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BY EMAIL

21 October 2024

Dear Julie

LCC letter to the Charnwood Planning Inspectors

Thank you for sharing with me your 11 October 2024 letter to the Local Plan Inspectors.

I am pleased that the County Council welcomes the decision from the Borough Council to offer the Inspectors a Community Infrastructure Levy to deliver strategic transport infrastructure in Charnwood. We believe this will be the most effective means to secure strategic level contributions for local plan growth.

As you will recall, the Borough Council consistently advised the County Council to take expert advice to support the preparation of the draft Transport Contributions Strategy to apprise it of the risks associated with the approach and the requirement to demonstrate compliance with the CIL Regulations. While our view has always been that strategic contributions are capable of being compliant with the CIL tests, the opposition to the draft TCS drew attention to a shortfall of evidence to support the compliance of requests and the unlawfulness of the tariff based approach.

That this situation has played out during the finalisation of recent planning applications and the local plan process is regrettable, but the answer is not to defer decisions until the Inspectors have issued their report. This position would not be credible at an appeal and could have unintended consequences for the local plan. It will also not realise any financial contributions for the County Council. Given that both Councils believe it is better to have a plan than be without one it is disappointing that the County Council felt it appropriate to send the letter.

We are mindful that the emerging local plan sets out a strategy to secure contributions in draft Policies INF1 and INF2. Once the Inspectors' report is issued, policies INF1 and INF2 will have substantial weight in decision making and will provide the basis to seek evidence of cumulative impacts through applicant's Transport Assessments. The Local Highway Authority will be able to match these impacts to identified projects to secure proportionate financial contributions or scheme delivery. This approach will provide the solution until the Community Infrastructure Levy is adopted in due course.

The Borough Council is advised that a Community Infrastructure Levy will enable contributions to be secured on a tariff basis with reference to an identified list of

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transport projects. That list will be kept up to date with each subsequent review of the local plan and contributions secured, pooled and spent until all the projects on the list are delivered. In this way, the necessary infrastructure will be delivered over time and the 'lost contributions' from allocations approved in advance of the Levy's adoption will be secured. The receipts from the tariff might also be used to match fund or leverage government funding to accelerate infrastructure delivery.

As the Community Infrastructure Levy is a formal planning document, it is subject to formal preparation processes and an examination in public. As the Levy is progressed, the charging schedule gains material weight and therefore it is possible for it to have significance in decision making before it is finally adopted by the Council.

The Borough Council is taking further advice on preparing a Community Infrastructure Levy and will set out a timeframe for its preparation in the Local Development Scheme. It should be noted that any progress on the Levy will be dependent on the strength of the evidence that underpins it and therefore it is imperative that the two councils continue to work together with the mutual objective of progressing it as quickly as possible through the established Infrastructure Board.

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'R. Bennett', written in dark ink.

Richard Bennett
Head of Planning and Growth

CC: Janna Walker, Assistant Director Development & Growth

