From: SMIDOWICZ JOAN[redacted]
Sent: 23 August 2021 01:02
To: localplans@charnwood.gov.uk
Subject: Local Green Space
Attachments: Response Form - Charnwood Local Plan LGS.docx; greenspaceobjection to Leconfield.pdf

Please find the response form for the Local Green Space and and an accompanying report.

I have sent three separate documents.

One for Local Green Space

Nanpantan cross roads: CS11 and EV18

H7 Houses in Multiple Occupation.

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	Cllr	
First Name	Margaret	
Last Name	Smidowicz	
Job Title (where relevant)	Cabinet Lead Member	
Organisation (where relevant)	CBC	
Address Line 1	[redacted]	
Line 2	[redacted]	
Line 3	[redacted]	
Line 4	[redacted]	
Post Code	[redacted]	
Telephone Number	[redacted]	
E-mail Address (where relevant)	Cllr.margaret.smidowicz@charnwood.gov.uk	

**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:

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

Paragraph	H7 4.48-4.73	Policy		Policies Map	

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

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

To Cllr. Smidowicz
1 attachment
H7 Houses in Multiple Occupation
I consider this policy to be unsound for the following reasons:
1. The Plan for threshold levels is not based on firm evidence.
2. The method of calculating one HMO in the analysis does not account for the cumulative effect of occupants and the differing needs of residents or the community 'places'.
3. Policy H7 is not supported by an analysis of Loughborough's Housing need.

4 The available affordable family housing stock, social housing, three-bed semi detached and bungalows has diminished . Permitted development for attics, garages and
Extension design can have a negative impact. These are unlikely to revert to family occupation.
5 The Article 4 Direction applies only to Loughborough but needs to address point 4

(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.

To prevent further home to HMOs and studio flats with students student 'village' areas or where they are spreading out Along roads in an overspill. The policy needs to address the cumulative impact of the areas where the 20 per cent has Been breached for over 12 years. Despite the Article 4 and introduction of 20 per cent threshold that was introduced in 2012.

CBC has with the assistance of Prof D Smith (expert in studentification) and Dr A Culora, researched and produced the HIMOG of all HMOs in Charnwood. (2015-2018) Non student HMOs of which 1652 (44 per cent of total)
And 56 per cent were student occupancies. In total 2,509. These have increased and PBSAs have also been built.

We do not have a Housing needs . a two mile radius of the University and a no car policy for students in this radius.

The attached report supplies the data and concerns.

(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	**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:

Loughborough is a market town with a University in the top 10. There is also an adjacent college The University has some 18,500 students. The Uni had not expected to increase further but a larger intake is anticipated as A level results have been achieved and will need to be honoured. Potentially a 1,000 extra.

I was the Lead Member for HMOs, Licensing and Enforcement and wrote the scrutiny scoping Document which involved Prof Smith being contracted to work with CBC for three years.
The work was unique. The figures in 2018 were a shock but there is concern that the breaches Have continued as the 20 per cent threshold has not been adequate. The arbitrary choice Of 10 per cent will not change the balance. The 100 m measurement of one HMO house regardless of whether there are 3 or 8 occupanst does not address the cumulative imbalance on The family homes with noise, waste, parking and ASB.

The number of PBSA rooms, off campus and the 6,000 on campus need to assessed.
This, with the number of identified HMOs will provide a better profile of housing needs.

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: 22/8/21

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.

H7 Houses in Multiple Occupation

I consider this policy to be unsound for the following reasons:

1. The Plan for threshold levels is not based on firm evidence.
2. The method of calculating one HMO in the analysis does not account for the cumulative effect of occupants and the differing needs of residents or the community 'places'.
3. Policy H7 is not supported by an analysis of Loughborough's Housing need.
4 The available affordable family housing stock, social housing, three-bed semi-detached and bungalows has diminished . Permitted development for attics, garages and Extension design can have a negative impact. These are unlikely to revert to family occupation.
5 The Article 4 Direction applies only to Loughborough but needs to address point 4.

