

CABINET - THURSDAY, 13 JULY 2023

Report of the Chief Executive Lead Member: Cllr Jadeja

Part A

LOCAL PLAN

Purpose of Report

This report sets out the Borough Council's commitment to moving the draft Local Plan forward to a position where it can be considered by full Council for adoption. It also provides a further commitment to working with the County Council in developing and implementing the three Area Transport Strategies and in implementing the Interim Transport Strategy for Charnwood through the Development Management process, to mitigate the impact of growth on infrastructure.

This report has been exempted from call-in with the agreement of the Chair of the Scrutiny Commission.

Recommendations

1. That Cabinet confirm their support for the draft Local Plan to be progressed to a stage where full Council can consider its adoption.
2. That Cabinet confirm their support for Leicestershire County Council in the implementation of the Interim Transport Strategy for Charnwood including through the collection of developer contributions as appropriate via the planning process, ahead of the adoption of the Local Plan.
3. That Leicestershire County Council be advised of the Borough Cabinet's commitment to supporting it in the preparation of evidence for the identified three area transport strategies and its incorporation into the Local Plan framework to help guide development and secure developer contributions.

Reasons

1. To provide a formal response to Leicestershire County Council Cabinet report of 23 June 2023, setting out the Cabinet's commitment to the Local Plan.
2. To ensure that the Borough Council can support Leicestershire County Council to secure contributions where appropriate to do so, to mitigate the impact of growth on infrastructure ahead of the adoption of the Local Plan.
3. To ensure that evidence is available to inform the mitigation of growth in Charnwood and that supports the policy framework against which developer contributions may be sought.

Policy Justification and Previous Decisions

On the 19 June 2023 full Council considered a request for the new administration to set out its position on the Local Plan. The Lead Member for Planning's response to Council set out that the Labour and Green groups both intend to support the current draft Local Plan. It should be noted that Charnwood Borough Council will continue to support the County Council in securing appropriate developer contributions for transport and education infrastructure in line with the identified transport strategies and the Interim Contributions Strategy prior to the plan's adoption (Item 8.119/06/23 refers).

Implementation Timetable including Future Decisions

A future decision will be required by full Council on whether to adopt the draft Local Plan once the Inspectors' report has been received. Adopting the draft Local Plan will have the effect of embedding all of the modifications required by the Inspectors during the examination process. This is likely to include the modifications requested by the County Council and supported by the Borough Council during the hearing sessions. If adopted, the Local Plan will provide the future development plan policy framework in which contributions for infrastructure will be sought (highways contributions will be based on the three Area Transport Strategies). The adoption of the Local Plan is programmed to be in the autumn of 2023, but in light of delays occasioned by the election period and the County Council's desire for a formal commitment from the Borough Council, the date for Council to consider the adoption will now be later than expected.

Report Implications

Financial Implications

None

Risk Management

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Failure to commit to moving the Local Plan forward to adoption would result in no further resources being committed by LCC in supporting the local plan	Unlikely (2)	Major (4)	Moderate (8)	Member briefings on the importance of the having an up to date local plan in place.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
examination, affecting the soundness of the Local Plan.				
Not committing to implementing the Interim Transport Contribution Strategy would result in a loss of contributions collected to support the delivery of infrastructure.	Unlikely (2)	Serious (3)	Moderate (6)	Maintain the officer Infrastructure Board to ensure continued partnership working with LCC officers on the implementation of the strategy. Implement the Interim Transport Strategy through the Development Management process when appropriate to do so.
Not committing to developing and implementing the identified transport strategies with LCC, may result in soundness issue for the local plan as part of the examination.	Unlikely (2)	Major (4)	Moderate (8)	Maintain the officer Infrastructure Board to ensure constructive working with LCC Highways Authority in the preparation and delivery of the identified strategies

Equality and Diversity

None

Climate Change and Carbon Impact

None

Crime and Disorder

None

Wards Affected

(All Wards);

Publicity Arrangements

Not applicable

Consultations

Not applicable

Links to the Corporate Strategy

Caring for the Environment	Yes
Healthy Communities	Yes
A Thriving Economy	Yes
Your Council	No

Key Decision: No

Background Papers: Charnwood Borough Council Full Council 23 June 2023 Local Plan Position Statement

