

**From:** Jon Goodall <jon.goodall@dlpconsultants.co.uk>  
**Sent:** 04 September 2024 14:55  
**To:** localplans@charnwood.gov.uk  
**Cc:** Kirsten Ward  
**Subject:** LE5198-7PS Submission of Main Mods Representations obo Lagan Homes  
**Attachments:** 09.04.JG LE5198-7PS Representation Form Local Plan Modifications MM102 DLP obo Lagan Homes.pdf; 09.04.JG LE5198-7PS Comment Form Policies Map PC1 and PC7 DLP obo Lagan Homes.pdf; 09.04.JG LE5198-7PS Representation Form Local Plan Modifications MM24 DLP obo Lagan Homes.pdf

You don't often get email from jon.goodall@dlpconsultants.co.uk. [Learn why this is important](#)

Dear Sir or Madam,

I hope you are well. On behalf of our client, Lagan Homes, please find attached representation forms in respect of the Main Modifications consultation for the Charnwood Local Plan.

While not an option on the form please could you ensure I am informed of all subsequent steps of the Examination.

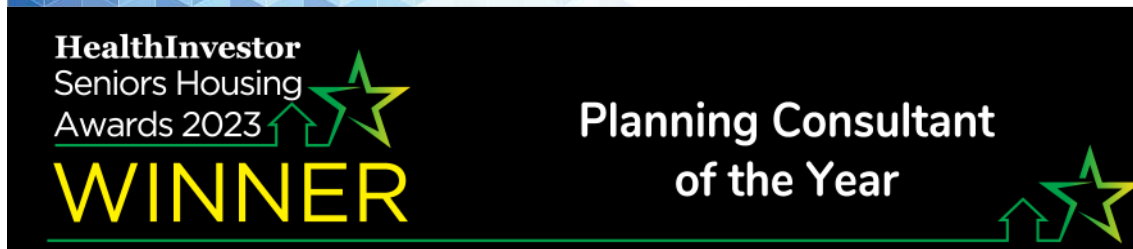
Best Wishes,

**Jon Goodall MA (Cantab) MSc**  
Director  
**Strategic Planning Research Unit**  
**DLP Planning Limited**

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For responding to:

- **Main Modifications**  
(EXAM 81-83)
- **Housing Land Supply**  
(EXAM 58J – 58M)



**Charnwood**  
**Charnwood Local Plan**  
**2021-2037**  
Main Modifications  
Representation Form

Ref:

(For  
official  
use only)

Please return to Charnwood Borough Council by 5PM on 4th September 2024 by:

- **Email:** [localplans@charnwood.gov.uk](mailto:localplans@charnwood.gov.uk)
- **Post:** Local Plans, Charnwood Borough Council Southfield Road,  
Loughborough, LE11 2TX

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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	<input type="text" value="Ms"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Laraine"/>	<input type="text" value="Jon"/>
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Job Title (where relevant)	<input type="text" value="Head of Planning"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Lagan Homes c/o Agent"/>	<input type="text" value="DLP Planning Limited"/>
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Telephone Number	<input type="text"/>	<input type="text" value="01234 832 740"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="Jon.goodall@dlpconsultants.co.uk"/>

## Part B – Please use a separate sheet for each representation

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Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM  
24