Background: Within an 11-year period, the Borough of Charnwood two scrutiny panels have investigated the impact of student occupation in Loughborough resulting in Article 4 and the 20 per cent threshold in 2012, By 2013 the Nanpantan residents' group and two additional residents' groups were complaining that the statistics on HMO planning reports were woefully incorrect. A second scrutiny panel was initiated and in 2015 Prof Darren Smith, the studentification expert agreed to work with us and a PhD student, now Dr Andreas Culora. The University and College, CBC a Planning Enforcement Officer met to establish the way forward. The data was stress-tested using information compiled over four years on every house in the Nanpantan Ward and the Electoral Roll. Prof Smith's findings identified all the student addresses but 47 non-student additional HMOs were revealed.

The Borough-wide in-depth study (2015-18) revealed the location and numbers occupying properties and students living at home. Also missing data was investigated. In 2018 the figures showed that there were 2,509 HMOs of which 1,652 were non-student HMOs in various concentrations in all wards across the Borough. There were more 'unknowns' but benefit data could not be shared. 'Ward walks' were undertaken revealing numerous 'rooms to let' scattered around the Town. *Sparerooms.com* concealed a number of HMOs as the landlord frequently lived elsewhere. Claims to be 'student accommodation' are not always accurate and affect council tax collection. These were also identified for follow-up but did not feature in the HIMOG data of 56 per cent student and 44 per cent non-student HMOs.

(4.50) The HMO survey revealed many surprises but not necessarily to the resident groups who live in the affected communities.

The Guardian 'Town v gown: is the student boom wrecking communities? (Brian Oliver 23 Sept 2018)

'The historic university town of St Andrews is one place that has felt a huge impact from the expansion of HE' Since the 1990's the number of students has doubled to 9,000, while the resident population has shrunk by 40 per cent to around 7,000. Families keep leaving and local primary schools are struggling….'

Compare Loughborough a Market Town with a Uni that has more than doubled and now has18,000 plus students one less primary school.

Reasons for objecting

The introduction of the 20 per cent threshold and Article 4 in Loughborough has relied on landlord integrity and insufficient data. The result has been streets with 20-100 per cent HMO properties, initially considered to be occupied by students and known as the 'Golden Triangle.' Recent research has highlighted that the Town had changed significantly between 2012 and 2015. More 'student enclaves' have appeared, The Kingfisher Estate is now a student village with over 60 HMOs. The overspill has now crept along Forest Road and into side roads.

(Forest Rd corner rubbish on Oaklands Ave

'Recent studies have revealed that student HMOs have extended from Burleigh and Storer into other parts of the town, such as the Kingfisher Estate in Southfields, and Herrick and Forest areas of the town. This 'second wave' of studentification has produced HMOs in areas of Loughborough that have traditionally been occupied by families and professionals, in more expensive, higher-quality properties.' *(Kinton et al 2016).*

(4.5.1) Estate Agents have pointed out that for every house that becomes an HMO, the adjacent house drops in value. Some more than others. The street scene with extensions extending to boundary walls means that bins are left in front of properties. Car parking space is then limited but additional spaces required because of the extra rooms. 'Student ghettos' are referred to on-line and by estate agents, not 'villages.'

Gardens continue to disappear and slabs of concrete and tarmac appear. Attractive front gardens and walls have been removed in conservation areas for residents to be able to park their own vehicles which by default leaves space on the road for access and further displacement of other vehicles. They end upon the corners where there are no double yellow lines and for the police *'not a priority.'* Delegated powers to street wardens is feasible. Areas with no HMOs are 'parking lots'.

A main feature on Letting signs Royland Road, a main exit route from the Town Centre is 100 per cent student occupation. Agent '***View Me'*** signs feature on each house. This was not the end of term photograph. Mixed rubbish has a financial impact. on CBC targets.

(4.6.0 and 4.6.1) The 20 per cent threshold has not worked despite being in place as it was introduced too late. We fail to see how the 10 per cent can be operated effectively when most streets within a two-mile radius of the University and College have much larger percentages. Scenarios such as this example of a main exit road from the centre of town has 100% student occupation.

We are spending substantial sum of money to rejuvenate our Borough, the second largest Town in Leicestershire as a place to '*live, work and visit'* …. '***community cohesion is a priority.***' It must not be allowed to get worse or more will leave.

