

P18-0847

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Dear Lucy

Response to the comments of Gloucestershire County Council in respect of planning application at Oakley Farm, Priors Road, Cheltenham (reference: 20/01069/OUT)

As you will appreciate, an Educational Needs Assessment was prepared on behalf of Robert Hitchins Ltd which identified that the requested contribution of the County Council towards educational infrastructure was contrary to the adopted CIL Charging Schedule and the relevant guidance in numerous regards.

The County Council has responded although as you have identified this response appears to be partial and lacking the detailed commentary on the points put forward in the Educational Needs Assessment. We continue to await this information. However, I thought it would be useful to write to you to address those newly arising matters which have been raised by the County Council.

It should also be noted that Robert Hitchins Ltd have commissioned a survey of new build developments across Gloucestershire, such that if an alternative approach to that provided by the Development Plan and the CIL Charging Schedule is applied, the necessary information to calculate the educational infrastructure is available. I therefore also set out the findings of this survey below.

The Development Plan and other material considerations

The County Council helpfully refer to Section 38(6) of the Act which requires that planning applications are made in accordance with the Development Plan unless material considerations indicate otherwise.

The PPG (23b-004) identifies that policies for planning obligations should be set out in plans and examined in public, and that they should be clear so that they can be accurately accounted for in the price paid for land. This is achieved by Policy INF6 of the Joint Core Strategy which sets out how infrastructure requirements will be secured.

Page | 1

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Policy INF6(1) states that when identifying infrastructure requirements full regard must be given to the Infrastructure Delivery Plan. The County Council's request however entirely disregards or requires the applicant to entirely disregard the Infrastructure Delivery Plan and is thereby contrary to the Development Plan. If the application is to be determined in accordance with the Development Plan, the product ratios identified in the response of the County Council should therefore be disregarded at least until such time as the Development Plan is reviewed.

As you will be aware, the Infrastructure Delivery Plan which informed the Joint Core Strategy was published in 2014 and identifies that:

"This is the figure calculated by Gloucestershire County Council for the purposes of S.106 assessment was correct as of April 2014;

• Applying a ratio of 7.467 (housing) and 1.994 (flats or apartments) places per 100 dwellings, GCC estimate a demand for 1039 new early years places over the plan period at an estimated capital cost of £12.2m." (emphasis added)

And that:

"The theoretical assessment of demand is based upon locally derived Gloucestershire CC Standards for primary and secondary education and locally derived estimated costs:

• 27.76 (housing) and 2.75 (flats and apartments) primary school places per 100 dwellings and a capital cost per place of £11,682 leads to a demand for 3,680 places at an estimated cost of £43m.

• 13.87 (housing) and 0.276 (flats and apartments) secondary school places per 100 dwellings and a capital cost of £15,101 per generated place leads to a demand for 1,752 secondary (11-16) and 256 sixth-form places at an estimated cost of £31.3m." (emphasis added)

The Infrastructure Delivery Plan therefore assumes that every 100 houses would accommodate 49.1 additional pupils ($=7.467+27.76+13.87$). Whilst the respective ratios for secondary and sixth form places are not provided, these can be simply calculated from the ratio between the demand for 1,752 secondary school places and 256 sixth form places. This would indicate that 100 dwellings would require 12.10 secondary school places and 1.77 sixth form places providing a total of 13.87 secondary and sixth form places.

Based on these rates to which full regard must be given according to the Development Plan, the development of 250 houses would generate a need for 18.7 childcare places, 69.4 primary school places and 34.7 secondary and sixth form places – a total of 122.7 places. This compares to the position of the County Council which assumes that the development of 250 homes will generate a need for 75 childcare places, 103 primary places and 78 secondary places assumed by the County Council – a total of 256 places. The new formulaic approach of the County Council therefore identifies educational needs which are more than twice that required by the Development Plan.

It is therefore apparent that not only does the approach of the County Council not accord with Policy INF6(1) it also represents a significant departure from Policy INF6(1). If the approach of the County Council were to be applied by the Borough Council, this would therefore require the Borough Council to conclude that Policy INF6 is out-of-date.

The Development Plan is also linked to the CIL Charging Schedule. Paragraph 5.8.3 of the Joint Core Strategy identifies that following the introduction of CIL, s106 obligations will be retained for securing site-specific obligations, particularly in respect of affordable housing. As set out in the Educational Needs Assessment, the County Council is applying its new approach to every planning application contrary to the approach proposed in the Development Plan.

