



CABINET - 22 NOVEMBER 2024

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

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

PART A

Purpose of the Report

1. The purpose of this report is to provide a further update on the issues associated with the emerging Charnwood Local Plan (the Local Plan), following recent correspondence from the Local Plan Inspectors to Charnwood Borough Council (the Borough Council), and the implications for the County Council as Local Highway Authority (LHA). This report should be read in conjunction with the previously published report (to which the letter to the Borough Council from the Inspectors is appended).
2. The Cabinet is asked to approve the recommendations set out below in addition to those set out in the main report to support future work relating to the Local Plan.

Recommendations

3. In addition to the recommendations set out in the main report, it is also recommended that:
 - a) The latest position in respect of the Charnwood Local Plan is noted, including the potential implications for the Local Highway Authority in its role as statutory consultee arising from the Inspectors' letter (as set out in paragraphs 21-37 below) and that the County Council is still awaiting a response from the Borough Council, which has been asked to confirm formally its intended course of action following the letter from the Local Plan Inspectors.
 - b) It be noted that the Borough Council is the authority responsible for making the Local Plan and ensuring its effective delivery and as such, it is required to demonstrate that the identified highways and transport mitigation can be delivered and that the Local Plan objective to increase the use of sustainable travel modes can still be fulfilled.

- c) It be noted that the main published report to the Borough Council's Plans Committee on 21 November, in relation to an appeal site P/23/1236/2, Land at Melton Road, Queniborough did not refer to the letter from the Inspectors of 5 November 2024, or its potential impact on either the Local Plan timetable or determining applications, and that the County Council will make its representations on this application directly to the Planning Inspectorate by 11 December.
- d) It be further noted that the Borough Council published an Extras report in relation to appeal site P/23/1236/2, Land at Melton Road, Queniborough on the day of the meeting on 21 November. This report states that it is the Borough Council's view that the letter from the Inspectors on the Draft Local Plan does not have a material impact on the assessment of the appeal proposal and that there should be no change to the recommendation.
- e) It be noted that the Extras report in relation to appeal site P/23/1236/2, Land at Melton Road, Queniborough states that a paper will be taken to the Borough Council's Cabinet on 12 December 2024 seeking approval to prepare a Community Infrastructure Levy and to revise the Local Development Scheme and that, whilst process and timing will be determined by the Inspectors, at present the Borough Council anticipates that the Local Plan will be adopted during the summer of 2025. It remains to be seen if this projected timescale is achievable.
- f) It be noted that until the County Council is formally notified of the Borough Council's decision following the Inspectors' letter, and the reasons behind recommendations to its Cabinet, the County Council is unable to take any action to assist in progressing the Local Plan.
- g) It be noted that the Director of Environment and Transport will review the County Council's responses as statutory consultee on planning applications in Charnwood as appropriate.
- h) The Chief Executive, the Director of Environment and Transport, and the Director of Law and Governance, following consultation with the appropriate Cabinet Lead Members, be authorised to take any appropriate action necessary to:
 - i. Work alongside, support, and co-operate with the Borough Council as necessary to develop the further evidence requested by the Inspectors as speedily as possible, once the Borough Council formally confirms that it is seeking to take up the option put forward by the Inspectors to progress the inclusion of a Community Infrastructure Levy (CIL) in the Local Plan.
 - ii. Participate appropriately in the development and implementation of a CIL charging schedule in line with national guidance and seek to influence the adoption of a CIL as soon as possible, recognising the potential for work to be undertaken at risk ahead of possible further Local Plan examination sessions.

- iii. Mitigate the impacts arising from the potential further delays to adoption of the Local Plan.
- iv. Support the development of skills and knowledge to ensure appropriate infrastructure delivery mechanisms are in place across Leicestershire.