Case Study ***A rose by any other name ...'***

Ashleigh Drive: In 2016 a count by residents revealed that over half of the 59 properties contained students. A property had four students. The student owner had moved our and the small HMO application was refused. The planning inspector refused the appeal as she considered the residents' comments and the 'cumulative impact, amenity, and noise.'

Opposite, two more (uknowm) landlords wished to add further rooms, then had to apply for *certificates of lawfulness* and these were granted. They had evidently been in use pre-2012. A further increase in numbers. In 2019 in the same part of the road a family home was bought by a landlord and an application for an HMO was refused. A different planning inspector upheld the refusal on various grounds including the '*cumulative impact'* of so many young people in a small area was already. A PBSA is metres across the road but sits on campus. The Police Inspector supported a refusal on the Crime and Disorder Act. The applicant then submitted a fresh application for four large studio apartments. This was approved on officer recommendation as it was '*not an HMO*.' So instead of 4-6 students in an HMO there are 4 student-occupants reside with friends at weekends. 'The same street of semi-detached HMO properties now have extensions. There is a significant cumulative impact of twenty -eight properties with six students compared to twenty-eight containing three occupants. Yet each property will be classed as one HMO when decisions are made. (4.52, 4.53, and 4.54 and 4.56) This is not an isolated example as other Wards are experiencing this 'copy cat' feature. Two families caught up in horrendous ASB intend to move.

HMOs, PBSAs and Housing need:

(4.50) The original justification for PBSAs was that it would release family homes back on to the market. This has not materialised. Few houses reach the open market as many Estate Agents have landlord 'friends'. The A4D was applied across the town. The rationale behind this was to prevent the mass production of HMOs within the unregulated areas of Loughborough, given that "*no neighbourhood may be considered to be so far removed [from LU] that it could be rejected [by landlords] as being too remote"* (CBC, 2010, p. 51).

The need for non-student accommodation for a variety of individual backgrounds is accepted. The HMO data published the concentration and pattern of HMOs and existing PBSAs for 2016-18 showed the percentage occupancy. None were filled to capacity. Is the HIMOG data up-to-date? Our ICT staff are excellent but they do requite data to input. We understand '*Lack of resources.'* The only way forward is 'zero-five' per cent thresholds' and the requirement to take what is currently available in HMOs or PBSAs. Despite requests for updated and new PBSA student occupancy from a County Councillor and others, figures have not been forthcoming. '*We don't have that information'* and '*PBSAs are market led*.' *One PBSA has 'rooms for sale for £30,000'.* The building could be acquired by CBC for non-students. Earlier information revealed that there were 2,000 empty rooms available in HMOs. Prior to lockdown information was provided that there was spare capacity on Campus.

Occupancy levels in purpose-built accommodation 2014/15 to 2016/17

Property	Location	Total bed spaces	LU Student occup 14/15	LU Student occup 16/17	% Occupancy 16/17
Asha House	Woodgate	106	55	103	97.2
The Block	42 Ashby Sq	70	51	36	51.4
Water-ways	Derby Rd	179	115	160	89.4
The Cube	575 Ashby Rd	96	62	88	91.7
Print House	58 Woodgate	100	34	84	84.0
Foundry 1	43 Woodgate	112	86	100	89.3
Optima	Greenclose La	88	53	63	71.6
Essex Lodge	194 Ashby Rd	44	18	13	29.5
West-fields	192 Ashby Rd	22	11	14	63.6

How many more?

Study Inn
Frederick St
Aumberry Gap
etc

CBC website: A study of Housing in Multiple Occupation (HMO) in Charnwood Prof D Smith and Dr Andreas Culora

Additional private PBSA to accommodate several hundred students continues to expand in the centre of Loughborough with no parking facilities. When a developer was questioned the response was '*a no car contract will be enforced'*. It is not enforceable unless residents' parking is in place in the vicinity. With the majority of students living within a mile of the campus a 'no car policy' could be enforced. The point being that HMO applications on residential streets where there are no garages are given permission for large HMOs, despite the hackneyed phrase *'the property is on a bus-route and within walking distance of the university'* are granted permission. A corner property on Park Road has 23 occupants and room for 7 vehicles is surrounded by Victorian HMOs and yellow lines. No resident parking despite requests. Vehicles are left on adjacent streets for weeks at a time do pose problems.

