

Charnwood Local Plan Examination Nanpantan Ward Residents' Group - Update to Hearing Statement

Question 3.31: LGS designation

Representor: David Mulvaney

Representation number: 376

1. Council Officers and NWRG have jointly prepared wording regarding the soundness of the Council's LGS process and we are now asking the Inspectors to adjudicate on this issue

At the hearing for Matter 3 on 30 June 2022, Council Officers and NWRG presented a joint statement on the Council's LGS process in which we set out our common ground and explained the single remaining difference in our views.

Both the Council and NWRG would like the Inspectors to adjudicate on this issue, please. If the Inspectors are happy that the Council's original position is sound then the site should not be designated as an LGS in the local plan. However, if the Inspectors consider the Council's position is not sound, we ask that the site be designated as an LGS in the local plan through a modification.

The agreed wording that was read out by the Council Officer at the hearing was as follows.

- *Paragraph 101 of the NPPF states that Local Green Spaces should be capable of enduring beyond the end of the plan period.*
- *PPG provides two examples of when a potential LGS may not meet this test. The first is when planning permission for an incompatible use has been granted (REF 37-008-20140306) and the second is when designation will not be consistent with local planning for sustainable development (REF 37-007-20140306).*
- *This is not an exhaustive list of possible reasons for a proposed LGS not to be able to endure. In producing the PPG, due deliberation will have been given to all relevant reasons. We are guided that the two reasons given in the PPG are the ones which could exceed the high bar that prevents a site being capable of enduring.*
- *The Council judged that it should consider whether there are any undetermined planning applications affecting the site as part of the LGS assessment process. The Council is aware that the proposers of LGS designation at Leconfield say (1) this is contrary to NPPF/PPG that states it is planning permissions (not planning applications) that may disqualify a site from designation, and (2) as local plans set the framework for planning applications, it is illogical for hypothetical outcomes of undetermined planning applications to influence plan making.*
- *There isn't agreement regarding the weight that should be given to extant planning applications, with the Council considering there is some weight and the proposers saying there should be none.*
- *Since the plan was submitted the planning application to develop the Leconfield site for housing has been refused. This weakens the Council's argument for saying that the site cannot endure because of its planning history.*

2. The process used by the Council for LGS designation is not sound

We are not asking the Inspectors to consider the appraisal of any specific site that has been put forward for LGS designation; we understand this is not their role. However, we believe it

is the role of the Inspectors to ensure that the adopted local plan (including the LGS process) is sound.

The Council's LGS assessment document affirms that Leconfield meets the criteria in NPPF 102. However, the Council judged that under NPPF 101 the undetermined planning application at Leconfield (and this issue alone) meant that Leconfield failed its LGS appraisal. The Council's decision:

- (1) **is not sound as it is not consistent with National Policy**, being contrary to the relevant guidance (NPPF 101/PPG 37-008-20140306) that states it is only planning permissions (not planning applications) that may disqualify a site from designation; and
- (2) **does not comply with legal and procedural requirements** as it is local plans that set the framework for planning applications rather than the latter influencing the former. The hypothetical outcomes of undetermined planning applications should have no place in plan making.

We ask that the Inspectors recommend a modification to correct the Council's LGS process that will then confirm Leconfield as an LGS.

3. There appears to be no opportunity in local plan making for considering the soundness of the LGS designation process

There seems to be a shortcoming in local plan making, as it is unclear at what point the soundness of an LPA's LGS designation process is considered. We are concerned that this could mean that the soundness of the process is not considered at all.

In June 2021, as part of its local plan submissions, the Council included a document describing its LGS process and its assessment of sites. Neither this document nor any earlier versions were made available for public comment before submission to the Inspectors. In July 2021, at a meeting with Council Officers, we were told that they would not discuss their LGS designation process with us, that it could only be challenged through the local plan process and that we should make our representations to the Inspectors. This we did.

In December 2022, we were told by the local plan Programme Officer that it may well not be part of the Inspectors' remit to consider the LGS process. A Council Officer subsequently confirmed that this is their understanding too (despite telling us in July that the Inspectors would consider our LGS representations!).

We would like to ask the Inspectors to ensure they do in fact consider our comments on the LGS designation process and adjudicate on its soundness. Thank you!

4. If the outcome of the Leconfield public inquiry confirms the refusal of the planning application, the site should be designated as an LGS

Following the refusal of the planning application at Leconfield in February 2022, an appeal was made by the proposers and the public inquiry decision should be communicated by the end of April 2023.

As the inquiry decision will likely be made available before the Local Plan Inspectors issue their report, if the appeal is refused then this would remove the sole objection to designating Leconfield as an LGS. Under such circumstances, we would like to ask the Inspectors to issue a modification and require that Leconfield be designated as an LGS.