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**Sent:** 04 September 2024 10:51  
**To:** localplans@charnwood.gov.uk  
**Cc:** Laura Stops  
**Subject:** Submission of Local Plan Representations - Mr C Green  
**Attachments:** Charnwood Local Plan Examination Representations September 2024 FINAL.pdf

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Good morning,

I hope you're well.

Please find attached our representations in relation to the current Local Plan Examination consultation which are submitted on behalf of Mr C Green.

I would be grateful if you could confirm receipt of the attached document at your earliest convenience.

Kind regards,

Annabelle.

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**Annabelle Parkinson**  
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**LOCAL PLAN  
REPRESENTATION**

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**CHARNWOOD LOCAL  
PLAN EXAMINATION  
2021-2037**

September 2024

**Carter Jonas**



**Date: September 2024**

**Client: Mr C Green**

**Job Number: J0048347**

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## 1.0 INTRODUCTION

- 1.1 Carter Jonas have been instructed by Mr C Green to submit representations to the Planning Inspectors in relation to Charnwood's Local Plan 2021-2037 Examination. The representations are in respect of the following matters:
  - Schedule of Proposed Modifications (Exam 81)
  - Schedule of Proposed Modifications to Local Plan Diagrams (Exam 82)
  - Sustainability Appraisal Report Addendum (Exam 83A)
  - Schedule of Proposed Changes to Policies Map 1 and 2 (Exam 84)
- 1.2 The Development Plan for Charnwood Borough Council comprises of the adopted Local Plan Core Strategy (2015) and the Borough of Charnwood Local Plan saved policies (2004). Thurstaston and Cropston Neighbourhood Plan is also relevant to our client's land interest which was 'made' in December 2016. Charnwood Borough Council are currently in the process of preparing a new Local Plan for the Borough which will cover the period up to 2037. The plan includes strategic and detailed policies and will replace the Core Strategy which currently sets out planning policies to guide development until 2028.
- 1.3 In what follows, the report sets out the relevant background information and provides a response to the Schedule of Proposed Modifications, the Schedule of Proposed Modifications to Local Plan Diagrams and the Sustainability Appraisal Addendum as set out in Exams 81, 82, 83A respectively. It also provides a response to the Schedule of Proposed Changes to Policies Maps 1 and 2 set out in Exam 84.
- 1.4 Within Leicestershire, Leicester is the only authority to have an established unmet housing need which was first declared in February 2017. The most recent Statement of Common Ground between Leicester and the Leicestershire Authorities (June 2022) identified an unmet need of 18,700 dwellings to 2036. In November 2022, the Inspectors confirmed that this figure represents a reasonable working assumption for the scale of Leicester's unmet housing need. The Statement of Common Ground (June 2022) apportioned Leicester City's unmet need which included directing 78 dwellings per annum towards Charnwood. The inclusion of this apportionment in the Borough's housing requirement increases it to 1,189 homes per year.
- 1.5 Our client has an interest in Land East of Thurstaston (SHELAA reference: PSH120). The site extends to approximately 38.8 hectares and is being promoted to deliver 585 dwellings. The site was assessed in the Strategic Housing and Economic Land Availability Assessment (SHELAA) (2020) to be suitable, available and achievable. The site was included within Option 2 of the Sustainability Appraisal Addendum (December 2022) which assessed the option of delivering additional sites to meet Charnwood's contribution towards Leicester's unmet housing need. Carter Jonas represented Mr C Green at the Hearing Session regarding Matter 2 on 20<sup>th</sup> February 2024 and made representations in support of Option 2, which related to the allocation of additional sites. The Schedule of Proposed Modifications (Exam 81) subject to the current consultation seeks to meet Charnwood's apportionment of Leicester's unmet need by intensifying sites with draft allocations in the Submitted Local Plan. We are not supportive of this approach, as is set out later in this representation.
- 1.6 This representation has been prepared in the context of the following planning policies.