Young professionals need transport and a large percentage living in HMOs and Purpose built apartments near the canal and railway station but, how many apartments are there and how many needed? Is it 'we build them let them come …'. Families are moving our and an ever-increasing number of vehicles are transporting children to other schools. The street scene with extensions extending to boundary walls means that bins are left in front of properties, cars left on pavements causes problems. These, are not all student-related.

Conclusion

We failed to plan as did most University Towns. Reactive measures have slowly been introduced but too late. The prolific research as a result, undertaken by academics has spawned considerable interest. **The solutions are not so obvious**. The various community agencies do meet regularly and discuss the same complaint week after week, year after year. We do recognise the positives, we are proud of Loughborough University and College. Our officers work hard, but reactive sticking plasters are not the solution. This new Local Plan must prepare for the short term and into the future … this has not been apparent in H7.

As Sage outlined '*Many focus on the key negative effects of studentification. Issues include the degeneration of the exterior of houses as a result of students or their landlords not maintaining them (Sage et al, 2012, 1067), the displacement of local services for families (Sage et al, 2012, 1068), the reduction in community events, and a fragmentation of community cohesion (Sage et al, 2012, 1069).* Other issues include '*a reduction in parking, littering on the streets and an excessive amount of 'to let' signs in student areas. The most reported negative effect of studentification is 'noise nuisance'. This has been shown in multiple studies which often identify students making noise, primarily at night, as allegedly the most detrimental effect to local residents' lives'*
(Hubbard, 2012, 2633-2634; Sage et al, 2012, 1067).

The one house measurement does not consider the cumulative impact on the balance of students v families, nor does the centre of the property for a variety of reasons. The cumulative impact of number of occupants does have a major impact on noise, reported crime and ASB, parking and proximity to a Hall of Residence. The Planning Authority has a '*duty'* as a material consideration to consider the 'Crime and Disorder Act to '*prevent development*.' **Every one of the factors listed above were present in the Case Study outlined on page 2.**

We urgently need to prevent further erosion and loss of family homes and their conversion to flats or HMOs. For the generations to come we need to conserve a 'sense of place' as ugly conversions affect the character of what remains. Lockdown has revealed even further that neighbourhoods and community cohesion is vital. Many residents have stated they had no neighbour to turn to. There is no 'community' it is transient.

A new Article 4 or amendment for Loughborough should refuse additional HMOs, add permitted development clauses that restrict extensions that limit parking or access to back gardens for bins, unless a demonstrated need is lodged. Garages are too small for today's vehicles and either additional rooms or storage.

There should now be a zero tolerance for LE11 post code areas or a boundary defined with roads identified and proof that the HIMOG is up to date as three years have elapsed since the research work was undertaken.

Introduce residents' parking for the streets adjacent to HMOs with no parking facilities. Students who live in the LE11 area are not currently allowed to drive or park on campus.. Others prefer not to pay, eg on Middleton Place and cycle. The University could consider a student 'no car policy' within a defined boundary, they have a shuttle bus.

Recommendation

The threshold should be removed from H7 to prevent further negative impact on family homes.

There is no evidence of further housing need in this sector in the Charnwood's Needs Assessment

The method of calculation for any new extension to an HMO or approval for new HMO should consider the number of occupants in the existing rental properties vis a vis family groupings.

A new Article 4: Planning permission for change of use to an HMO or studio flats in specific areas unless on brownfield sites or 'demonstrable need is identified.'

Introduce a residents' parking scheme where there are known parking problems as a consequence of inadequate lines and displacement.

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	Cllr	
First Name	Margaret	

Last Name		Smidowicz	
Job Title	(where relevant)		
Organisation	(where relevant)		
Address Line 1			
Line 2			
Line 3			
Line 4			
Post Code			
Telephone Number			
E-mail Address	(where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph	8 and 9 35	Policy	EV18 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	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 .