Reasons for Recommendation

4. The Inspectors' letter to the Borough Council of 5 November 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 it has been requested in writing, to date the County Council is yet to receive any responses to this development from the Borough Council.
5. The County Council only became aware of the Borough Council's views on the letter by virtue of an Extras report which was published in respect of appeal site P/23/1236/2, Land at Melton Road, Queniborough, as no direct correspondence has yet been received from the Borough Council. This is disappointing and of concern, since the Inspectors' letter has potentially significant impacts on the County Council as LHA, including 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 set out in previous reports to the Cabinet.
6. These concerns about a lack of communication with the Borough Council follow previously expressed concerns about it only formally notifying the County Council (at officer level) on 7 October that it had informed the Inspectors on 4 October 2024 it was minded to prepare a CIL, having previously supported the launch of consultation on a Transport Contributions Strategy, which subsequently had to be withdrawn by the County Council.
7. However, the County Council has a duty to cooperate in the development of the Local Plan and will continue to do so over the extended Local Plan examination period.
8. The substantial number of sites allocated in the emerging Local Plan that have been (or could be in the near future) granted planning permission, without contributing to the delivery of the identified highways and transport measures due to the lack of an agreed mechanism to secure strategic contributions, have the potential to undermine the delivery of the necessary infrastructure over the life of the Local Plan.
9. The County Council recognises the potentially negative impact of this on Charnwood residents and businesses and will therefore seek to mitigate these impacts as far as practically possible, with the primary means of mitigation the expedient adoption of a CIL. These impacts include those associated with any further delays to the adoption of the Local Plan and approval of allocated sites in advance of an agreed mechanism to secure contributions to (and subsequent delivery of) strategic highways and transport measures.

10. No Leicestershire local authority has yet adopted a CIL schedule for highways and transport infrastructure, and therefore officers of the LHA would benefit from training and development alongside local planning authority (LPA) partners to support future delivery of local plans and successful delivery of highways and transport mitigation to support sustainable development.

Timetable for Decisions (including Scrutiny)

11. Prior to receipt of the Inspectors' letter, it was anticipated that the Local Plan would be adopted by the Borough Council around the end of the 2024 calendar year. The Borough Council, in the Extras report which was published in respect of appeal site P/23/1236/2, Land at Melton Road, Queniborough, has stated it anticipates the Local Plan being adopted in summer 2025, although this timing is uncertain and ultimately a matter for the Inspectors.

Policy Framework and Previous Decisions

12. These are set out in paragraphs 5 and 6 of the main report.

Resource Implications

13. 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 to mitigate the negative impacts of development, to the extent that it is reasonably possible to do.
14. The extended Local Plan examination process (as originally envisaged it should have been adopted 2 years ago), together with ongoing input into various other emerging local plans, is a significant draw on resources across the County Council. Further extension of the Local Plan process, in addition to other Regulation 19 consultations from other district councils expected in the new year, will put considerable pressure on already stretched resources, as will the need to develop and maintain CIL schedules. Officers will work together to develop an appropriate resource plan with reference to the County Council's statutory duties, risks associated with local plan development across Leicestershire and the financial position of the County Council.
15. The Director of Corporate Resources has been consulted on the content of this report.

Legal Implications

16. 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

17. 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 Dept.
Tel: (0116) 305 6240
Email: Lauren.Haslam@leics.gov.uk

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

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

PART B

Background

18. Further to the last report considered by the Cabinet on 22 October 2024, but prior to the County Council being made aware of the letter from the Inspectors, further correspondence has been received from the Borough Council, to which a response has been sent. The County Council considers that this correspondence did not raise any new information in relation to the issues set out in the October report, which remains the position of the County Council on events until that date.
19. However, of relevance to future work on the Local Plan, set out later in this report at paragraphs 27 to 29, it is worth highlighting that this correspondence continues to set out the Borough Council's view that the County Council had not provided a complete evidence base, and this was the reason that the Borough Council made a proposal to introduce CIL late in the Local Plan process. The County Council has clearly explained why this is not the case in its previous supplementary report to Cabinet of the 22 October 2024 at paragraph 22 ([October report](#)) and this remains the view of the County Council.
20. Looking forward, the County Council acknowledges that finalisation of the previously proposed area-based strategies to inform a CIL will likely be required, should the Borough Council confirm its intention to pursue the inclusion of the CIL in the Local Development Scheme. However, to be very clear, the County Council does not consider that the formalisation of the three area strategies would, on their own, provide an appropriate delivery mechanism for the highways and transport infrastructure, (following withdrawal of the originally intended Charnwood Transport Contribution Strategy (CTCS) by Cabinet on 22 October 2024) and therefore consider adoption of a CIL as essential.

Update on the Local Plan

21. As set out in the main report, the Local Plan Inspectors have written to the Borough Council setting out their response to the proposal to introduce CIL to support the Local Plan. The letter is appended to the main report and a summary of the key points is set out in the main report in paragraphs 11 to 16.
22. Having been made aware of the Inspectors' letter on 12 November, the County Council contacted the Borough Council on 13 November in writing to request confirmation of the support required from the County Council in light of this letter. The County Council reiterated its commitment to working jointly to support the adoption of a sound Local Plan. At the time of writing, the County Council has not yet received a direct response from the Borough Council. This is disappointing given the urgency of the issue and the impacts of further delays in the development and adoption of the Local Plan, set out below.