EXAM83

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

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

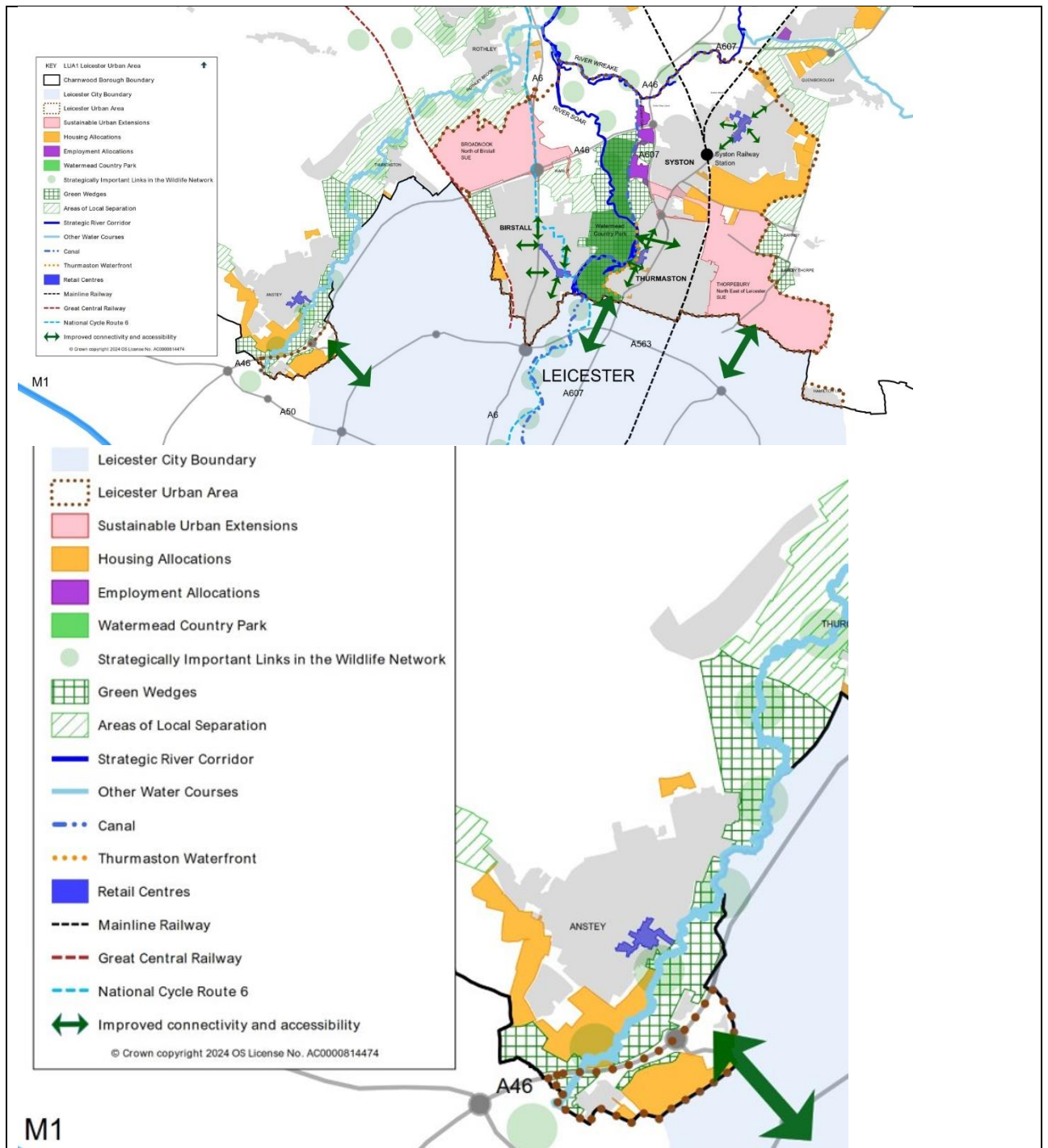
No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

The proposed Modifications to Policy DS1 are not justified, not effective and not positively prepared. These soundness concerns are confirmed by and reinforced by inconsistencies introduced by Main Modifications elsewhere in the document in relation to Policy C1 (Countryside) and its definition of 'Limits to Development' (existing outside of the policy text). The illustration of policies within the Policies Maps for the Plan is inconsistent, irrational and fundamentally at odds with facilitating a boost to supply including in circumstances where a five year supply of housing cannot be demonstrated (as it is anticipated will remain a requirement in national policy).

Specification of the boundaries of the Leicester Urban Area as part of the spatial strategy in Policy DS1 (MM24) and its illustration on the Policies Map (PC1) is supported. Fundamentally this concession is overdue and a matter that should have been recognised on submission of the Plan in terms of the importance of this part of the Plan Area in providing for sustainable development. The definition of the LUA boundary, as defined by the A46 Leicester Western Bypass in the vicinity of our client's site at Gorse Hill, is supported. This is illustrated on the Inset Plan below provided by the Council at our client's request for the purposes of clarifying proposed changes to the overall Policies Map:



Our maintains its overarching objection to the proposals within the Plan subject to proposed Modifications. There remain fundamental soundness issue associated with the approach and failure adequately assess and optimise opportunities for potential development within the LUA and to support SME developers such as Lagan Homes on small and medium sites such as Gorse Hill.

