From: Sergio H P C [redacted]
Sent: 21 August 2021 17:49
To: localplans@charnwood.gov.uk
Subject: Charnwood Local Plan Consultation Form
Attachments: Response Form - Charnwood Local Plan - Sergio Cavalaro.pdf

Good afternoon,

Please see attached the Response Form I have completed in relation to the Charnwood Local Plan 2021-2037.

Please do not hesitate to contact me should additional information be required.

Thank you.

Kind regards,
Sergio Cavalaro

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	Professor	
First Name	Sergio	
Last Name	Cavalaro	
Job Title (where relevant)	[redacted]	
Organisation (where relevant)	[redacted]	
Address Line 1	[redacted]	
Line 2	[redacted]	
Line 3		
Line 4		
Post Code	[redacted]	
Telephone Number	[redacted]	
E-mail Address	[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.*

(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation: Sergio Cavalaro

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

Paragraph		Policy	EV9 Open Spaces, Sport and Recreation (second paragraph)	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	X
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.

Open space shortfalls are calculated in the Open Spaces Strategy document, but no policy is provided to address the shortfalls. The benefits of open space are well-known and widely published (as acknowledge in the Open Spaces Strategy), but not addressing the needs of existing residents is a dereliction of the duty of care the Council should have for their health and well-being.

The policy in the second paragraph of EV9 only provides sufficient open space to meet the needs of the 'proposed community' that is to be formed following development. This approach has **no effect on the open space shortfall** of the whole of the community - the shortfall figure will be completely unchanged. For example, if a Ward has a shortfall of 5ha and new open space is only created based on the number of residents in the new community, then after development the entire community will still be short by 5ha.

This is in conflict with NPPF 35(a) which says that plans must be

(a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
The Local Plan is not seeking to meet the objective open space needs of residents as identified by the shortfalls in the Open Spaces Strategy. The Local Plan is thus not being positively prepared.

Further, NPPF 96 (2018) states that

Access to a network of high quality open spaces and opportunities for sport and physical activity is ***important for the health and well-being of communities****. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.* ***Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.***

The Open Spaces Strategy identifies the need for open space, but the Local Plan does not seek to accommodate the need. The Local Plan is at odds with NPPF 96 and the health and well-being of communities is being blatantly ignored.

(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.

EV9 must allocate appropriate open space provision for existing residents from new developments. This must be in addition to the open space allocated to the new community. This can be done by

(1) Identifying sites in the Local Plan that can be used to address the open space shortfalls. The Council should work with residents and local interest groups to acquire, lease or designate the land and work out suitable management. It must be prescribed that the land is protected as open space in perpetuity.

(2) In planning applications, specify additional open space according to the shortfall in the community as a whole: note that this is additional to that required for the new community. The additional area of land set aside on site for open space that will reduce the whole community's shortfall should depend on the shortfall identified in the Open Spaces Strategy and the areas of land that are available for future open space provision in the Parish or Ward. For example, if the shortfall is greater than the capacity of a proposed site and no other land is available with the required accessibility criteria, the land must be protected from development.

(3) To achieve (2) above, a clear justified and realistic plan to meet in full the shortfall (in terms of quantity, quality and accessibility) is required. This needs to ensure that shortfalls will be eliminated by 2028; this is necessary to achieve alignment with the 2015 Charnwood Borough Council Core Strategy (CS15) which states that

We will work with our partners to meet the strategic open space needs of our community by 2028.

(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)?

X	**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:

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: 21st August 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.