EV9 states … (1) Identifying sites that can be used to address the open space shortfalls and protected as open space in perpetuity—must allocate appropriate open space for existing residents from new developments. (2) The Local Plan is not being positively prepared were there are identified shortfalls for the existing communities. NPPF 96 (2018) states that Planning policies should be based on robust and up-to-date assessment of need for open space etc. (Including quantitative or qualitative deficits or surpluses.) (3) "We will work with our partners to meet the strategic open space needs of our community by 2018." Where is the evidence that the above is happening? NPPF 35(a) Positively prepared, providing a strategy, which, as a minimum, seeks to meet the area's objectively assessed needs. 4(2) Not sound nor positively prepared. NPPF35(a) To date the Council has only calculated shortfalls. Where is the evidence or assessment to determine if there is sufficient physical land suitably close to residents that is actually available to meet the shortfalls? (8) Local Green Space, the argument is totally illogical. The Leconfield open space had the designation of 'open space of special character' 1988 a planning application was rejected by the LPA. CBC failed to consult the Public when removing the protection afforded by EV18. When we met with an officer to consider a Neighbourhood Plan we were given the impression that as the field was 'safe' there was nothing that could seriously affect the Ward. The land is adjacent to an ancient wood, houses and trees provide a buffer for three sides and with its mound of pre-cambrian rock it is forms the highest point in the ward with a vista stretching across the town and beyond. There has never been private signage. It has been used by the public for over 50 years and google maps are provided to show the pathways used through all the seasons. There is no greenspace provision in the Local Plan. There is no other possible space to make up for any shortfall, let alone 5.6 ha. We had been planning a linked theme of pathways from the Garendon area through to Nanpantan and then on to the Outwoods by the reservoir and to the Forest. The paths are now blocked. The Kirkstone Playground is for younger children but it is leased from the University. We have no gathering areas to meet as a community. The residents' group have sound plans of what they would do to maintain the area. We desperately want the land to be Designated as Greenspace or Public Open Space. The Environmental richness and biodiversity contribution, habitat and additional surveys have been acquired in addition to those used by the developer's report which was 'misleading' as various omissions were identified. Notably a badger sett and pond area. The 500 year old hedgerows have been identified and a number of TPOs added.

Policy CS11 Landscape and Countryside:
We will support and protect the character of our landscape and countryside by:
Requiring new developments to protect landscape character and reinforce a sense of place and local distinctiveness by taking account of relevant landscape character assessments

Requiring new developments to maintain the separate identities of our town and villages
Supporting the rural economic development or residential development which has a strong relationship with agriculture, horticulture, forestry and other land-based industries and contributes to the low **carbon** economy (CS10) links.
Supporting the provision of community services and facilities that meet proven local needs as identified by a neighbourhood plan or **other community led plan**.
We will protect the predominantly open and undeveloped character of Areas of local separation.

(we were told that we didn't need a neighbourhood plan) Hence we strengthened the Local Residents' Group. There was no consultation with the community in relation to changes in open space. The process was not carried through.
The recent Local Green Spaces Assessment supporting the final draft of the local plan demonstrates that the NPPF 100 criteria are met by the 'field' and is suitable for recognition and designation as Local Green Space.

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 etc 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.

Residents and councillors understood that the site was a protected area under EV18 Open Space of Special Character. It is an important piece of land and should not be granted planning permission whether privately owned or publicly owned. To retain it would redress a serious shortfall of 5.6ha.

The Leconfield site is a most suitable natural designation for an open space that was formerly an Open Space of Special Character Local green space and would provide protection for the field and similar sites from development.

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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)

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 have been the Ward Councillor since 2011 and actively involved with the group. I am very familiar with the area and know the strength of feeling in the Ward and beyond. I campaigned for the Kirkstone Play area to be enhanced as there was nothing but a few swings. It is not adequate for teenagers but the Leconfield site suits all ages for walking, kite flying and sledging. We would wish to discuss options should it be designated and work proactively for the future. It has been an opportunity to get out during lockdown and see people at safe distances. There were 700 signatures on the e-petition to save the open space and 250 turned out to protest at its potential loss. I have every confidence that the site will endure and residents do not lose their sense of 'place.'

