



CABINET - 22 NOVEMBER 2024

**STRATEGIC TRANSPORT PLANNING ISSUES ASSOCIATED WITH
THE EMERGING CHARNWOOD LOCAL PLAN**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT,
CHIEF EXECUTIVE AND THE DIRECTOR OF LAW AND
GOVERNANCE**

PART A

Purpose of the Report

1. The purpose of this report is to provide an update on the issues associated with the emerging Charnwood Local Plan (the Local Plan), following recent correspondence from the Local Plan Inspectors, and consider the implications for the County Council as Local Highway Authority (LHA).

Recommendations

2. It is recommended that the Cabinet notes:
 - a) The recent letter from the Local Plan Inspectors (appended to this report) addressed to Charnwood Borough Council in response to its proposal to introduce a Community Infrastructure Levy (CIL) as a means of delivering the infrastructure required to support the Local Plan;
 - b) That this letter, dated 5 November 2024, was brought to the attention of County Council officers by the Borough Council on 12 November and that officers will consider the letter and potential implications for the County Council with further information for the Cabinet to follow in a supplementary report.

Reasons for Recommendation

3. The Inspectors' letter sets out the latest position in regard to the emerging Local Plan. The Inspectors have made clear that, in order for the Local Plan to be modified in the manner suggested by the Borough Council, further evidence is required, including viability evidence. Although to date the County Council has yet to receive confirmation of the Borough Council's response to the Inspectors' letter, it has potentially significant impacts for the County Council as LHA. These include the possibility of updating previously submitted evidence and potential further delays in the adoption of the Local Plan. The risks associated with delays to adoption remain as previously set out.

Timetable for Decisions (including Scrutiny)

4. It is now unclear at what stage the Borough Council's Local Plan will now be adopted, having been previously anticipated to be around the end of the 2024 calendar year, but this timing is now uncertain.

Policy Framework and Previous Decisions

5. Previous Cabinet decisions in relation to the Emerging Charnwood Local Plan were set out in a report to the Cabinet on 22 October 2024. These included:
 - a) June 2022: approval of an area Transport Strategy based approach to deliver the Borough-wide transport mitigation package, through three area strategies.
 - b) September 2022: agreement that work towards an interim approach, prior to the Local Plan's adoption, would be taken by the Local Transport Authority (LTA) dealing with planning applications in Charnwood and seeking approval of the Borough Council's support for implementation of this interim approach.
 - c) November 2022: approval of the approach and principles the County Council would adopt to manage risks of delivering sustainable and inclusive growth.
 - d) February 2023: approval of an interim approach to planning issues in Charnwood, which aimed to provide an initial basis for how the LTA could seek transportation contributions.
 - e) December 2023: noting the position of the Local Plan, in particular the identified financial pressures associated with the strategy, including a major shortfall in funding of £120m.
 - f) February 2024: noting the overall approach to developing the capital programme set out in the Medium Term Financial Strategy (MTFS) 2024/25 and that a key determinant in generating sufficient developer contributions was the approach taken by district councils in their capacity as Local Planning Authorities.
 - g) September 2024: approval of the County Council's National Planning Policy Framework (NPPF) consultation response, noting the amended NPPF.
6. The Cabinet on 22 October 2024 considered reports on the issues associated with the emerging Local Plan, including the outcome of consultation on the Charnwood Transport Contributions Strategy (CTCS), and the implications for the LHA and consideration of planning applications by the Borough Council's Plans Committee on 17 October. The Cabinet noted a number of issues which were of significant concern including the Borough Council's late submission to Local Plan Inspectors regarding preparation of a CIL, apparent misrepresentation of the County Council's views, and decisions made by the Borough Council's Plans Committee despite recommendations of the LHA as

statutory consultee. The Cabinet agreed that whilst the County Council would continue to work with the Borough Council to seek to have a sound Local Plan in place, Chief Officers were authorised inter alia to withdraw the proposed CTCS and take appropriate actions necessary to mitigate the impacts arising from the interim period between likely Local Plan adoption and the adoption of CIL and to address the concerns set out in the supplementary report, including continuing to bring those concerns to the attention of the Borough Council.

Resource Implications

7. The County Council has committed significant resources to engaging in, and supporting, a collaborative approach to strategic planning in order to facilitate the delivery of growth within the County and mitigate the negative impacts of development, to the extent that it is reasonably possible to do.
8. The Director of Corporate Resources has been consulted on this report.

