

FULL NAME	DUTY TO COOPERATE	LEGALLY COMPLIANT	SOUND	WHICH PART	WHICH PARAGRAPHS	WHICH POLICY	WHICH POLICY MAP	WHICH DIAGRAM	WHICH TABLE
Mrs Tasnim Johnson	No	No	No	Policy		NPPF 99 Too stringent LGS sustainable development criterion Paragraph paragraph 9, page 2 Policy Local Plan Local Green Space Assessment 2021 4(2) Not sound, not justified			

WHY PLAN NOT SOUND	MODIFICATIONS	HEARINGS	HEARING SESSIONS
<p>The sustainable development criteria used by the Council to assess LGS designation is too stringent. The NPPF guidance says that sites with planning permission are explicitly excluded from LGS designation, but not those with planning applications.</p> <p>The legal judgment on the Norton St Philip Neighbourhood Plan in 2020 is relevant here. The consideration of whether a designation is ‘capable of enduring’ is not an assessment of permanence, which is much higher bar. In particular, paragraph 45 of the commentary available at [1] is relevant.</p> <p>A designated LGS might not be capable of enduring beyond the plan period if, for example, pressure on development, and in particular the supply of new housing, would probably require it to be given up for development before the end of the plan period. If, on the other hand, pressure for development can be satisfied elsewhere within the neighbourhood over the plan period, it is likely that a designated LGS will at least be capable of enduring beyond the plan period.</p> <p>The bar has been set too high by Charnwood Borough Council. The Leconfield Road site is capable of enduring as once the plan is published there will need to be a demonstrable supply of houses.</p>	<p>As the Leconfield Road site is not identified as a site for development, it must be seen as being capable of enduring as far as NPPF 99 is concerned. Leconfield must now be assigned LGS designation.</p> <p>Please see below review as evidence on 'Lochailort Investments Ltd, R (On the Application Of) v Mendip District Council'</p> <p><a href="https://www.casemine.com/judgement/uk/5f7abf422c94e05cd183e414">https://www.casemine.com/judgement/uk/5f7abf422c94e05cd183e414</a></p>	No	