

Leicestershire County Council's
Charnwood Transport Contributions Strategy (CTCS)
Frequently Asked Questions (FAQs)

Please note: We will continue to review and update these FAQs as necessary.

Updates

Date	Update
22 nd July 2024	Question 1.5 response modified to include reference to works under Section 278 of the Highways Act
	Section 4 added, including new questions Q:4.1. to Q:4.7.

1. General overview of the Charnwood Transport Contributions Strategy (CTCS)

Q:1.1. What is it?

The CTCS sets out our approach, as the local highway authority, in seeking to secure developer contributions (through the planning application process) towards the transport improvements needed to address the cumulative impacts of future growth in housing and employment across Charnwood borough. This is an evidential and technical document, which will be of particular interest to the development industry e.g. house builders.

The strategy brings together various information produced to support the new Charnwood Local Plan 2021-2037 (which is being prepared by Charnwood Borough Council) and has previously been placed in the public domain through the Local Plan's examination in public.

It includes the key elements of the transport evidence base; the approach to developing the Plan's transport mitigation package (which in some cases includes indicative scheme plans or descriptions); and the costings of that package. Please see the [Local Plan examination website](#) for further information and details.

The strategy then builds on the draft policies in the new Plan relating to transport (including the delivery of transport mitigation and seeking developer contributions), by setting out a more detailed policy approach and underpinning methodology for calculating developer contributions, as well as levels of contributions to be sought from developers through the development management (planning application) process.

Q:1.2. Why is it needed?

The CTCS supports the new Charnwood Local Plan, 2021-2037, which is being prepared by Charnwood Borough Council, and is currently progressing through its examination in public. (More general information on Local Plans and the process for

developing and adopting them can be found on the [National Association of Local Councils' website](#).)

An expansive body of transport evidence has been produced to support the development and examination of the new Plan, which can be viewed on the [Local Plan examination website](#). The evidence demonstrates that the growth associated with the Plan will, without mitigation, have severe cumulative and cross-boundary impacts on the transport network in and around Charnwood borough.

The evidence also identifies a transport mitigation package for dealing with these impacts, which is intended to be delivered via three proposed transport strategy areas, namely:

- Loughborough and Shepshed
- Soar Valley
- North of Leicester

The nature of the new Plan's development strategy – with growth being relatively more dispersed across the Borough and spread across sites of smaller scale in comparison to the current Plan – means that the forecast traffic impacts of the growth are:

- Likewise dispersed; but
- Combine at points on the Borough's road network to give rise to cumulative severe impacts (without any mitigation).

Delivery of the Plan/Borough-wide package of transport mitigation measures required to address these impacts is not affordable through our own budgets. Therefore, other sources of funding will need to be secured, including from Government (or public) sources and private sources, such as developers (e.g., house builders).

Given the scale and nature of the Plan's site allocations relative to the scale of the transport mitigation package, it would be unreasonable and a disproportionate burden for/on individual development sites to fund or deliver particular elements of the package.

The CTCS sets out an approach for sharing the costs of the package on a reasonable and proportionate basis between development sites across the Borough, which reflects the broad geographic extent of the three area transport strategies.

It is also intended to help avoid impractical and/or inefficient investment in 'piecemeal' measures, including duplicating transport improvements that address the same transport impacts as those targeted by the Plan/Borough-wide mitigation package.

In doing so, the CTCS builds on, and describes in more detail, the process and assumptions to be used in implementing the approach set out through Policies INF1 (Infrastructure and Developer Contributions) and INF2 (Development and Delivery of Transport Strategies) of the draft Plan (including Main Modifications proposed during

the Plan's hearing sessions which must be consulted on separately as part of the Plan's examination).

Q:1.3. Where can the evidence for the package of transport mitigation measures be found, and where are the schemes which the money will pay for outlined?

The CTCS summarises the Plan's evidence base and explains how it has evolved to date.

The links to the Plan's evidence base are provided in table 1 of the CTCS document. In terms of schemes, chapter 5 of the CTCS sets out the proposed transport mitigation package schemes and costs, proportionate to the level of detail required in respect of a Local Plan.