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: *Margaret Smidowicz* Date: 33/8/21

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Greenspaces

The Pre-submission Local Plan sets out the Borough's key challenges and strategies and its Vision to be the most desirable place to work, live and visit in the East Midlands. In principle I support the Plan and recognise the contrasting needs and the pressure on officers to meet requirements. Despite the competing needs, in relation to Local Green Space Assessments and the proper protection of informal 'open space' in the Borough I do not believe that these have been considered objectively and not been followed through, in time to be included in the Local Plan **We are 5.60ha short.** I therefore object and consider the Greenspaces report to be '**unsound'.**

EV9 states … (1) Identifying sites that can be used to address the open space shortfalls and protected as open space in perpetuity—must allocate appropriate open space for existing residents from new developments. (2) The Local Plan is not being positively prepared were there are identified shortfalls for the existing communities. NPPF 96 (2018) states that Planning policies should be based on robust and up-to-date assessment of need for open space etc. (Including quantitative or qualitative deficits or surpluses.) (3) "We will work with our partners to meet the strategic open space needs of our community by 2018." Where is the evidence that the above is happening? NPPF 35(a) Positively prepared—providing a strategy, which, as a minimum, seeks to meet the area's objectively assessed needs. 4(2) Not sound nor positively prepared. NPPF35(a) To date the Council has only calculated shortfalls where is the evidence or assessment to determine if there is sufficient physical land suitably close to residents that is actually available to meet the shortfalls? (**8) Local Green Space, the argument is totally illogical**.

Background the site in question and 'unsound' reasons

Open space is at a premium in the Nanpantan Ward and there is an identified shortfall of open space. This is due to the allocation in 2016 as nearly all the open space close to the residential areas were allocated to the Loughborough University Science and Enterprise Park. The University currently allows public access to Burleigh Wood which borders the privately-owned Leconfield Site. Until this year the Leconfield site has been accessed informally by the public for over 50 years. Dating back to the 17th century, it formed the grounds of the adjacent grade II listed Burleigh Farmhouse until at least 1950. The border includes the original 500- year-old hedgerows that surrounded the Farmhouse's land and these can still be found along the eastern and northern perimeters of the open space.. A protected oak was cut down near the entrance and not replaced. Since then TPOs have been added.

This piece of land is the highest point in the Nanpantan Ward to walk around and to stand at the summit has always been a literal 'breathe of fresh air' and surprise at the extent of the view. Where else can kites be flown, or on occasions sledging. Where else apart from a three mile car journey and long climb up the Beacon. Residents, until July 2021 enjoyed the open space. Grazing cattle left undisturbed. The grazing stopped in 2003 and the land, apart from annual cutting of grass for hay has, remained open and welcoming. This has allowed significant biodiversity to become established. The Leconfield Open Space and Burleigh Wood, is a foraging ground for a wide variety of wildlife, including birds of prey. Frequent sightings of badgers, muntjacs, barn owls, foxes and bats and it is home to many species of butterfly and bird. The LOS has protected habitats and is a Woodland Priority Habitat Network contributing to our need for Biodiversity.

The Heritage aspect is much appreciated with the listed Tudor Farmhouse and ancient rock formation, the simplicity of the open space and natural pastureland bordered by the Bluebell Wood. The google map photographs on page 2 clearly identify the well-used paths over a 22-year period of time - 1999 to 2019. The field was still open and regularly accessed until the end of July 2021 when the owners blocked the opening for walkers and Just at a time when it is used by children and a much-needed escape. From lockdown There had never been any 'no entry' signs of any type until a year ago. The natural habitat has been enjoyed and respected—never more than in the past two years. *(Please find attached six photographs taken from Google Earth in 1999 which indicate pathways)

LECONFIELD TWENTY YEARS : PLEASE NOTE PATHWAYS

1999

2003

2006

2011

2016

2019

Photographs taken at different times of the year. At access point an oak removed around 2011 condition to replace imposed. Not adhered to. One property added bottom left by 2016.

