From: Steve Cuff (NWRG) [redacted]
Sent: 22 August 2021 15:31
To: localplans@charnwood.gov.uk
Subject: Some representations from NWRG ref Local Plan 2021-2037
Attachments: NWRG Response Form - Charnwood Local Plan.docx

Could you kindly acknowledge receipt of the attached?

Thank-you

--
Steve Cuff
Chairman
Nanpantan Ward Residents' Group
www.nwrg.uk

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)
**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.*		
Title	Mr	
First Name	Steve	
Last Name	Cuff	
Job Title (where relevant)	Chairman	
Organisation (where relevant)	Nanpantan Ward Residents' Group	
Address Line 1	[redacted]	
Line 2	[redacted]	
Line 3		
Line 4		
Post Code	[redacted]	
Telephone Number	[redacted]	
E-mail Address (where relevant)	[redacted]	

NWRG

Part B(1) – Please use a separate sheet for each representation

Name or Organisation: Steve Cuff – Nanpantan Ward Residents' Group

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

Paragraph	9.18 & others	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.

Headline…

Nanpantan Crossroads operates severely over-capacity in any model used; CBC states there are no feasible mitigation measures YET CBC also state that mitigation measures would be considered as part of a planning application which, if approved, would increase traffic volumes at the crossroads. This is a fundamental conflict within the Local Plan, which renders it unsound in this respect Para (9.18)

Recent planning applications have identified that Nanpantan Crossroads operates over-capacity and the few comments concerning Nanpantan Crossroads within the Charnwood Local Plan Transport Assessment state that the junction is highly congested. The Local Plan should stipulate that development that directly impacts Nanpantan Crossroads should not be allowed.

The proposed local plan is unsound with respect to Nanpantan Crossroads (the Snell's Nook Lane / Nanpantan Road / Woodhouse Lane junction). Recent planning applications have referred to reducing increased congestion at the junction by providing traffic mitigation measures, however, no meaningful traffic mitigation measures can be introduced at this junction due to site constraints. Also, the Charnwood Local Plan Transport Assessment states that the junction is highly congested. The local plan should stipulate that development that directly impacts Nanpantan Crossroads should not be allowed.

There is little mention of Nanpantan Crossroads within the Charnwood Local Plan Transport Assessment, this is concerning given the severe congestion at the crossroads.

However, reviewing other documentation in the public domain does provide insight, as follows.

When planning applications that impact Nanpantan Crossroads have previously been considered, such as P/19/0524/2 which concerns Land West of Snells Nook Lane, documentation (specifically the CBC Officer's Report – Consideration of the Planning Issues / Highways Impact and Mitigation) provided by Charnwood Borough Council state that (i) "the junction currently operates significantly over capacity" and (ii) "in the future, without development traffic, the junction is anticipated to operate significantly over capacity". It should be noted that mitigation measures have never been presented which address the capacity problem at the junction and in reality no meaningful mitigation measures could be introduced given the limited land available for such measures.

The current Local Plan, Charnwood Local Plan 2011 to 2028, Policy CS18 - The Local and Strategic Road Network, requires (i) sustainable transport improvements (ii) strategic developments to deliver transport improvements and (iii) other network improvements. None of these requirements can be achieved for Nanpantan Crossroads.

The NPPF states that development should be refused where traffic impact is severe - as is the case at Nanpantan Crossroads.

Moving on to the Charnwood Local Plan Transport Assessment.

With reference to document Charnwood Local Plan - Further Analysis and Refinement (May 2021):

Section 5 - Updated Model Results / 5.10 - Mitigation Results by Broad Mitigation Area / 5.10.15

From the document:
There are small increases in delay across all arms of the Nanpantan crossroads junction. There are also general reductions in flow through Nanpantan, with only one arm showing an increase in flow in the AM and PM Peaks. This implies the crossroads is already highly congested and a small change in delay or flow has significant impacts on the other. The delay increases are seen along the eastern arm, implying the route to and from Loughborough through Nanpantan is still relatively attractive despite the remaining congestion. Any improvements to the crossroads would encourage more traffic to route to Loughborough via Nanpantan, as opposed to using more suitable routes, and therefore this delay does not require this junction to be improved.
The position outlined above is confirmed by Technical Note 3 Assessment of Mitigation:
3.1/7: No tangible mitigation at Priory crossroads is possible
3.2: No scheme for Priory crossroads
So, Nanpantan Crossroads is highly congested, additional traffic using the junction should be discouraged and the junction should not be improved. Surely then, developments that impact Nanpantan Crossroads should not be allowed, noting that meaningful improvement to the junction is not possible and in any case should not be allowed.

The bottom line is that the Nanpantan Crossroads operate severely over-capacity in any model used; there are no feasible mitigation measures YET mitigation measures would be considered as part of a planning application which, if approved, would increase traffic volumes at the crossroads, this is a fundamental conflict within the Local Plan, which renders it unsound in this respect!