- 1.7 In accordance with paragraph 35 of the NPPF (2023), at examination Local Plans are assessed as regards whether they are 'sound' which includes being positively prepared, justified, effective and consistent with national policies, as detailed below;
- "a) 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 areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) 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*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."*
- 1.8 Chapter 2 sets out how the Government intend to achieve sustainable development. Paragraph 8 states achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- "a) an economic objective – to help 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;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*
- 1.9 Chapter 5 sets out how the Government intend to deliver a sufficient supply of homes. Paragraph 60 recognises the importance of a sufficient amount and variety of land coming forward where it is needed.

## 2.0 REPRESENTATION

### Schedule of Proposed Modifications (Exam 81)

- 2.1 The Schedule of Proposed Modifications was prepared in July 2024 and sets out a series of proposed modifications to the Pre-submission Draft Charnwood Local Plan 2021-2037 published in July 2021 to ensure that it meets the tests of soundness.
- 2.2 We object to Main Modifications 14, 15 and 16 which relate to Charnwood's Settlement Hierarchy. The Main Modifications in question seek to amend the Plan's wording from 'Leicester' to 'Leicester Urban



Area'. As we have posited in previous representations, whilst we support directing development towards the Leicester Urban Area as it contributes to supporting the economic, social and environmental sustainability of Charnwood Borough Council and Leicester City, the extent of the defined Leicester Urban Area is too limited and fails to take into account all areas which are well connected to Leicester City. It is noted that MM16 seeks to address this by explicitly including a number of surrounding settlements within Leicester Urban Area, including Birstall, Syston, Thurmaston and the North East of Leicester and North Birstall Sustainable Urban Extensions. However, the Main Modification fails to include adjoining settlements to the north of Leicester such as Thurcaston. Thurcaston is very well connected to Leicester City via Leicester Road which leads to Ashton Green Road. It provides a number of facilities and services to meet the day to day needs of local residents and is connected to Leicester City via the 145 bus which runs approximately once an hour between 8am and 7pm on weekdays and 7am and 7pm on Saturdays. Land East of Thurcaston also has sustainable connections to the North of Birstall Sustainable Urban Extension which is proposed to deliver approximately 1,950 homes and 15ha of employment land.

- 2.3 It is not clear in the Council's evidence base how Leicester's Urban Area was defined and certain settlements included and others excluded. We strongly urge the Council to revisit this and implement any changes to ensure that the Plan meets the test of soundness with regard to being justified.
- 2.4 It is critical that a large proportion of the 1,248 dwellings over the period 2020-36 required to meet Leicester's unmet need are delivered in those areas which relate most closely to Leicester City. This approach will contribute to achieving the economic, social and environmental sustainability objectives in accordance with Paragraph 8 of the NPPF (2023). We therefore consider that the Plan should include additional text to include Thurcaston within Leicester's defined Urban Area. This will help to ensure that the Plan meets the test of soundness with regard to being consistent with national policy.
- 2.5 With regard to MM18, we object to the decrease in the distribution of homes proposed in the Leicester Urban Area. The pre-submission Draft Charnwood Local Plan included provision for 2,104 new homes in the Leicester Urban Area, whereas the proposed Main Modifications includes only 2,054. Since the publication of the pre-submission Draft Plan, the Statement of Common Ground (May 2022) has been published which apportions Charnwood 1,248 homes (78 homes per year) to assist in meeting Leicester's unmet need. It therefore seems illogical that the number of new homes in the Leicester Urban Area has decreased by 50 dwellings per annum or 800 homes over the period 2021-2037. As noted in Paragraph 2.4 above, it is pivotal that a large proportion of new homes are delivered in those areas which relate most closely to Leicester City to meet Leicester's unmet need in proximity to the area where additional homes are required. Therefore, we strongly consider that Leicester's defined Urban Area should be extended to include Thurcaston to allow new homes to come forward where they are needed the most – in close proximity to Leicester. This will ensure that the Plan meets the test of soundness in accordance with Paragraph 35 of the NPPF with regard to being consistent with the sustainability objectives set out in national policy and being positively prepared.
- 2.6 We object to MM29 which relates to Policy DS3 (Housing Allocations). Following the publication of Exam 57 (Sustainability Appraisal Addendum) which was consulted on in October 2023, we made representations to this Examination against Option 1 which sought to intensify existing sources of supply as opposed to allocating additional sites to meet the higher housing requirement arising from Charnwood's apportionment of Leicester's unmet housing need. The proposed Main Modifications indicate that the Council has sought to significantly increase capacity on some existing sources of supply in the Leicester Urban area and beyond. We maintain our view that the intensification of sites has the potential to create significant negative effects across a number of the sustainability objectives. This is addressed later in this Representation in our comments regarding Exam 83A (Sustainability Appraisal Report Addendum 2024) and Exam 83B (Sustainability Appraisal Addendum Appendix).