Q:1.4. How did you decide on the areas that the transport strategies would cover?

The areas reflect both the distribution of growth in the new Plan and of the cumulative transport impacts and mitigation measures that arise from this, as identified through the Plan's robust evidence base. The basis for the areas is set out in the Plan's Infrastructure Schedule (including Main Modifications proposed during the Plan's hearing sessions which must be consulted on separately as part of the Plan's examination).

Q:1.5. What does it not cover?

The CTCS does not cover specific developments/sites or more localised issues, e.g., the creation of new or improvements to existing points of site access or other works that are covered by agreements under Section 278 of the Highways Act. These are expected to be dealt with in the usual way through proposals submitted as part of a planning application.

2. Developer contributions proposed to be sought

Q:2.1. How have contributions been calculated?

The CTCS seeks to share out the cost of funding the three area-based transport strategies. It splits the costs of the mitigation package across Plan allocation sites in those strategy areas based on the numbers of houses (or equivalent units). The apportionment of the allocation sites to the strategy areas is set out in Appendix A, Table A1 of the CTCS document.

The calculations also take into account work produced by consultants Aspinall Verdi on behalf of Leicestershire County Council and Charnwood Borough Council around viability ([and published alongside the draft contributions strategy as part of the consultation](#)).

The primary intention of the viability work is to identify proportionate and reasonable levels of contributions in each strategy area, to form a basis for seeking agreement

with developers through the development management (planning application) process. Where necessary, the CTCS applies a lower cap on the proposed level of contribution to reflect the findings of the viability work.

Full details of the calculation methodology can be found in Appendix A of the CTCS document.

Q:2.2. What type of development will the contributions apply to?

They will apply in principle to all residential development that falls within the area of one of the three transport strategies *and* do not currently have the benefit of planning permission. Where development cannot be explicitly linked to one of the areas though the Plan's Infrastructure Schedule, (including Main Modifications proposed during the Plan's hearing sessions which must be consulted on separately as part of the Plan's examination), the need for, and appropriateness of, a contribution will be considered on a site-by-site basis using the evidence developed in support of the planning application.

Contributions from commercial development will only be sought where they are newly allocated in the new Plan (i.e., not carried forward from the current Local Plan) or are 'speculative' (i.e., not included in either Plan). In either case, contributions will be sought on a site-by-site basis, in accordance with the process proposed in Appendix A of the CTCS document.

Q:2.3. What are the proposed levels of developer contributions to be sought?

The levels of housing contributions proposed to be sought for each transport strategy area are set out in Appendix A, Table A2. Where applicable, contributions for commercial developments will be sought on a site-by-site basis, in accordance with the process proposed in Appendix A of the CTCS document.

Q:2.4. Will all the cost of the schemes be paid for by developers?

No, the contributions being sought are based on the methodology set out in Appendix A of the CTCS document (including as informed by the supporting viability evidence), as described in response to previous FAQs.

Developers will be requested to pay a portion of that cost, proportionate to the scale of their development, and at a level that avoids affecting the viability of the development.

Nevertheless, where a developer considers that the level of contribution sought does impact negatively on the viability of their development, they will have the opportunity to submit their own viability evidence as part of a planning application to seek to agree a suitable level of contribution.

Q:2.5. How does a developer know if their development will pay a fair share and no more?

The contributions proposed to be sought through the CTCS have been worked out in a way intended to be fair, proportionate, and affordable to all parties. FAQ 2.1 summarises how the contributions have been calculated, and full details of the calculation methodology can be found in Appendix A of the CTCS document.

Q:2.6. Will a developer be paying for developments that have already been granted planning permission so were not subject to these potential contributions?

No, the potential contribution that sites already with planning permission would have made has not been apportioned to those yet to receive planning permission.

Q:2.7. In addition to the approach proposed in the CTCS, what other approaches were considered, and why were they dismissed?

Addressing Plan/Borough-wide cumulative transport impacts on a site-by-site basis would not have been practical. It would most likely have led to circumstances where:

- A specific site was required to deliver an element of the Plan/Borough-wide mitigation package that was disproportionate to the scale and viability of the development.
- In any event, requiring that could be considered as an 'unfair' request of the sole developer, given that the mitigation is required to deal with the cumulative impacts from several sites.
- However, in the absence of the delivery of the required mitigation there would be severe transport impacts, contrary to the National Planning Policy Framework.