Implications for the County Council as LHA in relation to the Local Plan

23. It is a matter for the Borough Council to respond to the options set out by the Inspectors. However, the decision will also have implications for the County Council, particularly as LHA. Whilst the County Council will need to fully assess the implications of the Borough Council's response, when available, it is likely at the very least that this latest development will introduce further delays in the adoption of the Local Plan and subsequent adoption of CIL if this is progressed.
24. The Extras report which was published in respect of appeal site P/23/1236/2, Land at Melton Road, Queniborough states that, to inform the Borough Council's response to the Inspectors, a paper will be taken to the Borough Council's Cabinet on 12 December 2024 which will consider a revision to the Local Development Scheme and the Borough Council's intention to prepare a CIL. Until the County Council is formally notified of the Borough Council's decision following the Inspectors' letter, and the reasons behind recommendations to its Cabinet, the County Council is unable to take any action to assist in progressing the Local Plan.
25. As previously set out at paragraph 36 of the main report to Cabinet on 22 October, the delays to the adoption of the Local Plan and confirmation of the appropriate mechanism for securing strategic contributions results in an increased risk that planning applications will be approved by the Borough Council without contributing to the strategic transport requirements identified as part of the Local Plan development. The longer this goes on, the more applications will be processed through the planning system without appropriate contributions to infrastructure delivery and the greater the funding gap for identified infrastructure.
26. In addition, it is likely that the County Council will be required to commit further resource to the examination process and the development of a CIL schedule. This is becoming more difficult to maintain in the context of other emerging local plans across Leicestershire that also require highways and transport resource in order to satisfy the LHA's duty to co-operate and to ensure the local plans include sustainable and deliverable strategies in relation to the impacts of growth on highways and transport infrastructure. The input is provided by a small team, and work may have to be prioritised in future or additional resource needed.

Next Steps in relation to the Local Plan

27. Officers across the County Council will continue to work together to participate as appropriate in the development of the Local Plan, including the evidence base and associated CIL schedule if required. Subject to the clarity set out in paragraph 20, the County Council can formalise the area-based strategies to the extent necessary to inform this process, being mindful that the ultimate intention is to subsume them into Multi Modal Area Investment Plans, as per the report on the Local Transport Plan elsewhere on the agenda.
28. Following the Inspectors' letter this work may also include supporting refreshed viability evidence and prioritisation of identified highways and transport

infrastructure. At this stage the County Council will also need to consider, through a Cabinet report and resolution, its position on the Local Plan in light of the updated viability evidence submitted to the examination.

29. The County Council has consistently recognised that delays to the adoption of the Local Plan and, more recently, the proposed CIL schedule, only increases the risk of missed contributions and reduced funding for infrastructure. Therefore, the County Council will consider working to develop a CIL schedule and associated evidence alongside any further examination process in order to mitigate these risks as far as is practicable. These considerations will include the cost of the work, together with the availability of resources, alongside the potential benefits of expedient adoption of a CIL schedule.

Implications for the County Council as LHA in the Planning Process

30. In October 2024 Cabinet received an update on the LHA's view that to determine further applications in advance of the examining Inspectors' report would be premature, in light of the identified severe cumulative impact of the proposed Local Plan growth and a lack of a mechanism to secure contributions to mitigate this impact. The LHA committed to review this position on receipt of the examining Inspectors' report. At the time the Borough Council expected the report would be published by the end of November 2024.
31. In addition to seeking confirmation in respect of the Borough Council's approach to the Local Plan, the County Council has also sought in writing confirmation of the Borough Council's views on the impacts of the Inspectors' letter on the planning process, in particular the concerns raised recently about the determination of planning applications ahead of securing a mechanism for mitigating the Local Plan level impacts on the highways and transport network.
32. The County Council has not received a response to this written request and was therefore disappointed to note the Borough Council's recommendation in respect of appeal site P/23/1236/2, Land at Melton Road, Queniborough, determined on 21 November by its Plans Committee. The recommendation was that an officer of the Borough Council advise 'the Planning Inspectorate that, had it determined the planning application, it would have granted outline planning permission'. This recommendation in the main report appeared to have been made without reference to the Inspectors' letter, or any consideration as to whether relevant applications determined by the Borough Council, in advance of CIL being confirmed as the appropriate delivery mechanism by the Inspectors but not yet issued, should now be reconsidered by the Plans Committee due to prematurity.
33. The Extras report further states that "officers consider the latest letter from the Inspectors on the Draft Local Plan does not change the weight to be afforded to the relevant emerging policies in decision making at this time. As such, the letter from the Inspectors does not have a material impact on the assessment of the appeal proposal and the recommendation".