Shortage of open space and open space of special value

The initial choice of this piece of land I believe was made at the last minute, using desktop research and added to the 'numbers-needed' list before more rigorous CBC inspections and Environmental Impact assessments were undertaken. I have a concern that when the '*call for land*' was made a speculative application was submitted and possibly with some reliance on the developer's research. Many of the findings have been challenged eg, a pond and badger setts were not included. Nor consideration of the ancient wood and potential harm, This site was given '**protected status'** in the past and we were unaware that it had been removed. We consider that the site should be designated as a NPPPF category of '**open space value'**. A planning application was refused in 1988 when the Local Planning Authority (*15 December 1988 Refusal of Application No 88/2599/2)* were of the opinion that the site's elevation and open nature made an important contribution to the character of the area and that a development of the site, due to its unique prominence within the immediate locality and also from the wider parts of town, would be substantially detrimental to that character thereby being detrimental to the visual amenity of the area. The site was identified as an '**open space of special character'** under policy EV/18 of the 20004 Local Plan, (policy not saved). These designations were noted as making a **vital contribution to a settlement's 'character'**. The site has not altered and continues to contribute to the character of its immediate surroundings which is demonstrable.

The 2017 Assessment Study carried out by *Nortoft Parnerships* for CBC found that the Nanpantan Ward has an existing provision of 2.45ha Amenity Green Spaces, Parks and Gardens. A shortfall of 5.6ha, as identified in CBC Open Spaces Strategy A section of the open space was returned to the University several years' ago The Kirkstone Children's Play Park received a grant to improve the equipment dependant on whether the lease could be extended for a further period. There had been a mistake on the calculation and this needed to be checked further. There is no guarantee that the lease will be renewed again. The Leconfield access (now blocked) is the only remaining open spaces in the area. It's pathways are the link between Burleigh Wood through to the towpath (part of the canal link and old rail track), potential to access the reservoir and beyond. Walkers will now have to go into Town and back to pick up route. This will deter many. To add to the complexity, I have been informed that yet another query has been raised with CBC relating to some of the areas outlined as 'open space' on page 7 of the Nortoft Open Space Assessment commenting '*that all amenity green space sites without a clear recreational function and of less than 0.2ha are not to be included as amenity green space'*. The spaces marked on the map are no more than 0.15ha in area and clearly separated by busy roads. It is also clear from the figures obtained by the Open Spaces Study that acute shortages of open space exist in Loughborough, but no evidence has been presented to support the assertion that the issue is most acute in Garendon and Hastings Wards**. In fact, the lowest per capita open space provision is in neither of the above Wards but in the Nanpantan Ward.** There has been no attempt to rectify the shortfall.

Sustainable development i- "development that meets the needs of the present be without compromising the *ability of future generations to meet their own needs*". In other words, this is an approach that moves away from a development driven by a single need and instead accepts that it must **balance** with the environmental, social and economic limits on society. The planning system requires us to consider the following objectives which are mutually dependent: An economic objective – to build a strong, responsive and competitive economy, by ensuring that sufficient land of the **right types** is available in the **right places** and at the **right time** to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; This has already been met with the allocation of 77ha to LUSEP.

A social objective – to support strong, **vibrant and healthy** communities of homes can be provided to meet the needs of **present and future generations** and by fostering a well-designed and safe built environment, with **accessible** services and **OPEN SPACES** that reflect current and future needs and support **community's health, social and cultural well-being.** NOT MET.

An environmental objective – to contribute to **protecting** and **enhancing** our natural, built and **historic environment**; including making effective use of land, **helping to improve biodiversity, using natural resources prudently**, minimising waste and pollution and mitigating and adapting to climate change, including removing to a low carbon economy. INADEQUATE INITIAL RESEARCH

We now have an ideal opportunity to put some of our ideas into action—

Open space of public value and Designated Green Space

The LOS is accessible, safe and it does encourage walking as highlighted by the photographs, it is uses all year round and the past two years, more than any others has highlighted the need to address health and well-being.. 92 b) and c) and d) all have aspects relating to community needs. **We are 5.60ha short.**

Paragraph 96 introduces the concept of access to a network of high quality open spaces and opportunities for sport and healthy activities together with new provision. We have the opportunity now to meet that shortfall and grasp the opportunity to link with other agencies who are attempting to provide an exciting corridor of attractive and interesting places from the Outwoods and beyond and considers the need for 'future generations' and will not ignore the present needs of the current one.

Paragraph 97 b) states that the loss resulting from a proposed development would be replaced by equivalent or better provision in terms of quantity and quality of location or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Exactly where in Nanpantan?

Paragraph 98 is exactly what Nanpantan and other residents are seeking to protect public rights of way and access, including taking opportunities to provide better facilities for users by adding links to existing rights of way networks including National Trails.

