensure the physical environment supports these objectives”.*

- 1.3.5 Paragraph 007 states that:

*“the successful integration of all forms of new development with their surrounding context is an important design objective”.*

- 1.3.6 Paragraph 001 of the Natural Environment section of the Guidance states that:

*“one of the core principles of the NPPF is that planning should recognise the intrinsic character and beauty of the countryside Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside”.*