- 2.7 With regard to the forthcoming Transport Strategies, we object to MM158 and contend that the proposed Paragraph 9.22 is not justified. The Paragraph makes clear that Thurcaston is included in the Leicester Urban Area for the purposes of transport strategy development, alongside Anstey. However, Thurcaston is not identified as forming part of Leicester's Urban Area in the settlement hierarchy set out in MM16. The proposed approach of including Thurcaston within Leicester's Urban Area for transport purposes but not in its settlement hierarchy is inconsistent and has not been sufficiently justified.
- 2.8 As previously set out in Paragraph 2.2 of this Representation, Thurcaston is a highly sustainable settlement which is physically very well connected to Leicester City and provides a number of services and facilities, including strong public transport links, to meet the day to day needs of local residents.
- 2.9 We strongly urge the Council to reconsider Thurcaston's exclusion from Leicester's Urban Area in the settlement hierarchy as its inclusion would lead to consistency between the Plan and emerging Transport Strategies and ensure the Plan is found sound with regard to being positively prepared, justified and consistent with national policy.
- 2.10 Whilst not directly related to any proposed main modifications, it has been noted that Leicester City Council have recently submitted a s73 application to itself to vary planning permission 20162453 (outline application with all matters reserved for mixed use development comprising dwellings (including sheltered and supported accommodation); employment use; retail; education facilities and associated uses including community & health facilities; energy centre, public open space and supporting highways and infrastructure) to alter land use allocations and increase employment land, amongst other amendments. If approved, this will see the quantum of employment development at Aston Green increase from 10ha to 15.9ha, and subsequently the quantum of residential development decrease from up to 3,000 dwellings to up to 2,300 dwellings. This will lead to vastly reduced housing numbers in the north of Leicester. We trust the Council are aware of this application and the potential implications for Charnwood BC and strongly urge them to re-consider allocating Land East of Thurcaston for residential development if more dwellings are required to meet Leicester's unmet need as a result of the variation.

## **Schedule of Proposed Modifications to Local Plan Diagrams (Exam 82)**

- 2.11 The Schedule of Proposed Modifications to Local Plan Diagrams was prepared in July 2024 and sets out a series of proposed modifications to the Local Plan Diagrams to ensure they provide an accurate and geographical interpretation of the Local Plan policies.
- 2.12 In line with our above comments, we object to modification DM3 which relates to Leicester's Urban Area. As previously posited, we are of the view that Leicester Urban Area is too limited and fails to take into account areas which are well connected to Leicester City, such as Thurcaston. We therefore consider that the defined Urban Area diagram should be amended to include Thurcaston. This will ensure the plan meets the test of soundness with regard to being consistent with the sustainably objectives set out in national policy and being positively prepared by directing new houses towards areas that are well connected to Leicester to help meet its unmet need.

