

Explanatory Note for Examination Delay

1. Introduction

- 1.1 This background paper has been prepared to clarify the delays in the local plan examination process following the Inspectors letter to the Borough Council dated 23 May 2023 (Exam71), setting out the next steps for examination following the hearings in February 2023.
- 1.2 Within the Inspector's letter the following documents were identified to be subject to further consultation:
1. The Sustainability Appraisal Addendum (Exam 57)
 2. The proposed approach to increasing land supply (Exam 56)
 3. Updated completions/housing monitoring data 31.3.23
 4. Broad framework of the Transport Strategies for Loughborough Urban Centre, Shepshed Urban Area, North of Leicester and Soar Valley.
 5. An update to the Viability work to take account of the updated school build costs and indicative costs of the Transport Strategies.
- 1.3 The Borough Council have been able to progress evidence documents 1-3 above but have required input from Leicestershire County Council, as the Local Highway Authority, for the remaining two evidence updates.

2. Background

- 2.1 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 and the interim Transport Strategy for Charnwood.
- 2.2 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. 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.
- 2.3 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.
- 2.4 At its [Cabinet meeting on 23 June 2023](#), the County Council requested a formal position of the Borough Council in relation to the Local Plan given the administration's 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.*

2.5 In response to the County Council’s Cabinet report, Charnwood Borough Councils Cabinet on the [13 July 2023](#) resolved:

- 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.*
- 2.6 Further correspondence was held between senior officers at the Borough and County Council, with the Borough Council confirming that they are supportive of the implementation of the Interim Transport Strategy for Charnwood, to secure contributions where appropriate do so from applicants, in order to mitigate the impact of growth on infrastructure ahead of the adoption of the plan. However, the Borough Council cannot legally adopt the strategy as either a Development Plan Document (DPD) or Supplementary Planning Document (SPD), as it has not been prepared in accordance with Environmental Assessment of Plans and Programmes Regulations 2004 and the Town and Country Planning (Local Planning) (England) 2012 Regulations. The Borough Council is committed to working collaboratively with officers at the County Council to support the preparation and implementation of the Interim Strategy and the Three Transport Strategies.

3. Current Position

- 3.1 A paper explaining the scope of the three area Transport Strategies was submitted to the Local Plan examination on the 26 July 2023 by Leicestershire County Council. This has allowed the further viability work to be commissioned by the Borough Council to assess the indicative costs of the Transport Strategies along with the addition of the increased school build costs. The report is due early September 2023 for submission into the examination process.
- 3.2 During the period of delay, the following examination documents have been updated and submitted to the examination process for consideration:
- Updated completions/housing supply monitoring data until 31.3.23 together with an explanatory note.
 - Officers have prepared an explanatory note to sit alongside Exam 56 to update the housing supply data to 31.3.23.
- 3.3 Exam documents 56 and 57 are already available within the examination library as they were submitted as part of the February 2023 hearing sessions.
- 3.4 Once the updated viability work is submitted to the examination in early September 2023, this will allow for the four week consultation to commence as set out in the Inspectors' letter to the Borough Council on 23 May 2023.
- 3.5 Moving forward the Borough Council are committed to working with County Council officers to support the preparation of and implementation of the Interim Strategy and the three area Transport Strategies and in due course will consider whether the three area strategies ought to be evolved into a DPD or SPD following the adoption of the Local Plan.