Legal Implications

9. There are potential legal implications for the LHA in its role as statutory consultee. The Director of Environment and Transport is authorised to respond to planning applications in line with the responsibilities of this role. In consultation with the Director of Law and Governance, the Director of Environment and Transport will continue to review the approach and any associated risks.

Circulation under the Local Issues Alert Procedure

10. This report will be circulated to all Members.

Officers to Contact

Ann Carruthers
 Director, Environment and Transport
 Tel: (0116) 305 7000 Email: Ann.Carruthers@leics.gov.uk

Lauren Haslam
 Director of Law and Governance
 Chief Executive's Department
 Tel: (0116) 305 6240 Email: Lauren.Haslam@leics.gov.uk

Janna Walker
 Assistant Director, Development and Growth
 Environment and Transport Department
 Tel: (0116) 305 7215 Email: Janna.Walker@leics.gov.uk

Julie Thomas
 Head of Planning and Historic and Natural Environment
 Chief Executive's Department
 Tel: (0116) 305 5667 Email: Julie.Thomas@leics.gov.uk

PART B

Background

11. The Inspectors' letter appended to this report is addressed to the Borough Council directly in response to the proposal made by the Borough Council on 4 October 2024 to introduce a CIL as a means of delivering the infrastructure required to support the Local Plan. It is a matter for the Borough Council to respond to the Inspectors.
12. The letter sets out the Inspectors' views that the mechanism for delivery of the Local Plan Infrastructure is an important part of the Local Plan. This is consistent with the view of the County Council throughout the development of the Local Plan. The letter also states that the introduction of CIL at such a late stage of the Local Plan examination represents a significant change that requires further examination and public consultation.
13. The requirement for examination and consultation of this proposal to introduce CIL means that the Borough Council are required to submit further evidence in support of the proposal before it can be taken forward. This includes a minimum requirement for further viability work in order to assess whether CIL has a reasonable prospect of being a successful delivery mechanism for the Local Plan infrastructure.
14. The additional evidence must be submitted before a decision can be made as to how the Inspectors will proceed with the Examination. This will likely introduce delay into the process.
15. The Inspectors have therefore asked the Borough Council to confirm if it wishes to proceed by submitting the additional evidence in support of CIL, to withdraw the Local Plan or to continue the examination on the basis of the submitted Local Plan which does not include CIL.
16. The County Council is awaiting confirmation from the Borough Council as to how it intends to proceed and what role it anticipates the County Council will have going forward in the process. The County Council is also seeking the views of the Borough Council on the impacts of the letter in respect of the planning process and the concerns raised recently about the determination of planning applications ahead of securing a mechanism for mitigating the Local Plan level impacts of the highways and transport network.

Equality Implications

17. There are no equality implications arising from this report.

Human Rights Implications

18. There are no human rights implications arising from this report.

Environmental Implications

19. The LPA has produced several documents assessing the environmental impacts of the Local Plan and these have been considered as part of the Local Plan's examination process. However, it is important that the necessary highways and transport measures are delivered as set out in the Local Plan, to ensure those assessments are reflective of the Local Plan Strategy in practice.

Partnership Working and Associated Issues

20. The County Council has worked collaboratively and with good faith with the Borough Council to support the development of the Local Plan and will continue to comply with its duty to cooperate in the development of a Local Plan.

Background Papers

Report to the Cabinet on 24 June 2022: Charnwood Local Plan (2021 to 2037) – Highways and Transportation Matters and Supplementary Report
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=6775&Ver=4>

Report to the Cabinet on 23 September 2022: Charnwood Local Plan (2021 – 2037) Latest Position
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=6776&Ver=4>

Report to the Cabinet on 25 November 2022: Managing the Risk Relating to the Delivery of Infrastructure to Support Growth
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=6751&Ver=4>

Report to the Cabinet on 10 February 2023: Interim Approach to Planning Issues in Charnwood Borough
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=7073&Ver=4>

Report to the Cabinet on 9 February 2024: Provisional Medium Term Financial Strategy 2024/25-2027/28
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=7503&Ver=4>

Report to the Cabinet on 13 September 2024: Proposed Response to Consultation on the National Planning Policy Framework
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=7509&Ver=4>

Reports to the Cabinet on 22 October 2024: Strategic Transport Planning Issues Associated with the Emerging Charnwood Local Plan and minutes of that meeting
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&Mid=7510>

Appendix

Letter from the Local Plan Inspectors to Charnwood Borough Council, dated 5 November 2024

This page is intentionally left blank