Additional Information

With reference to document Charnwood Local Plan - Report Charnwood Borough Local Plan Mitigation 2021-01-27

Section 2 - Identifying Broad Locations for Mitigation / Table 2.1: Initial Explanations for Issues Identified

From the document:
New delays at A512 Ashby Road / Snell's Nook Lane junction in the PM Peak, at Snell's Nook Lane / Nanpantan Road / Woodhouse Lane junction in both Peaks which were not existing issues.
Given that it has been documented and it is well known that Nanpantan Crossroads operates over capacity this comment is confusing, but it does at least illustrate that there are delay issues. Also as noted above, Section 5 of the Charnwood Local Plan - Further Analysis and Refinement (May 2021) states that the junction should not be improved)

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.

Given that recent planning applications have identified that Nanpantan Crossroads operates over capacity and the few comments concerning Nanpantan Crossroads within the Charnwood Local Plan Transport Assessment stating that the junction is highly congested, the local plan should stipulate that development that directly impacts Nanpantan Crossroads should not be allowed.

The Local Plan (para 9.18) must recognise that there will be situations where effective mitigation will not be possible and that therefore planning applications for developments that would add to severe over-capacity should be refused.

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	**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:

There are several inconsistencies in the Local Plan, I would want to ensure these are well understood

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:	21/08/21

Part B(2) – Please use a separate sheet for each representation

Name or Organisation: Steve Cuff – Nanpantan Ward Residents' Group

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

Paragraph	4.48 to 4.73 and H7	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.

Headline…
The proposals in the Local Plan will not stop the spread of HMO into streets that do not have any, nor are there policies to reduce the concentration of HMO where this is already excessive. Therefore the HMO policies within the Local Plan are UNSOUND

In many areas of Loughborough the 10% threshold has been breached, significantly, leading to loss of 'Community' to the detriment of long-term residents. The Local Plan does not include any measures to proactively reduce the number HMO in these areas

Whilst many of the proposals in respect of HMO are to be welcomed the proposals will not stop the spread of HMO into streets that do not have any, nor are there policies to reduce the concentration of HMO where this is excessive. Therefore the HMO policies within the Local Plan are UNSOUND

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.

In order to prevent 'HMO-Creep' into areas of Loughborough that do not currently endure the issues referred-to in para 4.48 to 4.73 there should be a policy stating that if there are no existing HMO within the 100 metre circle this situation should pertain and planning permission for change of use to HMO should be refused.

To prevent further loss of family homes through change to HMO, there should be a presumption in favour of retention [of the family home] and planning permission for change of use to HMO should be refused.
. If CBC is serious about community balance it should implement a policy to use compulsory purchase powers to acquire excessive HMO and resell with a restrictive covenant limiting occupation to a single household, in perpetuity

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

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

There are several inconsistencies in the Local Plan, I would want to ensure these are well understood

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:	21/08/21

Part B(3) – Please use a separate sheet for each representation

Name or Organisation: Steve Cuff – Nanpantan Ward Residents' Group

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

Paragraph		Policy	EV/18 and CS11	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.

Headlines…

CBC's consultation process for the Charnwood Local Plan 2011 to 2028 Core Strategy was seriously flawed, rendering this aspect of that Local Plan unsound.

The Charnwood Local Plan 2021 to 2037 has not corrected this flaw, therefore we ask for a declaration that there was a failure to consult and consequently that the protection afforded by policy EV/18 endures.

In 2020 in became apparent that during the development and implementation of the Charnwood Local Plan 2011 to 2028 Core Strategy, adopted in 2015 Charnwood Borough Council (CBC) failed to consult the Public when removing the protection to Open Spaces of Special Character. This protection was provided by Policy EV/18, saved by Direction of Secretary of State 21st September 2007.
This came light during NWRG's research into the Statements of Consultation for the 2015 Core Strategy and the Core Strategy Consultation Report, it became clear that there was no reference to removing the protection to Open Spaces of Special Character.

It is abundantly clear that the Public were not made aware of the removal of protection to Open Spaces of Special Character. Had the Public been made aware of the [risk of] removal, it would be reasonable expect there would have been many comments against removal. In August 2020 over 250 residents stood in protest against housing development on the Field at the top of Leconfield Rd. Loughborough (the Field). From conversations with many of the residents who attended the protest and with residents whose properties border the field, it is apparent that **not one was aware that the EV/18 protection lapsed in 2015**.

Residents understood that the Field was protected by Policy EV/18 In italics below.
Policy EV/18
Open Spaces of Special Character
*Planning permission will not be granted for development which would result in the loss of important areas of open land retained **in public or private ownership** which contribute to the character of a settlement either individually or as part of a wider network of open space.*

CBC states that Policy EV/18 was superseded by Policy CS11 when the 2015 Core Strategy was adopted, however CS11 (in italics below) makes no reference whatsoever to the loss of protection to Open Spaces of Special Character. Upon reading CS11 a reasonable and sensible member of the Public would not see a threat to the protected status of the Field. In fact the CBC GIS mapping system still

(August 2021) shows the Field (named as Burleigh Farm) an Open Space of Special Character under Policy EV/18.

