From: Tim Bourne [redacted]
Sent: 16 August 2021 19:55
To: localplans@charnwood.gov.uk
Subject: Charnwood Local Plan 2021 response
Attachments: Response Form - Charnwood Local Plan from T Bourne.pdf

For the attention of the Charnwood Borough Council Local Plan Dept.

Dear Local Plan Dept

Attached is my response to the new draft Charnwood Local Plan 2021.

I have detailed why the plan is unsound in the response document.

Please acknowledge receipt of my response.

Yours sincerely

Dr Tim Bourne

Thrussington

Charnwood	**Charnwood Local Plan 2021-2037** Publication Stage Representation Form	**Ref:** **(For official use only)**

Please return to Charnwood Borough Council by 5PM on 23rd August 2021 by:

- **Email: localplans@charnwood.gov.uk**
- **Post: Local Plans, Charnwood Borough Council Southfield Road, Loughborough, LE11 2TX**

The Privacy Statement can be found at: www.charnwood.gov.uk/privacy

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

	1. Personal Details*	2. Agent's Details (if applicable)
Title	Dr	
First Name	Tim	
Last Name	Bourne	
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1	[redacted]	
Line 2	[redacted]	
Line 3	[redacted]	
Line 4		
Post Code	[redacted]	
Telephone Number		
E-mail Address (where relevant)	[redacted]	

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Part B – Please use a separate sheet for each representation

Name or Organisation: Dr Tim Bourne

3. To which part of the Local Plan does this representation relate? See references below.

Paragraph		Policy		Policies Map	

4. Do you consider the Local Plan is (please tick as appropriate):

4.(1) Legally compliant	Yes	☐	No	☐
4.(2) Sound	Yes	☐	No	☑
4 (3) Complies with the Duty to co-operate	Yes	☐	No	☐

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

I am replying in connection with the two developments proposed for Thrussington HA68 & HA67.

The plan is grossly unsound in many respects as detailed below:

1. Thrussington does not meet the Charnwood sustainability criteria for selection as a location for developments because it has NO public transport. Nearest bus stop is 2km. Nearest convenience store is 3.5km, and GP Doctor 6km.
   Charnwood Local Plan Sustainability Appraisal May 21, para 6.2.8
   Development Strategy & Site Selection Topic Paper July 2021: Other Settlements P38-41.
   Charnwood Local Plan 2021-37 Pre-submission draft July 2021, Chapter 1, P15
   Charnwood Local Plan 2021-37 Pre-submission draft July 2021, Chapter 2, P18, 2.4.

2. 90 new houses is nearly 40% increase in the number of dwellings. There has been no assessment of infrastructure or utilities being suitable for upgrade.

3. Thrussington has current problems with excessive road parking, congestion, speeding into Thrussington on the Seagrave Road and dangerous junctions around the centre of the village. No local traffic assessment has been done. Old Gate Road (HA68) is largely single track, has a dangerous acute bend at the junction with Seagrave Road with lots of road parking. At the top of the road with the A46 there is no slip in or out of the fast A46 and there is a ninety-degree blind single-track bend. It

would be a gross dereliction of duty to not provide safe pedestrian, cycling and motor transport infrastructure for the significant increase in cars and delivery vans for 60 additional houses that would use Old Gate Road from both directions.
Charnwood Local Plan Transport Assessment May 2021 (multiple documents)

4. Surface water flooding is a current problem. The Environment Agency map shows the centre of Thrussington around the Green to be HIGH risk of surface water flooding. Old Gate Road at the incline down to the village frequently floods after rain due to having more impermeable ground. The overflowing ditches, drains and culverts channel the water down the hill from and around development HA68 land and into the culverts leading to the houses around the Green. Many houses have flooded over the years and predicted levels exceed 90cm depth. HA68 development potentially will lead to a big increase in surface water volume and associated flooding.

5. Sewage flooding in the centre of Thrussington village around the Green is a problem. Multiple residents have received financial compensation from Severn Trent for having RAW SEWAGE flowing into their gardens during periods of village flooding. This has occurred multiple times over the last 2 years and reflects the current risks from flooding and the insufficient capacity of the current sewage and water drainage systems. Any new development of houses will exacerbate this problem and therefore the Local Plan is unsound as this has not be acknowledged or assessed.

6. Thrussington Neighbourhood Plan from 2018 was approved by a village referendum and adopted by Charnwood Council. It states there should be no development outside the settlement boundary. HA67 & HA68 are outside this boundary. Charnwood's own documents state the same boundary restriction on new development.
Charnwood Housing Delivery Study for draft local plan Dec 2017, P85
Thrussington Neighbourhood Plan 2018, P13 & P20, Housing

7. The draft Local Plan does not protect the Thrussington wildlife corridors around HA68. Bats have been seen flying around properties 25 & 21 on Old Gate Road at HA68. There are ancient hedgerows along the road at HA68.
Thrussington Neighbourhood Plan 2018, P29 Map

8. Climate change- policy CC5 (Sustainable Transport) requires development to be within 400m of public transport stops. Clearly this is not the case in Thrussington.
Charnwood Local Plan Sustainability Appraisal May 21, P110 para 7.8.9

9. A planning application (P/91/0397/2) for 34 single-story houses based on the site of HA68 was rejected. The Planning Inspectorate in 1992 wrote 'the resultant harm to the character and appearance of both village and surrounding countryside would be so serious as to form a compelling reason for resisting this appeal'. Therefore, the proposal in the draft Local Plan has already been found to be unsound and nothing has changed apart from the proposed development is larger and taller.

10. The appeal inspector to planning application P/12/0997/2 for one house (opposite side of Old Gate Road to HA68) wrote 'I conclude that the proposal would not achieve a sustainable pattern of development and would be harmful to the character and appearance of the area'.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the development of HA68 & HA67 as proposed with 90 houses to be included in the Local Plan there would need to be the following:

1. A regular public bus service through Thrussington.
2. The full length of Old Gate Road would need to be assessed in connection with HA68. It's likely to require widening to two-way traffic for its full length, new drainage installed to remove surface water and to take this water away from the village centre, the A46 junction to be upgraded to allow safe traffic slips for entry and departure and the junction with Seagrave Road made safer for large volumes of traffic.
3. The developments would need to be considerably smaller with sympathetic design to maintain the character and appearance of Thrussington and to ensure there was sufficient parking, so each house had 2 spaces off the road.
4. The sewage flooding must be assessed and capacity with flood protection corrected before new developments are built.
5. There would have to be help to buy and low cost housing to support local people.
6. A convenience store would be required in Thrussington to reduce dependence on car usage.

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐ **No**, I do not wish to participate in hearing session(s)

☑ **Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I feel that only local people who live on or near Old Gate Road next to HA68 will be able to describe accurately the issues affecting the road and village from this proposed development and be able to respond to questions with local knowledge. Surveyors and visitors only see Thrussington for a brief period and therefore have no real understanding of the different issues faced every day over the duration of a year.

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

9. Signature:	[redacted]	Date:	16.08.2021

Guidance Note for Representation Form

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA], Charnwood Borough Council, in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.

- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.

- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).

- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.

- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?

- Is the issue with which you are concerned already covered by another policy in this plan?

- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?

- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.