Given the Plan's development strategy, and the cumulative transport impacts arising, to the Local Highway Authority a 'per dwelling' approach appears to be the only fair, reasonable and practical way to seek to secure developer contributions towards the Plan/Borough wide mitigation package's timely delivery.

Q:2.8. Why is Leicestershire County Council consulting on the CTCS?

We are seeking to ensure that the approach to cost-sharing is reasonable, robust and practical. It is therefore important that we provide an opportunity for affected parties to comment on the draft CTCS – in particular, developers (e.g., house builders) who are likely to have the most interest in it.

3. What happens next?

Q:3.1. How will my response be used?

We will consider all responses in determining how we move forward with seeking to implement the CTCS, which may include the need to consider refinements to it.

Q:3.2. When will the CTCS be implemented?

Subject to the outcomes of the consultation, the intention is to take the final version of the CTCS to Leicestershire County Council's Cabinet for approval this September.

Q:3.3. How will the CTCS be used when dealing with planning applications?

As is the case now, when commenting on planning applications through the development management process, as Local Highway Authority we will include requests for developer contributions to mitigate the transport impacts of the proposal in the planning application.

Subject to the CTCS's approval by the County Council's Cabinet, as appropriate requests will be based upon the calculations set out in Appendix A of the CTCS document.

It will also remain the case that any such requests will, ultimately, be for consideration by Charnwood Borough Council, as the Local Planning Authority. In doing so they will need to bear in mind all other relevant factors, to reach a judgement on whether it would be appropriate and reasonable to grant permission, subject to an obligation for the developer to make a contribution in line with the CTCS.

Q:3.4. Could a developer pay 'in kind' contributions, such as provide land or deliver a transport mitigation scheme?

This would only be agreed if the 'in kind' contribution aligned with specific proposals and/or wider transport strategies and met the appropriate Leicestershire County Council or government design guidance.

Q:3.5. What if a developer disagrees with the amount that is being sought to mitigate the impacts of their development?

If a developer disagrees with the amount that is being sought because of concerns about the impact on the viability of their development, they will be able to provide a development specific viability assessment. If this shows that the amount being sought affects the viability of the development, then this will be discussed with the developer and the required contribution may be adjusted accordingly.

Q:3.6. Will the CTCS be updated?

Yes, it is a dynamic document. It will change as more detailed evidence and/or proposals to address the cumulative and cross-boundary impacts of growth emerge. It will therefore be reviewed as and when necessary, including any further rounds of consultation.

However, any contributions sought will still be in accordance with Appendix A of the CTCS document. They will continue to remain 'capped' where necessary for viability reasons, as per the document.

4. FAQs added since original publication

Q:4.1. What status will the CTCS have?

It will be a Leicestershire County Council policy document. In that regard, it will have a similar status to our Planning Obligations Policy and will be used in much the same way through the planning application process (see FAQ 3.3).

Q:4.2. What happens if a transport contribution has already been requested from a developer prior to the launch of this consultation but planning permission has not yet been granted? Will the Local Highway Authority now adjust its request in line with amounts proposed in the draft CTCS?

The CTCS is in draft form at present. As per the response to FAQ 3.2, it will not be implemented until it has been approved by Leicestershire County Council's Cabinet. Therefore, the Local Highway Authority does not intend to issue revised requests; the requests to date reflect the same transport evidence on which the CTCS is based. However, as per FAQ 3.5, we are open to approaches from developers where the requests to date present site-specific, evidenced viability issues.

Q:4.3. Why is improving existing walking and cycling infrastructure a valid and reasonable approach to mitigating the traffic (highway) impacts of a new development?

The removal of shorter distance car trips that otherwise could be made on foot or by bike provides opportunities to release traffic capacity on the road network to accommodate additional, relatively longer distance trips generated by new development, which are more likely to be undertaken by car.