Policy CS 11
Landscape and Countryside

- *We will support and protect the character of our landscape and countryside by:*
- *requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments;*
- *requiring new development to take into account and mitigate its impact on tranquility;*
- *requiring new development to maintain the separate identities of our towns and villages;*
- *supporting rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries and contributes to a low carbon economy, in accordance with Policy CS10;*
- *supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan; and*
- *supporting rural communities by allowing housing development for local needs in accordance with Policy CS3.*
- *We will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements*.

The inescapable conclusion must be that CBC intended either…

a. To propose removal of the protection to Open Spaces of Special Character, in which case the public should have been consulted on this, specifically.
b. To keep protection to Open Spaces of Special Character, in which case this was an error of omission.

Further, the General policy statement 1(f) of the 2013 Open Spaces Strategy states that changes to open space require consultation with the community. This policy was not followed in 2015. Therefore, as due process has not been followed in changing the designation, CBC needs to acknowledge that the Field must remain open space. The recent Local Green Space Assessment supporting the final draft of the local plan demonstrates that the NPPF 100 criteria are met by the Field and so it is clearly suitable for designation as Local Green Space.

CBC's consultation process for the Charnwood Local Plan 2011 to 2028 Core Strategy was seriously flawed, rendering this aspect of the Local Plan unsound. This has resulted in the Field losing the protection afforded to the Field as an Open Space of Special Character without any consultation.

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.

The Charnwood Local Plan 2021 to 2037 has not corrected the flaw as described in 5 above, therefore we ask for a declaration that there was a failure to consult and consequently that the protection afforded by policy EV/18 to Open Space of Special Character endures.

The suitable natural designation for an open space that was formerly an Open Space of Special Character is Local Green Space, which would protect the Field and similar sites from development

FYI - Nanpantan Ward Residents' Group has exhausted the CBC formal complaint process and will take our complaint forward to the Local Government and Social Care Ombudsman

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	**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:

There are several inconsistencies in the Local Plan, I would want to ensure these are well understood

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: 21/08/21

Part B(4) – Please use a separate sheet for each representation

Name or Organisation: Steve Cuff – Nanpantan Ward Residents' Group

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

Paragraph	Please see Section 5 below	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.

Air Quality – AQMA Shepshed Area (para 3.170)…

Para 3.170 refers to 'industrial sources' – for the avoidance of doubt this should explicitly include the Biffa/Covanta waste incinerator at M1 Jcn23 which will be a major source of airborne pollutants. It is unsound to state that the impact of individual developments is not significant. The incinerator's emissions will impact not only Shepshed but also most of the west of Loughborough, including the University Campus.

Renewable and Low Carbon Energy (para 7.25 to 7.36 and CC3)

Energy from waste (Table 7) is neither Renewable nor Low Carbon (*cite UKWIN). This is an unsound statement and must be corrected.

*http://ukwin.org.uk/climate/ and https://ukwin.org.uk/oppose-incineration/

Air Quality – Other AQMA (para 8.83 to 8.91 and EV11)

The local plan does not specify AQMA for PM2.5 and is therefore unsound. The Air Quality Assessment submitted by Biffa in support of their application for an Environmental Permit to operate the incinerator included data on the existing levels of ambient air pollutants in the Loughborough and Shepshed areas. A key finding was that at almost all of the 75 assessed receptor sites the level of PM2.5 exceeded the WHO maximum level of 10 ug/m3; whilst this level is not yet embodied into UK law; it is widely anticipated that the upcoming Environment Bill will set the UK limit at 10 ug/m3 (cite lobbying from British Lung Foundation et al*)

*https://www.blf.org.uk/sites/default/files/Joint%20parliamentary%20briefing%20on%20the%20Environment%20Bill%20and%20air%20pollution%20standards%20-%20June%202019.pdf

Further, a recent study by Loughborough University found that at several sites used by students, including elite and endurance athletes, the level of PM2.5 exceeded the WHO maximum level of 10 ug/m3 and in some cases exceeded the current UK legal limit of 25 ug/m3.

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.

It is unsound to state that the impact of individual developments is not significant. The incinerator's emissions will impact not only Shepshed but also most of the west of Loughborough, including the University Campus.

Energy from waste (Table 7) is neither Renewable nor Low Carbon. This is an unsound statement and must be corrected .

As CBC has a legal responsibility to monitor and improve ambient air quality; in anticipation of 10 ug/m3 being adopted as the UK legal-limit, suitable AQMA for PM2.5 should be identified within the local plan, to render it sound.

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)?

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9. Signature:	[redacted]	Date:	21/08/21

NWRG