It is also notable that the Development Plan was tested on the basis of the Infrastructure Delivery Plan of 2014 and found to be viable, deliverable and sound on that basis taking account of representations received from all stakeholders including local communities. The County Council however require that a different approach to assessing infrastructure needs is applied than required by the Development Plan. Such an approach would:

- Replace adopted Policy INF6 with an alternative policy, the viability of which has not been tested alongside other policies such that this could undermine the deliverability of the Development Plan contrary to the final sentence of the PPG (23b-003);
- Require that the planning obligations sought are different to the policies set out in the Development Plan contrary to the first sentence of the PPG (23b-004);
- Mean that the policy requirements are not clearly set out in policy such that these could not be accounted for in the price paid for land contrary to the second sentence of the PPG (23b-004);
- Require that a different approach to planning obligations is applied without a corresponding assessment of the viability implications contrary to the third sentence of the PPG (23b-004);
- Require the introduction of a new formulaic approach which has not been tested through examination contrary to the sixth sentence of the PPG (23b-004);
- Mean that local communities have been precluded from being involved in setting the policies for contributions contrary to the final sentence of the PPG (23b-004); and
- Replace adopted Policy INF6 with an alternative policy, the viability of which has not been tested alongside all relevant policies contrary to the first sentence of the PPG (23b-005).

The potential viability implications of the application of the new approach of the County Council is apparent from the evidence base of the Borough Council. The viability of the policies contained in the Joint Core Strategy was tested in the Plan Viability, Community Infrastructure Levy and Affordable Housing Study, January 2016 on the basis that

"The infrastructure requirements anticipated for the majority of non-strategic sites are likely to be met through off site delivery of infrastructure such as schools expansions, open space enhancements, or transport improvements. Whilst no decision has been made, the JCS authorities have advised that it should be assumed

that this infrastructure is likely to be met through the CIL and identified on the Regulation 123 infrastructure list.”

The request of the County Council which now requires an average of £16,223 per dwelling to be provided through s106 contributions rather than £0 as assumed in the evidence base of the Joint Core Strategy would therefore be demonstrably inconsistent with the basis upon which the Joint Core Strategy was found to be viable and sound. It represents a significant economic change that will at least compromise and potentially undermine the deliverability of the Development Plan (in the absence of the other policies having been reviewed) and so if the County Council’s approach was to be applied by the Borough Council this would require an immediate review of the Development Plan in Cheltenham in accordance with the PPG (61-065).

Policy SA1(7) requires that the Strategic Allocations provide the infrastructure on-site that is necessary to meet the needs of the whole Strategic Allocation. The planning application at North West Cheltenham responds appropriately and proposes schools with 6 forms of entry. However, if contrary to Policy INF6, the approach of the County Council was now applied by the Borough Council the proposed development at North West Cheltenham would need to provide schools with over 8 forms of entry to accord with Policy SA1(7). The current planning application at North West Cheltenham would not therefore accord with the Development Plan and should be refused if the new approach of the County Council is applied. It is also understood that notwithstanding the new approach of the County Council the Strategic Allocations at North West Cheltenham and West Cheltenham have been significantly delayed and remain undeliverable including as a result of viability concerns. The application of the County Council’s new approach would therefore further compromise the viability and deliverability of these Strategic Allocations and therefore undermine a critical element of the Development Plan in Cheltenham Borough.

The consequences of the County Council’s new approach have been considered in Gloucester City, where the City Council identify that the application of the County Council’s new approach would render the Development Plan “wholly unviable”.

Gloucester City Council is therefore proposing to review the Development Plan policies within the Gloucester City Plan to seek a balance competing infrastructure demands whilst maintaining a viable Development Plan in accordance with the PPG (61-065) and (23b-005). In so doing, Gloucester City Council is proposing to set a cap of £5,000 per dwelling towards all forms of infrastructure (including education) to ensure that the Development Plan remains viable and can continue to deliver affordable housing in particular. Until such time as the emerging City Plan is adopted, it would be expected that the adopted Policy INF6 would continue to be applied. This is the correct approach to considering new evidence such as that relied upon by the County Council, as it reviews all policies collectively to ensure that the Development Plan remains deliverable in accordance with the PPG (23b-005).

In the absence of such a review of policies in Cheltenham Borough, the County Council’s approach cannot be applied without undermining the deliverability of the Development Plan,

and rendering numerous of the policies of the Development Plan out-of-date not only as a result of these becoming unviable collectively but also owing to the fundamentally different number of children arising in every household/dwelling than assumed in the Joint Core Strategy.

Paragraphs 3.1.8 and 3.1.10 of the Joint Core Strategy identify that the housing requirement of Policy SP1 is informed by the 2012 and 2014 based household projections. As set out in the following table, these projections upon which the housing requirement is based identify that in every 100 new households within the plan area there will be between 33.1 and 34.9 new children. This compares with the new approach of the County Council which suggests that there will be 98 new children in every 100 households. It is therefore clear that the approach of the County Council is wholly inconsistent with the adopted housing requirement and that if this approached was to be applied by the Borough Council as a necessary consequence Policy SP1 would be rendered out-of-date.