The site has been consistently overlooked or inconsistently scored within the site assessment process. In respect of EXAM83 our client maintains the objections set out in Section 4 of its post-Hearings representations in respect of the Sustainability Appraisal Addendum. Particularly in respect of SA Topic 11 the conclusion of significant positive effects for housing cannot be supported or correct because the evidence for site selection and assessment of reasonable alternatives in options considered to provide for Leicester’s unmet

needs is unsound (not justified or consistent with national policy). Conversely, the benefits of selecting additional sites within the Leicester Urban Area as part of that exercise has been significantly understated.

EXAM57B (Note on Selection of Sites for Option 2) simply reinforces these objections. Page 4 of the documents confirms that it was necessary to reconsider small sites with at least one 'Scenario X' as part of this scenario option. Our client's site at Gorse Hill (PSH002) would satisfy the criterion for considering additional sites (notwithstanding the overarching objection that ecological constraints are not a reason to exclude the site from assessment in any event).

The SHELAA 2020 (EB/DS/1a) indicates a capacity of 86 dwellings for our client's site. This generates two fundamental concerns.

Firstly, there is no justification why, other than imposing an arbitrary ceiling on development, EXAM57B and Option 2 should impose a 50 dwelling limit on 'small' sites which has no basis in national policy.

Secondly, and in any event, had the Council undertaken the iterative and comprehensive assessment of reasonable alternatives required in law and policy, taking account of opportunities for ecological mitigation, it would have correctly recorded the application proposals for our client's site at application ref: P/22/2132/2 and the applicant's discussions to provide development on a reduced area equivalent to under 50 dwellings.

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

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change 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.

Our client's objections to and proposed changes to MM24 and Policy DS1 in relation to Implementation of the Spatial Strategy should be read in the context of the above. It is also important to have regard to the proposed changes to national policy and accompanying Ministerial Statement as a material consideration. This primarily relates to two points.

Firstly, the ability for the local planning authority to demonstrate a five year supply of deliverable sites will remain a requirement for decision-taking on all applications for housing following adoption of the Plan (see box below re: EXAM58L).

Secondly, proposed changes to paragraph 11(d) of the Framework will state this applies where *policies for the supply of land* are out of date. It is patently the case that Policy DS1 is a policy for the supply of land; that it will be engaged in Charnwood and thus inside the Leicester Urban Area; and that the scope of paragraph 11(d) will be narrower and more focused on ensuring a boost to supply than the considerations currently relied upon in Policy DS1 (following MM24). Within that context (together with Policy C1 and MM102) it is wholly irrational that the policy is in effect drafted to indicate that *countryside* inside the Leicester Urban Area would not accord with application proposals recognised as opportunities to boost supply in circumstances of a land supply deficit. Policy DS1 would in effect impose an additional constraint i.e., *countryside* not envisaged by the proposed wording of changes to the NPPF for circumstances where policies for the supply of land (defined as: "*those which*

*set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned") are out-of-date*

Representations to MM102 address why it is fundamentally inconsistent with national policy to denote the land within the LUA boundary including our client's site at Gorse Hill as *countryside*.

However, for all the reasons stated above this issue can and must also be simply addressed by revision to Modifications to Policy DS1 itself to ensure positively prepared support for applications within the LUA in these circumstances. The second bullet in the list at the end of proposed Policy DS1 should therefore read as follow:

***"Adjoin the Limits to Development or forms part of the area designated as the Leicester Urban Area (LUA)"***

For the same reasons, and to reflect the spatial strategy (with the LUA at the top of the hierarchy) and relationship with addressing Leicester's unmet needs this would be consistent with amending the first proposed bullet as follows:

*"We will support sustainable development that:*

- contributes towards meeting our needs for housing, employment and town centre uses within the defined Limits to Development **and Leicester Urban Area** ~~and allocations defined in this plan"~~*

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

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

While these representations do not re-state our client's detailed objections on housing land supply matters it is patently obvious that with at best a surplus of +13 dwellings as claimed in the Council's own case for 1 April 2024 a five year supply will not be demonstrated either on adoption or for the following five years (EXAM58L).