## **Sustainability Appraisal Report Addendum (Exam 83A)**

- 2.13 The Sustainability Report Addendum: Appraisal of Modifications was prepared in July 2024 and provides an assessment of the proposed Main Modifications in sustainability terms to determine if they significantly affect the findings of the main Sustainability Appraisal (SA) Report (SD5/SD6). The

summary of the SA findings presented in Table 5.1. indicates that the effects taking into account of modifications are the same as the effects of the Submission Plan.

- 2.14 With regard to landscape, the Sustainability Report Addendum (July 2024) assesses the implications of the modifications as 'neutral'. We are in disagreement with this assessment. As the Addendum rightly points out, in areas where the proposed level of intensification is great, negative effects on landscape are difficult to avoid, particularly in those locations that are in close proximity to the Charnwood Forest where landscape character is important. Much of this intensification is directed towards the settlements of Shepshed and Anstey which respectively fall partially and almost wholly within Charnwood Forest. In Shepshed, a number of sites within Charnwood Forest have been proposed to deliver an increased housing number including HA31 (+20), HA32 (+25) and HA40 (+26). Moreover, HA33, which is located outside of but in close proximity to Charnwood Forest, has been proposed to deliver an additional 71 houses. In Anstey, HA43 is subject to an increase of 114 dwellings wholly within the Charnwood Forest area. Despite these significant increases in an area of high landscape importance, the Sustainability Addendum (July 2024) contends that the potential for negative effects is only slightly higher compared to the submitted Local Plan but would not change the overall picture from one of minor negative effects. We strongly disagree with this assessment and consider that it has the potential to lead to significant negative effects. Not only will increased density lead to a loss of greenspace within/ in close proximity to Charnwood Forest but it will also reduce the land available to deliver green infrastructure led proposals which incorporate high levels of landscaping and hence reduce visual and physical impact. Thus, we consider that the Sustainability Addendum (July 2024) lacks justification and is therefore not robust.
- 2.15 In terms of biodiversity, the Addendum (July 2024) identifies the implications of the modifications to be 'negative'. A number of the sites where intensification is proposed are either immediately adjacent to Sites of Scientific Interest (SSSI)s (i.e. HA32 and HA40) or are in close proximity to SSSIs (i.e. HA31, HA33, HA43). In our view, this will lead to significantly increased pressures such as recreation, noise and light on the SSSIs. Whilst the Sustainability Appraisal Addendum (July 2024) attempts to justify this by stating the effects could be mitigated through the design and layout of development, we question whether this is achievable on sites that are proposed to deliver significantly higher housing numbers such as HA43. We strongly urge the Council to re-consider its assessment in relation to biodiversity to ensure it is robust and justified. This will ensure the Plan meets the test of soundness set out in Paragraph 35 of the NPPF (2023).
- 2.16 Since January 2024, new development sites have been required to achieve a 10% biodiversity net gain in line with the Environment Act 2021. Whilst net gain has been considered as part of the SA Report (2021) and SA Addendum (2022), we consider Exam 83A fails to sufficiently explore the implications of the new legislation in their assessment of the implications of the proposed modifications.
- 2.17 With regard to the historic environment, the Addendum (July 2024) assesses the impacts of the modification to be 'neutral'. The Addendum specifically flags HA43 as a site which is earmarked for intensification which could have negative effects on heritage (namely Anstey Conservation Area). It notes, however, that the effects would be dependent upon how the intensification is achieved. It has already been noted above that HA43 has the potential to lead to negative landscape impacts through the loss of greenspace in Charnwood Forest and biodiversity impacts unless these can be mitigated through the design and layout of the development. Further concerns raised in relation to heritage raises significant questions around whether the site can be delivered at the proposed intensity whilst being in accordance with the sustainability objectives set out in national planning policy. We would strongly urge the Council to consider this moving forward to ensure the Plan is found sound.