Leicestershire County Council Cabinet Report Item 9

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Part B

1. Background

- 1.1. The Borough Council adopted the latest Local Development Scheme (LDS) April 2023 setting out the timetable for preparing the Local Plan. At Full Council on the 19 June 2023, the Lead Member for Planning responded to a request for the new administration to set out its position on the local plan. The Lead Member for Planning's response to Council set out that the Labour and Green groups will both support the development of the current draft Local Plan.
- 1.2. Leicestershire County Council has been supportive of the Charnwood Local Plan and officers have worked constructively together throughout the preparation of the Local Plan in the preparation of evidence. The County Council's commitment expressed in previous cabinet reports is summarised below.
- 1.3. In September 2021, the County Council's cabinet were in principle supportive to the Charnwood draft Local Plan subject to the Borough Council completing further work in respect of highway and transportation matters before the examination in public.
- 1.4. In May 2022, the County Council's cabinet noted concerns about the increasing pressures on its Capital Programme relating to the infrastructure required to support housing and economic growth in the delivery of planned growth across Leicestershire.
- 1.5. In June 2022, the County Council's cabinet considered a report about highway and transportation matters in respect of the Charnwood draft Local Plan, expressing support for the draft Local Plan at the Examination in Public, and noting the scale of highways and transportation mitigation required.
- 1.6. In September 2022, the County Council's Cabinet considered the latest position on the Charnwood draft Local Plan and approved work to develop an interim approach to dealing with planning applications in Charnwood.
- 1.7. In November 2022, the County Council's Cabinet considered a report regarding the financial implications for the County Council of delivering sustainable and inclusive growth. It was agreed that the district councils integrate the County Council's requirements relating to delivery of statutory infrastructure in their local plans and that the entire cost of statutory infrastructure projects would be recovered from developers and other appropriate sources and sufficient contributions secured before the County Council funded scheme delivery.
- 1.8. However, many of the site allocations in the Charnwood draft local plan are coming forward early through the development management process and consequently require input from infrastructure providers ahead of and outside of the plan making functions of the local plan and infrastructure delivery plan.

Equally the current Charnwood Core Strategy is no longer up to date, due to the absence of a demonstrable five-year housing land supply. Consequently, additional unplanned-for growth is coming forward under the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework.

- 1.9. In response, the County Council's Cabinet considered a report on 10 February 2023 regarding an interim approach to securing developer contributions and managing development in respect of highways and education infrastructure needs within Charnwood. This approach is intended to provide guidance to secure developer contributions pending the adoption of the draft Local Plan. It was resolved that the approach set out in the Interim Transport Contributions Strategy for Developments in Charnwood District and Education Infrastructure Evidence Base, be approved.
- 1.10. An Infrastructure Board was set up between senior officers at the County Council and the Borough Council in October 2022, which has met regularly to coordinate the participation of each organisation through the Local Plan examination hearing sessions and the subsequent work required to respond to the Inspectors. The Board was also a forum for discussing the County Council's Interim Transport Contributions Strategy for Developments in Charnwood District and the evidence around education matters.
- 1.11. County Council Highway and Education Officers engaged in the draft Local Plan hearing sessions submitting and presenting evidence and professional views in relation to several matters and Matter 8 'Infrastructure and Transport' in particular. Through the Infrastructure Board and officer working groups, they prepared Main Modifications to the draft Local Plan to ensure that the infrastructure policies reflect current evidence and can secure the necessary mitigation post adoption of the plan. The Main Modifications proposed by the County Council set a firm commitment from relevant parties to further enhance the transport evidence base to refine the mitigation strategy through the development of three Area Transport Strategies, i.e., for: Loughborough and Shepshed; the North of Leicester; and the Soar Valley respectively.
- 1.12. A Statement of Common Ground was signed by Leicester City Council, National Highways, Leicestershire County Council and Charnwood Borough Council on the 10 June 2022 setting out the above approach.
- 1.13. On the 23 May 2023, a letter was received from the local plan Inspectors confirming the next steps for the Local Plan examination. This is to carry out further consultation on the documents set out within table 1 below. Charnwood Borough Council has already collated the additional information; the outstanding items require the County Council to respond.

Evidence Requested	Responsible Authority	Progress Made	Next Steps
The broad contents of the Transport Strategies for Loughborough Urban Centre, Shepshed Urban Area, North of Leicester and Soar Valley	Leicestershire County Council	Evidence was provided orally as part of the Local Plan hearing sessions to Matter 8.	To agree the content of the three strategies with LCC and for this to be submitted to the Inspector and commence 4-week consultation
Updates to the Viability Assessment reflecting updated school build costs and indicative costs of Transport Strategies	Leicestershire County Council/ Charnwood Borough Council	Leicestershire County Council have provided the updated school build costs. Indicative costs of the transport strategies is outstanding	LCC to provide the indicative costs of the Transport Strategies and for CBC to commission the further viability evidence required. Submit the viability report to the Inspector and commence 4-week consultation
The Sustainability Appraisal Addendum (Exam 57)	Charnwood Borough Council	Sustainability Appraisal completed and already in the public domain	Submit to the Inspectors and commence a 4-week consultation.
The proposed approach to increasing housing land supply as set out in Exam 56	Charnwood Borough Council	The technical paper is completed and already in the public domain	Submit to the Inspectors and commence a 4-week consultation
Updated completions/ housing land supply monitoring data to 31.3.23	Charnwood Borough Council	This work is completed	Submit to the Inspectors and commence a 4-week consultation

1.14. Following the local elections on the 4 May 2023, a new administration was formed at the Borough Council. County Council officers subsequently sought confirmation as to the Borough Council's commitment to progressing the local plan and the transport strategies and this was provided by Borough officers in writing to senior County officers and by the Borough Lead Cabinet Member for Planning to the County Council Lead Cabinet Member for Highways, Transportation and Flooding on 12 June 2023.

