

Cheltenham Plan EiP Hearing Statement Matter 3

Submission on behalf of Gloucestershire County Council Education Department

Representor ID No. 439. Comment ID No. 1321.



Introduction

1. McLoughlin Planning has been instructed by the Education Department at Gloucestershire County Council to submit additional representation on the Cheltenham Plan in respect of Matter 3: Housing and Mixed Use Development, Question 6: In addition, this Statement is accompanied by a Statement of Common Ground dealing with Matters 3 and 4.

Is there adequate justification for the siting of a school within the Leckhampton allocation (MD5)?

2. The representation will set out that it is Gloucestershire County Council's position that the need for the school is both evidenced and justified, but that the location of the school specifically within the allocation on MD5 is considered unsound. As a result, the purpose of this submission is to further explore this alongside the evidence base and set out why the plan should be modified to allocate a site for a secondary school as outlined in red on the plan attached.

Policy Context

3. The National Planning Policy Framework sets out the tests of soundness under Paragraph 182 positively prepared, justified, effective and consistent with national policy. The key consideration aspect in relation to the MD5 Allocation, is the point of whether the inclusion of the school is 'Justified' taking into account reasonable alternatives and formulated on proportionate evidence. The NPPF also set out under Paragraph 162, that there is a national requirement to make provision for education facilities within the plan process.
4. In addition to the NPPF, the National Policy Statement 'Planning for schools development', sets out the high bar imposed by Government on Councils who oppose proposals for new schools, as a result of the strong policy support for improving state education.
5. Finally, Section 13 of the Education Act 1996 imposes a statutory duty on Councils to ensure "that sufficient primary and secondary school places are available to meet the needs of the population of their area."

Evidence Base

6. The key documents within the evidence base for allocating MD5 are:

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- The Cheltenham Plan – Integrated Appraisal (includes Stainability Appraisal), Nov 2017 – SD017.
 - Housing and Mixed-Use Topic Paper, January 2018 - NS006.
 - Sequential Test Report. SF Planning, November 2017 – Attached.
7. In addition, the numerical case for the School is set out in the following documents.
- School Places Strategy 2018-2023 Primary and Secondary Schools. Gloucestershire County Council, Nov 2018 – Attached.
 - Cheltenham Places Update – September 2018 – Attached.
 - Cheltenham Places Secondary School Dilemma – Attached.

Background

8. Gloucestershire County Council approached Cheltenham Borough Council seeking a school site in November 2017 following a review of secondary school places in Cheltenham. The review identified a significant shortfall in secondary places and that there was a need to substantially increase the number of secondary school places, by at least 900 places or 6 forms of entry (6FE) by 2021/22. The review also concluded, that the school need was most critical within the South Cheltenham area, with the further expansion of existing secondary schools no longer a viable option to meet the required demand.
9. In support of the County Council establishing the need and general location for a 900 place (6FE) School, SF Planning was commissioned to carry out an assessment to identify a potential site for the new school in Cheltenham. The assessment was carried out, based on a 7ha site requirement.
10. The assessment identified 7 potential sites, and concluded on utilising two sites, '1. Land South of Shurdington Road, Leckhampton' and '2. Land at Farm Lane, Leckhampton'. The recommendation would see the school buildings located within Site 1 and the school playing fields in Site 2. The conclusion of this assessment was accepted by the Borough Council, and the Leckhampton Allocation MD5 was amended.
11. The Appraisal (SD017) makes reference to the school change under paragraph 6.25:
- "At a late stage of plan-making and assessment, Gloucester County Council advised the need for a secondary school and that the Leckhampton site was preferred. This means that the proposed development changes from around 330 dwellings to around 200-250*

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dwellings plus the school. The implications for the overall findings of the SA are not significant: the quantum of housing remains sufficient that affordable units can be provided and maintains the major positive effects for SA objectives on housing for all; the provision of a new school will ensure that there is educational capacity for existing and new communities in the area into the longer term, thus confirming the likely positive effects for SA objectives on provision and access to services/facilities. The JCS and other Plan Policies will ensure that there are no significant negative effects arising from the change of proposed development.”

12. The above analysis shows how the requirement of the 6FE school came to fruition. It is now necessary to analysis the soundness of the allocation and the change in position.

