

**Via Email**

Mr Richard Bennett
Charnwood Borough Council

Date: 17 October 2024
My Ref: JW/msb
Contact: Janna Walker
Phone: 0116 3050785
Email: janna.walker@leics.gov.uk

Dear Richard

Thank you for your email. I can confirm:

1. Our position is as per our observations - these are the formal submissions of the LHA to the Borough Council in respect of the applications being considered.
2. We believe the statement within our observations is clear and highlights that our position on prematurity will be reviewed upon receipt of the Inspectors' report. We do not believe the statement left any room for doubt and note you did not contact the County Council to check our position before publishing your interpretation.
3. We believe the wording in the Extras report to the Plans Committee has the potential to significantly mislead the committee on what is a key, material issue. It is therefore imperative that this is properly corrected in the report to committee later today or you risk any decision being open to subsequent legal challenge.

The statement relating to the LHA reviewing its position, as per point 2 above, is also contained within our letter to the Inspectors and it is equally important that this letter is represented correctly to the committee. I will not reiterate our position, as both the letter to the Inspectors and our observations are clear and unambiguous and in line with the concerns we have been raising over a period of years now. We formally request that the contents of the LHA's submitted observations, and the letter to the Inspectors, are clearly and accurately presented to the committee, together with our exchange of emails and this letter, in hard copy. The Monitoring Officer has written to the Borough Council's Monitoring Officer to confirm that formal request, which we expect to see respected.

I have set out some points that illustrate the difference between our stated position and the representation in your email and the Extras report, all of which should be made clear to the Plans Committee:

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- The sentence you reference needs to be read in full and in the context of the whole letter as it is not an accurate representation to select the highlighted sections in isolation. For example, the section I have highlighted in the sentence is also important because if proportionate contributions can be achieved in the meantime our concerns can be addressed. *“Therefore, an intervention is required to prevent development coming forward, ahead of local plan and CIL adoption, **without proportionate contributions to the necessary infrastructure** and to ensure that a CIL can be an effective means of mitigating the impact of growth on the highways and transport network”.*
- The County Council considers there is a need for an intervention to the Inspectors – we have not outlined what form that should take, as we hope the inspectors will be able to guide us to a positive conclusion. We have certainly not stated that the intervention should be an total embargo on development in Charnwood.
- We have all agreed that development needs to contribute proportionately to the delivery of highways and transport interventions on the basis of an agreed position that there is a significant cumulative impact across the borough arising from the distribution strategy set out in the proposed Local Plan. However, if the majority of development has already been granted permission ahead of the implementation of a CIL, or a suitable interim mechanism, the plan will not be delivered as presented. We have therefore highlighted to the Inspectors the opportunity to ensure a CIL is as effective as possible by ensuring that contributions are not ‘missed’ in the interim period and the plan can be delivered, at least to some extent, in practice.
- Whatever the Inspectors’ response, we have been clear we will take the Inspectors’ views on this into account and review our position in both our observations and the letter to the Inspectors. Your email and the wording used in the Extras report appears to predetermine the outcome of such a review and also fails to address (or respond to in any way) whether prematurity is relevant in the context of a much more imminent review point, the Examination Report. A planning officer’s report, where it elects to go against the views of a statutory consultee, should provide cogent and compelling reasons for doing so. We would expect to see such reasons also presented to the committee later today.

Yours sincerely



Janna Walker
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