- 2.18 In terms of healthy communities, the Addendum (July 2024) identifies the implications of the modification to be 'mixed'. The Addendum states that in terms of access to green infrastructure, increasing densities should not have a negative effect on those sites involved. We disagree with this assessment. In terms of access to green infrastructure, higher densities reduce the land available to deliver green infrastructure led proposals which incorporate high levels of landscaping. Where intensification is significant, this could have significant negative impacts on access to green infrastructure. We strongly urge the Council to re-visit this assessment to ensure the plan is in accordance with Paragraph 35 of the NPPF (2023).
- 2.19 With regard to housing, the implications of the proposed modifications are assessed to be 'positive.' Whilst we are supportive of the delivery of more housing in the Borough, we are concerned that most of the sites identified for intensification are not directly related to the Leicester Urban Area. As previously made clear in this Representation, it is pivotal that a large proportion of the 1,248 dwellings over the period 2020-36 required to meet Leicester's unmet need are delivered in those areas which relate most closely to Leicester City. The proposed strategy fails to do this and as such we consider the SA assessment to be unjustified. Thus, we strongly urge the Council to consider the robustness of the SA to help ensure the plan is found sound with regard to being justified.
- 2.20 Finally, in terms of accessibility, the Addendum (July 2024) identifies the implications of the proposed modifications to be 'mixed'. The Addendum correctly identifies that several sites proposed for intensification are not particularly accessible in terms of walking/ cycling to access local facilities, public transport and jobs. Whilst the Addendum concludes that the scale of additional growth is unlikely to lead to a difference in terms of effects, in our view it would lead to high levels of dependency on the public car which is contrary to the Plan's efforts to promote sustainable modes of transport and national policy. We therefore propose the Addendum (July 2024) is amended to highlight the negative effects of the proposed modifications on accessibility.
- 2.21 In conclusion, we consider that the Sustainability Appraisal Addendum (July 2024) lacks detail and justification and is therefore not robust. It is our view that this document needs updating in order to meet the test of soundness with regard to being justified and consistent with national policy and any requested changes implementing to reflect the updated evidence base.

## **Schedule of Proposed Changes to Policies Map 1 and 2 (Exam 84)**

- 2.22 The Schedule of Proposed Changes to the Pre-Submission Policies Map 1 and 2 was prepared in July 2024 and illustrates the proposed amendments.
- 2.23 In terms of PC1, as noted above, it is our view that there is insufficient evidence justifying how Leicester's Urban Area was defined and certain settlements included and others excluded. We strongly urge the Council to re-visit this and implement any amendments to ensure the plan is found sound with regard to being justified. It is our view that Leicester's Urban Area should be extended to include Thurcaston to help ensure Leicester's unmet need is met in close proximity to Leicester City.
- 2.24 With regard to PC21, we consider that the brook marks the most logical southern boundary to the Area of Local Separation and serves to physically contain it. The inclusion of the land to the south of the brook within the designation is not justified in the Council's evidence base. If the Area of Local Separation were to only extend as far as the brook it would achieve its primary purpose of separating neighbouring settlements. Thus, we consider that the Council should update this document to amend the boundary of the Area of Local of Separation.

### 3.0 CONCLUSION

- 3.1 In conclusion, whilst we are in support of Charnwood providing the additional homes that are required to meet the higher housing requirement arising from the apportionment of Leicester's unmet housing need, we disagree with the Council's approach and a number of the main modifications proposed.
- 3.2 Our view is that a large proportion of the dwellings proposed to help meet Leicester's unmet need should be delivered within sustainable settlements on the edge of Leicester, such as Thurcaston. Therefore, we strongly consider that Leicester's defined Urban Area should be extended to include Thurcaston to allow new homes to come forward where they are needed the most. As part of this, we strongly contend that Land East of Thurcaston should be allocated to deliver 585 dwellings as it is located in a highly sustainable location, is well related to Leicester City and is suitable, available and achievable.
- 3.3 We strongly believe that the Sustainability Appraisal Addendum (July 2024) fails to sufficiently assess the implications of the proposed main modifications as they lack justification and detail. We therefore consider that these documents need to be updated in order to meet the test of soundness with regard to being positively prepared, justified and consistent with national policy.