A significant barrier to people choosing to walk or cycle can often be the inadequacies of existing infrastructure; thus, seeking developer contributions to improve pedestrian and cycle routes/networks can be a valid and reasonable thing to do as part of mitigating the impacts of new development. Furthermore, seeking to improve existing walking and cycling routes/networks is entirely consistent with national policy and strategy, such as Gear Change and the second Cycling and Walking Investment Strategy, and aligns with Active Travel England's approach to new development. It also aligns with wider national policy agendas such as seeking to improve peoples' health and equality of opportunities and reflects the core themes of Leicestershire County Council's emerging LTP4.

Proportionate to the level of evidence required for a Local Plan, broad, area-wide estimates were made about the impacts of walking and cycling on traffic levels as part of the sequential approach to the developing and testing of the Plan/Borough-wide transport mitigation package. Beyond that, the identification and development of cycling and walking networks has been undertaken in accordance with national Local Cycling and Walking Infrastructure Plan requirements.

Q:4.4. Has legal advice been taken to inform the CTCS?

Yes, Leicestershire County Council and Charnwood Borough Council have sought legal advice. The advice has been sought on a confidential basis. It is protected by legal advice privilege. It will not be published nor released.

Q:4.5. Is there a Memorandum of agreement between Leicestershire County Council and Charnwood Borough Council prioritising contributions requests if all cannot be met due to site specific viability issues?

No. However, Charnwood Borough Council have committed to prepare a Planning Obligations Supplementary Planning Document (SPD) within the Local Development Scheme 2024. The Planning Obligations SPD, will be used to prioritise the allocation of development contributions to different kinds of infrastructure. In the interim, the Borough Council will continue to require contributions on a site-by-site basis according to a scheme's overall viability.

Q:4.6. If some developers do not pay their CTCS contribution, will this result in infrastructure schemes not being delivered and others not being able to be built? If this happens, will this prevent developments from proceeding or being completed?

In general terms, no this would not prevent a development from proceeding or being completed. Through the Local Plan's examination in public, Leicestershire County Council in its role as the Local Highway Authority is on record as acknowledging that there is a funding gap for the Plan/Borough-wide transport mitigation package, a gap that will require public (government) sources of funding to help bridge. (Leicestershire County Council has a successful record of securing funding from Government, including for the Melton Mowbray Distributor Road, which is currently on site and enables delivery of significant housing growth allocated in the Melton Local Plan 2011 to 2036.) We also recognised and acknowledged that whilst elements of the package are scalable, such as the walking and cycling elements that are most likely to come forward in the Plan's early years, the totality of the package will probably take the Plan's life time to deliver and from a highways perspective we will take a pragmatic, short term pain for long term gain viewpoint (as per the case for the Melton Local Plan).

There are a couple of important caveats to this general position. Firstly, we are not the Highway Authority for the Strategic Road Network, which includes the A46, and which is managed by National Highways (NH). The Plan/Borough-wide mitigation package includes highway elements that are on or affect the A46. Whilst NH are signatories to Local Plan Transport Statements of Common Ground that underpin the general approach to the development and delivery of the package, we cannot speak for them as to how they will respond to specific planning applications that impact on the SRN. Secondly, it cannot be ruled out that more granular, planning application related transport assessments could identify the need for a specific development limit or threshold trigger point in order to avoid otherwise severe impacts unless and until a particular improvement scheme has been delivered.

Q:4.7. There has been no reference to wider costs i.e. works under Section 278 of the Highways Act. Site-specific issues are a gap that has not been quantified through the cumulative impact costs and could impact on site viability.

FAQ 1.5 explains that works under Section 278 of the Highways Act are not covered by the CTCS.

There will be site-by-site considerations that will need to be picked up at the development management (planning application) stage. The Aspinall Verdi viability work (see FAQ 2.1) includes external works costs and '*other Charnwood Borough Council/Leicestershire County Council Section 106 Contributions*' as well as various explicit on-costs for Part L of the Building Regulations and Biodiversity etc. Specific site infrastructure costs should be considered as part of the site due diligence process and factored into land buying decisions. It is all subject to site specific viability in accordance with the principles contained within the Planning Practice Guidance: Viability.