1.15. On 19 June 2023, the Lead Cabinet Member for Planning provided a position statement on the draft local plan to full Council expressing the administration's commitment to progressing the draft local plan and in supporting the County Council in the preparation and implementation of its transport and education strategies for Charnwood.

1.16. At its meeting on 23 June 2023, the County Council requested a formal position of the Borough Council in relation to the Local Plan given recent manifesto commitments so that it could consider the commitment of further resources to preparing evidence and support the Charnwood Borough Local Plan. The County Council Cabinet resolved:

- a) *That the letter from Charnwood Borough Council's Lead Member for Planning be noted;*
- b) *That Charnwood Borough Council be reminded that:*
 - (i) *the County Council's support for the Charnwood draft Local Plan, approved prior to Examination in Public, was qualified in respect of committing to constructing new infrastructure upon receipt of funds from developers and the requirement to develop Area Transport Strategies to secure developer contributions; and*
 - (ii) *the later decision of the County Council to develop an interim approach to transport contributions reflected its concern that the extended period of Charnwood having no Local Plan created the risk of developer contributions being missed;*
- c) *That the County Council's objective remains in supporting the Borough Council in demonstrating that the draft Local Plan is viable, but it requires the Borough Council to recognise that:*
 - (i) *the Area Transport Strategies and the interim approach will be delivered through the local planning process and therefore should be jointly owned and approved as such by both Councils, without which there can be no assurance that developer contributions will be secured to provide the infrastructure required by the draft Local Plan, something which the Borough Council has chosen not to accept; and*
 - (ii) *the County Council's affordability limit to support the infrastructure requirements of district councils' local plans has been reached in respect of existing commitments; and*
- d) *That the chief executive and relevant chief officers, following consultation with the Leader of the County Council and relevant Lead Members, be authorised to respond to information requests from Charnwood Borough Council following the letter to the Borough Council from the Planning Inspectors of 23rd May 2023.*

2. Implications for the Local Plan

2.1. As set out above in table 1, further information has been requested by the Inspector following the closure of the hearings in February 2023. The request made by the Inspector relates in part to the evidence given by County Council officers at the hearings and it requires their input. Until this information is received, the Borough Council is unable to implement the Inspectors’ request for a 4 week consultation, which is necessary before the examination process can move to the next stage. It is now some distance from the closure of the hearing sessions on 23 February and nearly seven weeks since the Inspectors’ letter of 23 May. The delay is likely to undermine the ability to meet the Local Development Scheme milestones adopted in April 2023:

Table 2

Stage	Milestone Date
Inspectors Report Published	June/July 2023
Adoption	September/October 2023

3. The Way Forward

3.1. The County Council’s cabinet resolution requires *“the Borough Council to recognise that the interim approach will be delivered through the local planning process and should therefore be jointly owned and approved as such by both Councils, without which there can be no assurance that developer contributions will be secured to provide the infrastructure required by the draft Local Plan, something the Borough Council has chosen not to accept”*.

3.2. It would not be appropriate for the Borough Council to adopt the Interim Transport Strategy as the Council needs to be free of conflicts of interests between the Local Highway Authority as a statutory consultee on planning applications and the Local Planning Authority as the decision maker and the relationship with the Local Highway Authority should be the same as for any other stakeholder in this regard. It would also open the Council up to a risk of legal challenge for a document that it does not own or control.

3.3. Cabinet is asked to reaffirm that the Borough Council remains fully committed to supporting the County Council in securing contributions to mitigate the impact of growth on infrastructure and it will continue to support the implementation of the Interim Transport Strategy through the Development Management process given that it will become a material consideration in the determination of future planning applications, under Section 70(2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004. It will therefore be essential that officers from both authorities continue to work together to promote and explain the strategy to promoters and applicants.

3.4. Once adopted the Local Plan will deliver the local transport strategies as discussed as part of the Local Plan examination hearing sessions for Matter 8 and the signed Statement of Common Ground. Provided that the Inspector is satisfied that the Main Modifications and the content of the three Area Strategies will secure the required mitigation for growth then it is likely the Local Plan will be found sound. Once adopted, the Local Plan will set the policy framework for both transport and education and support securing future contributions requested by the Local Highway and Education Authority.

Background papers

Charnwood Borough Council Full Council 23 June 2023 Local Plan Position Statement

Leicestershire County Council Cabinet Report Item 9 [Agenda for Cabinet on Friday, 23 June 2023, 11.00 am - Leicestershire County Council \(leics.gov.uk\)](#)