The Council itself expects completions to fall to 791 dwellings in 2024/25 (from 821 in 2023/24) yet to increase to 2,147 dwellings over 4 years in 2027/28 – an increase of 171% and a level not recorded previously in Charnwood.

Despite this - due to fundamental uncertainties in infrastructure delivery, delays to issuing decisions and a critical lack of small and medium sites providing flexibility in supply – construction activity recorded in Charnwood in 2023/24 exists in freefall with a deterioration far worse than the national average. These issues are only compounded further by the Plan only making provision for a plan period of less than 13 years on adoption. Extension of the Plan Period would provide reasons to select sites providing further choice and flexibility and not necessarily those developable sites limited to delivery beyond year 6-15+.

The authority recorded only 570 starts in 2023/24 compared to 1070 in 2022/23 – a 47% decline. Between the same two years national starts fell 22% (due to supply chain and inflationary and interest rates issues as well as national supply constraints).

(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.*

8. Signature:

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Date:

4 September 2024





**Charnwood**  
**harnwood Local Plan**  
**2021-2037**

Main Modifications  
 Representation Form

For responding to:

- **Main Modifications**  
(EXAM 81-83)
- **Housing Land Supply**  
(EXAM 58J – 58M)

Ref:

(For official use  
 only)

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## Part A

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**Part B – Please use a separate sheet for each representation**

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Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM22

MM  
102

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

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

These objections should be read alongside those submitted in respect of Policy DS1 (MM24). Objections are presented in respect of both MM22 and MM102 for common reasons, notwithstanding that it is MM102 (albeit supporting text rather than policy) which appears to relate specifically to the illustration of the Plan's policies provided by the Policies Map.

The Council's proposed approach to the designation of *countryside* within the proposed Leicester Urban Area boundary is inconsistent with national policy and not positively prepared. For the purposes of implementation of the spatial strategy there is no support in national policy that use of the designation within the proposed Leicester Urban Area boundary would be necessary to reflect the *intrinsic character and beauty of the countryside* and indeed the proposed approach is likely to frustrate opportunities to deliver other benefits for the natural environment associated with other opportunities for development in this location.

For the same reasons, given the particular spatial geography of the extent of the existing built settlement at Leicester and the clear physical boundaries used to define the LUA (such as the A46 Leicester Western Bypass) there is no rationale why in this area *countryside* should be (or even would be) better defined by areas of 'cohesive built form' only defined once allocations in the Plan secure planning permission. The situation is different still from the scenario envisaged by proposed Modification MM102 (para 3.226) where within wider allocation boundaries the *Limits to Development* may become defined by a narrow element of built form. While this could be correct (for example in relation to delivery of structural landscaping) it is entirely different in context to the Leicester Urban Area with significant levels of existing development and infrastructure denoting land distinct in character from the wider countryside.

There is no rationale to define Countryside with reference to *Limits of Development* in locations with such urban characteristics (i.e., *not* undeveloped in character). It is fundamentally unsound that within such locations within the LUA Policy C1 would be applied deeming only a narrow range of uses appropriate within the context of the rural economy as potentially suitable.

Within the context of our client's land at Gorse Hill, Anstey the proposed approach would establish a perverse situation (see PC7) where the site would reasonably be considered to adjoin limits to development (for the purposes of Policy DS1) (separated only by the A5630) only following permission being granted for proposed allocation HA12. It is not proposed that any other land use designations would spatially apply at this part of the Plan Area.