Paragraph 100 we would welcome designation of a Local Green Space as it meets with criteria a) close proximity to the community it serves (and has been used for as long as residents can remember).
b) It is demonstrably special to the local community and holds a particular local significance, is tranquil, has a richness of wildlife and is not an extensive tract of land.

Should the LGS not be granted it will demonstrate that the Council has no intention ever to meet the needs and it would not comply with sustainable development. The new NPPF leaves the impression that development should be on brownfield sites and not where there is no substantial harm to openness. NPPF 9 'take local circumstances into account, to reflect the character, needs and opportunities of each area.' Over 700 residents signed an e-petition and over 250 residents took the time to protest against the loss of this piece of land. The University's *Woodland Management Plan* for Burleigh Wood proposes the development of transitional habitats. The Forestry Commission is also concerned about the impact on the ancient woodland and refers to NPPF para 175. A tree with a preservation order was removed by the entrance to the site some 10 years' ago and never replaced as required. The old Tudor House is a talking point and feature as is the sensitivity of the landscape. And biodiversity.

Environmental Harm

Any proposed works should an application be approved might adversely affect key elements of the historic interest and biodiversity that the site holds. Natural England has identified the land as a Woodland Priority Habitat Network. This shows its importance for protecting Charnwood Forest from becoming further fragmented, a threat highlighted by LRWT in their 'Living Landscapes' report. For those who watch Sir David Attenborough's programmes they are aware that the fragmentation of habitats is the biggest contribution to climate change. Importantly, harm may arise from works to the asset or from development within its setting, the surroundings in which this asset is experienced is more extensive than the curtilage. The impact of this prospective development is significant. It leaves us with nowhere to go now or for future generations. The car parks to the Beacon and Outwoods are usually full, whereas this piece of land is accessible on foot to the majority of residents of which some 250 walked up to protest against its loss and 700 signed the e-petition.

Promoting healthy and safe communities

The revised NPPF **Section 8** reinforces the need for the promotion of strong, vibrant and healthy, safe communities. **Paragraph 91** a) promote social interaction, including opportunities for meetings between people who
might not otherwise come into contact with each other - strong neighbourhood centres – children can meet and kick a ball, something that many gardens in the area cannot accommodate. c) the site is accessible and safe and it does encourage walking running and we could do so much more if it was designated as greenspace. This year more than any other has highlighted the need to address health and well-being. 92 b) and c) and d) all have aspects relating to community needs.

As stated earlier Leconfield has been used informally as open space for over 50 years. The FLOS (Friends of Leconfield Open Space) have their vision statement and a number of ways forward. This can be supplied to the Planning Inspectorate. In the first instance it needs to be recognised and designated. Leased, bought outright and managed by FLOS..

EV9 This has been demonstrated to be of public value by more than 250 people who gathered to protest in August 2020 and 700 people signed an e0Petition to protect the site.

To say the area does not meet the 'tranquillity' requirement is incorrect. As the site area nearer the wood is reached there is no sound apart from birdsong. (Evidence available)

An independent geological survey was commissioned by the Council states that the rock formation will not have any impact on the geodiversity sites and the distance to important sites. The removal and flattening of the site surely will? How would it be removed?

A Modification is needed to the 'enduring' argument. Leconfield does not have planning permission it is identified in the local plan as a site for development. This means it is currently capable of enduring beyond the end of the plan period. No application has yet been approved. It does not meet two of the sustainable objectives. To date, only the Economic objective has been met at the expense of the Social and Environmental. No evidence has been presented in the Local Plan to show any LGS provision.

The Council has already failed to meet our ward 'current and future needs' as required. There is insufficient physical land available to meet more than 1.4ha of the 5.6ha shortfall.

The Nanpantan Ward Residents Group (NWRG) has prepared positively by providing its own Open Space
Strategy which is supported by the Residents and Local Councillors. We want to work with the Council to protect, acquire and manage this area of land. That willingness has already been demonstrated by engaging and financing independent surveys and advice.

To lose this site will have an adverse impact and significantly and demonstrably outweigh the benefits.

The conclusion must be changed to say it is capable of enduring and so be designated LGS.

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		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		

**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:

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

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.

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

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