From: [redacted]
Sent: 21 August 2021 19:42
To: localplans@charnwood.gov.uk
Subject: FW: NPPF 99 (2018) Local Green Space sustainable development criteria - Leconfield Road, Loughborough
Attachments: Response Form - Charnwood Local Plan (1) Ian.docx

Importance: High

Dear Sirs

Please find attached my response form, with objection to the proposed development of the valued and irreplaceable green space at the top of Leconfield Road, Loughborough.

Kind regards
Ian

Ian Pepper
Director

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	Mr	
First Name	Ian	
Last Name	Pepper	
Job Title (where relevant)	[redacted]	
Organisation (where relevant)		
Address Line 1	[redacted]	
Line 2	[redacted]	
Line 3	[redacted]	
Line 4		
Post Code	[redacted]	
Telephone Number		
E-mail Address (where relevant)	[redacted]	

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

Part B – Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph	NPPF99(2018) Local Green Space development criteria. Paragraph 9, page 2	Policy	Local Plan local green space assessment 2021, 4 (2)	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.

The inclusion of planning applications in the sustainable development criteria used to assess LGS designation is illogical (as specified in NPPF 99 (2018)). In particular, we said in our email to Officers on 7/3/21.

Planning applications are transitory in nature, covering a much shorter time scale than that of preparing the local plan. At exactly what point in the local plan preparation process would you think a planning application might have the effect of defeating an LGS application? When the idea of an LGS is first raised? Perhaps when a particular draft is being formed or perhaps some other time of the Council's choice? Since you have told me many times that the local plan preparation process is entirely separate from the consideration of a planning application, it seems highly suspicious if you decide to link them here. Of course, to take this illogical idea to its logical conclusion, an LGS proposal could be defeated by anyone submitting a planning application (however speculative) at the appropriate time (or even at multiple times) during local plan preparation. This would be entirely against the intention of LGS designation and I hope you understand this.

Further, NPPF Guidance Paragraph: 008 Reference ID: 37-008-20140306 on Local Green Space only states designation is not suitable if there is planning permission, but does not say designation is not suitable if there is a planning application.

Local Green Space designation will rarely be appropriate where the land has planning permission for development.

In a later meeting on 29/3/21, the Council Officers confirmed that all references to planning applications had been removed. They agreed reference to planning applications were not relevant and read out a version of the 'sustainability assessment' with no reference to planning applications.

However, a new final paragraph with new references appeared with no explanation or justification in the Local Green Space Assessment paragraph referring to 'sustainability assessment' on publication on 29/5/21.

Our objection to the inclusion of planning applications in LGS assessments still stands and all references must be removed. Despite many emails and meetings, no justification for the inclusion of references to planning applications has been has provided.

(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.

Modification

Remove the final paragraph of the 'sustainability assessment' on page 2

As this removes the last objection to Leconfield being assigned Local Green Space designation, it must now be given Local Green Space status.

(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: I. Pepper Date: 21.8.21

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.