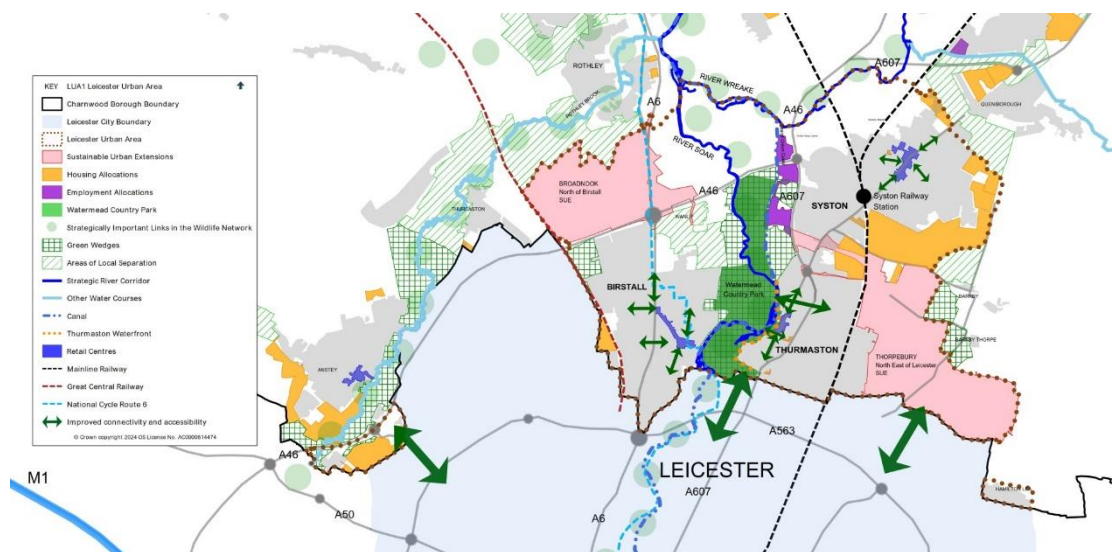
However, the suggestion that the site presently forms *countryside* ignores the existing development at Gorse Hill, the boundaries of the LUA defined by the A46 as well as the effect of other land uses within the LUA (including the A5630 itself) all of which demonstrate that the area is not undeveloped in character. To illustrate the land as *countryside* in these circumstances would not be a correct or sound illustration of the purposes of policies in the Plan nor the role of the spatial strategy to direct development to the most sustainable locations.

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

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It is noted that in seeking to clarify details of policies and designations relevant to the proposed designation of the LUA boundary the Council provided the following Plan to our client to assist in the preparation of representations (not contained within Document EXAM84). This appears to confirm that the Council does not denote the application of Policy C1 (Countryside) as appropriate or relevant for the purposes of illustrating the policies of the Plan within the LUA boundary and that other policies within the Plan would be appropriate to control development in this location.

This is consistent with the rational for the soundness requirements and Modifications to the approach provided in the representations above.



In any event, for the reasons outlined the following Modifications to either supporting text and Policy C1 would address the soundness concerns identified. Firstly, within the proposed paragraph 3.226 the wording should be amended to read:

*The Limits to Development follow the boundaries of the Housing Allocations, including the Sustainable Urban Extensions, and outline planning permissions where there is no detailed planning permission. Where detailed planning permission has been secured (full planning permission or reserved matters), the Limits to Development take account of approved plans and will define the settlement by enclosing the established, cohesive built form. **Beyond the Leicester Urban Area boundary** Countryside (and, where appropriate, Green Wedge and Areas of Local Separation) designations occupy the undeveloped land immediately beyond the cohesive built form (once defined by detailed planning permission).*

*Policies Map 1 sets out the Limits to Development, Countryside (**beyond the LUA boundary**), Green Wedge and Areas of Local Separation. The principles outlined above will be applied to the Housing Allocations as they progress to detailed permissions and which postdate the preparation of the Policies Map. In those circumstances where the Policies Map shows an allocation boundary, but the extent of the built form is later established through a detailed planning application, designations which immediately adjoin the allocation boundary will be considered to extend up to the limits of the built form, and such designations will be used for the purposes of decision making for planning applications in such areas.*

For the same reasons Policy C1 should read:

*We will manage development in areas of Countryside **beyond the Leicester Urban Area boundary** to protect its largely undeveloped character, and its intrinsic character and beauty.*

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

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024  
EXAM 58K: Housing Trajectory Update Notes July 2024  
EXAM 58L: Update to Five Year Supply on Adoption May 2024  
EXAM 58M: Updated Housing Land Supply Site List April 2024

N/A

(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.*

8.  
Signature:

A rectangular box containing a solid black rectangle, indicating that the signature has been redacted.

