

Kate Radford
Eversheds Sutherland

Date: 10 May 2023
My Ref: CXPHE/1590
Your Ref:
Contact: Clare Sinnott
Phone: 0116 305 5346
Email: clare.sinnott@leics.gov.uk

By email only

Dear Madam

INTENDED INTRODUCTION OF AN INTERIM POLICY SEEKING DEVELOPER CONTRIBUTIONS TO INFRASTRUCTURE NEEDS IN CHARNWOOD

We refer to your letter dated 9 May 2023 in respect of the above matter. Whilst we note that the email attaching the letter was sent at 14:17 yesterday, it was only received by Clare Sinnott at 9:26 today. We assume that the email was initially blocked by our firewall.

Your letter does not comply with the Pre-Action Protocol for Judicial Review. It does not set out what Leicestershire County Council (“the County Council”) has done wrong. Moreover, your letter does not provide the standard information specified in Annex A to the Protocol.

Additionally, Rule 54.5(1) of the Civil Procedure Rules requires that any claim form in an application for judicial review must be filed promptly and in any event not later than 3 months after the grounds to make the claim first arose. We do not consider that you have acted promptly and to request a response to your letter in such a short timeframe is completely unreasonable.

You have asked for a response to the following three questions:

1. The status of the two ‘interim strategies’ detailed at a) above.
2. Whether these two strategies are intended to comprise policy which would be material to planning decisions, including the forthcoming appeal concerning land at Barkby Road, Queniborough (APP/X2410/W/23/3316574).
3. The purported date of adoption of the strategies.

We would request a reasonable amount of time to reply to your questions. However, in order to be helpful, we would initially comment as follows:

1. The status of the ‘interim strategies’ has not changed since the Cabinet decision.

Chief Executive’s Department

**Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA
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Lauren Haslam LLB(Hons), Dip.L.G., Director of Law and Governance**

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2. This is a question for Charnwood Borough Council, as the relevant local planning authority. The strategies have not been implemented and as such, do not form part of the upcoming Barkby Road appeal. We attach the CIL compliance statement for this appeal which has been submitted to the Planning Inspectorate requesting the various County Council contributions. The County Council will not be requesting any contributions over and above those contained in the attached document.
3. The relevant policy is still under development and its implementation date is currently unknown.

We see no merit in your corporate client issuing proceedings regarding the policy as the relevant policy has not been finalised or implemented. Your client is not therefore affected by its terms. It is doubtful whether your client has sufficient interest to bring an application for a judicial review.

Should your client issue proceedings we reserve the right to claim for the wasted costs involved.

Yours faithfully

Clare Sinnott

**Clare Sinnott
Solicitor**

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