Why MD5 is unsound

13. As set out above, the County Council considers the current MD5 allocation to be unsound, as a result of significant changes to the school requirement that were fundamental in shaping the assessment on suitable site locations for MD5.
14. The main requirement that has changed is that the school site no longer needs to be 7ha in size. Given the County Council remit to provide primary and secondary places (up to age 16) only, the Government’s Building Bulletin (BB103) recommends a smaller minimum standard for a 6FE secondary school. This is a key factor, as the school is a County Council funded project, that in turn should be based on BB103 guidelines, as a national standard.
15. The ‘New 6FE School Feasibility Study’ by Roberts Limbrick clearly sets out these specifications in its option appraisal when determining site area requirements for the school location, equating to an area of 5.9ha. The required BB103 guidelines were not factored into the SF Planning Sequential Test Report, and as a result, the school allocation in MD5 covered a larger area than was required. Using the BB103 evidence base confirms that the school could fit solely within Site 2, as set out in the site plan attached.
16. The previous school size requirement resulted in the allocation of MD5 as the only viable option and would necessitate either entering into an agreement with the other landowner to purchase the land or to secure the land by using a Compulsory Purchase Order, which are both explored below.
17. It is clear from a number of representations during the Plan consultation that Miller Homes represented by RPS (1219) have a strong objection to a school allocation on the

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MD5 parcel of land that in their view could be used for housing, voicing a preference for school be built solely on the adjacent Council owned land. As Miller Homes have first option to purchase the land it would be unviable for the Council to buy the land.

18. If the school allocation was maintained on MD5, a Compulsory Purchase Order would be needed to enable Gloucestershire County Council to acquire the land to build the school. However, such a course of action would fail because a CPO requires the County to demonstrate that the school cannot be delivered on land it controls and needs third party land. As the school can be delivered on its own land, the Council cannot successfully demonstrate a CPO case to acquire the MD5 school site, thus necessitating the change in position.
19. The Roberts Limbrick work using BB103 guidelines, demonstrates that it is possible to deliver the school on Gloucestershire County Council controlled land. The County Council has sought Counsel's advice on this situation, and it has been confirmed that a CPO would have a high risk of failure because of the availability of County Council owned land.
20. In considering the above, Paragraph 154 of the NPPF makes it clear that Plans need to be aspirational but realistic and deliverable, with Paragraph 157 requiring allocated sites to promote development (bulletpoint 5). A combination of reduction in size requirements, inability to successfully acquire via a CPO and the need to adhere to BB103 guidelines, result in an undeliverable allocation and therefore the allocation is unsound.

Recommendations to make MD5 Sound?

21. In formulating a sound Local Plan and ensuring a much-needed school is provided to deliver essential secondary school places in Cheltenham, the Inspector is invited to recommend via Main Modification the allocation of the new school site as shown on the site plan in red (attached).
22. The alteration to the school has been evidenced by the following documents:
 - New 6FE School Feasibility Study, November 2018 by Roberts Limbrick Architects (attached)
 - Landscape Planning Appraisal, November 2018 by Pegasus Group (attached).
23. Alongside NS006 and SD017 and the School Places Strategy 2018-23 Report.

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24. The above documents establish that it is clearly possible to deliver a 6FE School within land controlled by Gloucestershire County Council and still result in an acceptable impact on the surrounding landscape and the amenity of local residents.
 25. The highways impact has been deemed acceptable in EiP document NS006, with ongoing highways work being undertaken to further evidence the sites acceptability. In addition, the SD017 report also concludes acceptability on the SA objectives. It is anticipated that there will be a further update at the EiP hearing
 26. The benefits of amending allocation MD5 to provide for the 6FE school on County Council land adjacent to it, would ensure that the Cheltenham Local Plan is deliverable in line with NPPF Paragraph 154 as well supporting the much-needed provision of education facilities as set out under Paragraph 162, as set out in the School Places Strategy 2018-2023, Nov 2018 document. This document forecasts an increase of 612 Year 7 pupils between September 2018 and 2023. These children are already in the local primary schools in Cheltenham and there is a statutory duty for Gloucestershire County Council under Section 13 of the Education Act 1996 to ensure a school allocation is brought forward for the growing population of their area.