Date:

4 September 2024



For responding to:

- **Policies Maps Changes**  
(EXAM 84)

**Charnwood**  
**Charnwood Local**  
**Plan 2021-2037**  
 Policies Map Consultation  
 Form

Ref:

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## Part A

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Last Name	Southwood	Goodall
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E-mail Address		<a href="mailto:Jon.goodall@dlpconsultants.co.uk">Jon.goodall@dlpconsultants.co.uk</a>

(where relevant)

## Part B – Please use a separate sheet for each comment

Name or Organisation:

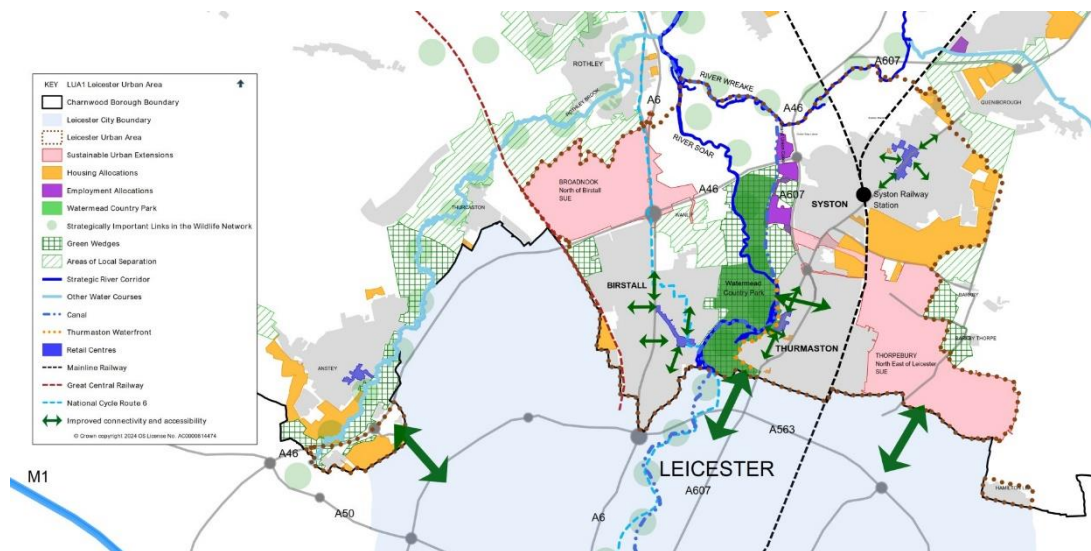
3. Please set out any comments that you have on EXAM 84: Schedule of Proposed Changes to Policies Maps 1 and 2.

These comments relate to proposed changes PC1 and PC7 (overall Policies Map and Anstey Inset) covering our client's interests at Gorse Hill following designation of the Leicester Urban Area boundary. The designation of the LUA boundary as shown is supported.

These representations should be read alongside soundness objections submitted in respect of Policies DS1 (MM24) and the definition of areas of countryside and Limits to Development within Policy C1 (MM102).

It is noted that in seeking to clarify details of policies and designations relevant to the proposed designation of the LUA boundary the Council provided the following Plan to our client to assist in the preparation of representations (not contained within Document EXAM84). This appears to confirm that the Council does not denote the application of Policy C1 (Countryside) as appropriate or relevant for the purposes of illustrating the policies of the Plan within the LUA boundary and that other policies within the Plan would be appropriate to control development in this location.

This is consistent with the rationale for the soundness requirements and Modifications to the approach provided in the representations referred to above.



It follows that the proposed Countryside designation indicated on PC1 and PC7 for locations within the LUA boundary including our client's land at Gorse Hill does not reflect the Council's own intentions or those details that should be illustrated through the Policies Map to support implementation of the Spatial Strategy in this part of the Plan Area.

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

**Please note** *In your comments you should provide succinctly all the evidence and supporting information necessary to support your comments and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

4.  
Signature :  Date: 4 September 2024