34. The County Council will set out its position in respect of appeal site P/23/1236/2 direct to the Inspectorate by 11 December 2024.
35. The main report presented to the Borough Council's Plans Committee stated that the Local Plan would likely be 'adopted towards the end of 2024'. The Extras report states that it is anticipated that the Local Plan will be adopted by the Borough Council during the summer of 2025. It remains to be seen if this projected timescale is achievable.
36. As the Inspectors' report is now delayed, allowing consideration of the proposal to introduce CIL, the LHA's view is that the issue of prematurity is likely to be even more critical. Further approval of applications that form part of the Local Plan without strategic contributions will undermine the viability of the Local Plan.

Next Steps in relation to the Planning Process

37. At this time, the County Council will maintain its position that to determine further applications in advance of the examining Inspectors' report would be premature, in light of the identified severe cumulative impact of the proposed Local Plan growth and a lack of a mechanism to secure contributions to mitigate this impact. The Director of Environment and Transport will keep this position under review, particularly in respect of any further correspondence from or to the Inspectors and the Borough Council or the Borough Council's response to the questions raised in writing by the County Council.

Update on Wider Local Plan Development

38. Since the last report was considered by the Cabinet on 22 October 2024, meetings have started to be held with district council planning officers in Leicestershire to discuss the new local plan development principles set out in the October Cabinet report, namely -
 - i. LPAs should keep Local Development Schemes up to date to allow appropriate resource planning to be undertaken.
 - ii. The County Council will no longer offer the conditional support of the LHA to a local plan at consultation stage based on the delivery of future work, where that is critical to the LHA's view on the plan's soundness.
 - iii. Support will only be explicit for local plans when the draft plan has sufficient policies to reflect the challenges of that plan, specific to highways and transport and is based on a proportionate evidence base.
 - iv. In order to receive support, the draft plan will have to demonstrate that the impact on the highways and transport networks (or requirements of highways and transport policy) arising from the distribution strategy have been identified, that what is required to facilitate the growth sustainably has also been identified and the plan includes an effective delivery plan with reasonable prospects of success.

v. Where evidence demonstrates significant cumulative impacts arising from planned growth, the appropriate delivery mechanism for infrastructure which is critical to the successful delivery of the plan growth is a Community Infrastructure Levy (CIL), which should be developed concurrently with a local plan if it is to receive the support of the County Council.

vi. Where sufficient viability has not been demonstrated via a CIL (or appropriate prioritisation of available funding has not taken place), the County Council will object to the plan on the basis that the growth cannot be delivered sustainably.

vii. Active and sustainable travel modes need to be considered as part of the access strategy in the site selection process.

viii. Sites cannot be considered sustainable by the LHA where the only feasible travel choice to key services is by car and provision for sustainable travel modes should be made as part of the access strategy to avoid this being the case.

ix. A plan where a significant proportion of the sites allocated are not accessible by sustainable travel modes, without sufficient plans to provide either new services or appropriate links, may give rise to objection from the LHA.

39. Officers across the County Council are also participating in Duty to Cooperate meetings and local plan workshops for other local plans in development including Oadby and Wigston, Harborough, and Hinckley and Bosworth. The overlap of local plan development work is putting pressure on the County Council's resources. If necessary, work will be prioritised on a risk basis.

Next Steps on Wider Local Plan Development

40. Meetings will continue as appropriate with district council planning officers in Leicestershire to ensure the local plan development principles set out above are clearly understood and included in local plans.
41. Senior officers across the County Council will continue to work together to comply with the duty to cooperate on local plans and develop an appropriate resource plan with reference to the County Council's statutory duties, risks associated with local plan development and the financial position of the County Council.
42. Officers will also seek to work through the Strategic Planning Group - an informal partnership of Leicestershire planning authorities and other stakeholders - to invest in training and development to support wider consideration of infrastructure funding, including CIL.

Equality Implications

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

Human Rights Implications

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

Environmental Implications

45. 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

46. The County Council has worked collaboratively and with good faith with the Borough Council to support the development of the Local Plan. The late decision by the Borough Council that it is minded to prepare a CIL has led to a delay in the process and adoption of the 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 22nd 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>

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