	2012 based projections				2014 based projections				Approach of GCC
	2019 ¹	2031	Change	Additional children per additional household	2019	2031	Change	Additional children per additional household	
Households	148,725	165,541	16,816		148,579	165,660	17,081		
Pre-school aged children	20,919	20,642	-277	-1.6	20,605	20,895	291	1.7	30
Primary school aged children	28,513	29,511	998	5.9	28,979	29,988	1,008	5.9	41
Secondary school aged children	18,605	21,850	3,244	19.3	18,781	21,805	3,024	17.7	20
Sixth form aged children	7,125	8,732	1,607	9.6	7,325	8,965	1,640	9.6	7
Total children	75,162	80,735	5,573	33.1	75,690	81,652	5,962	34.9	98

Indeed, the respective monitoring reports identify that in the period 2011-19, a total of 12,148 dwellings were built in the JCS area, which leaves a residual requirement for 23,027 dwellings

¹ 2019 is used as the base-date within these calculations as this is the latest date at which the number of pupils is available from national statistics and the latest date for which the number of dwelling completions is known from the monitoring reports of the Joint Core Strategy authorities.

across the remainder of the plan period 2019-31. Based on the proportion of dwellings that were assumed to be vacant or used as second homes in the evidence base of the Joint Core Strategy, these 23,027 dwellings would be expected to accommodate 22,161 households. The adopted housing requirement assumes that this number of households would increase the number of children by between 7,344 and 7,736 based on the ratios of between 33.1 and 34.9 children per 100 households. However, the approach of the County Council assumes that the residual housing requirement will increase the number of children by 21,718. If the approach of the County Council is applied, there will therefore be between 13,982 and 14,374 additional children than assumed within the adopted housing requirement.

Of the 13,982 to 14,374 additional children, between 7,361 and 7,711 will be of primary school, secondary school or sixth form age. A proportion of these children will become of household-forming age within the 12 years to 2031 and as a result the housing requirement would need to be increased to accommodate them. Whilst detailed demographic modelling would need to be undertaken to identify how much the housing requirement would need to be increased to accommodate the additional households that would form within the plan period as a direct result of the application of the County Council's approach, it is estimated that this would increase the housing requirement by of the order of 1,400 dwellings. The application of this approach would thereby significantly increase the need for the proposed development and thereby the exceptional circumstances for the development in terms of paragraph 172(a) of the NPPF would be even more pronounced.

Therefore, as a direct result of the application of the County Council's new approach, which would be both contrary to the Development Plan and national guidance, Policy SP1 would be rendered out-of-date and there would be a much greater need for housing to be provided across the plan area including within Cheltenham Borough. As a result of Policy SP1 being rendered out-of-date if the County Council's approach is applied, all of the policies that flow from Policy SP1 could also be considered to be out-of-date.

Additionally, if the County Council's new approach was to be applied in the absence of a review of the relevant policies contrary to national guidance, all development would be unviable in Gloucester City and the already constrained viability of the Strategic Allocations in Cheltenham Borough would be undermined. Accordingly, the spatial strategy of Policy SP2 would be undeliverable and out-of-date. This would require additional sources of supply to be identified to address the housing needs across the plan area. Furthermore, the scope for meeting the housing requirement, let alone the increased housing need that arises from the County Council's approach, elsewhere within the plan area would be compromised such that the exceptional circumstances for the development in terms of paragraph 172(b) of the NPPF would be even more pronounced.

Similarly, as the County Council's new approach indicates that on average every additional household will accommodate a significantly greater number of children than assumed in the evidence base of the Joint Core Strategy, there will be a need for a significantly greater number of larger dwellings than considered in the Strategic Housing Market Assessment. Policy

SD11 relies upon the housing mix of the Strategic Housing Market Assessment which would be rendered out-of-date as a direct result of the application of the County Council's new approach.

The Strategic Housing Market Assessment also identifies in Table 7.13 that the proportion of households in affordable need increases with additional children. Therefore, once again as a direct result of the application of the County Council's new approach the need for affordable housing considered in the Joint Core Strategy would be out-of-date and so would Policy SD12 as a result.

The policies that would be rendered out-of-date as a direct result of the County Council's new approach would remain irrevocably out-of-date even if the Borough Council was able to restore a five-year land supply. In effect, not only would the tilted balance of paragraph 11d of the NPPF need to be engaged when considering every planning application until such time as the policies of the Development Plan are reviewed, the weight afforded to all relevant policies would need to be significantly reduced.

The CIL Charging Schedule

As set out in the Educational Needs Assessment previously provided, the approach of the County Council is also contrary to the basis upon which the CIL Charging Schedule was examined and recommended for approval. This is immediately obvious from the position of the Joint Core Strategy authorities to the CIL examination and from the conclusions of the Examiner and appears to be accepted by the County Council who state:

"The Pegasus report states at paragraph 2.12 that the CIL Charging Schedule has been prepared on the basis that no S106 contributions will be required on non-strategic sites such as Oakley Farm, and that educational needs arising from the development will be funded through CIL.

However, the CIL Charging Schedule and the Reg 123 list do not seek to prevent S106 contributions from sites such as Oakley Farm - so long as the requested contribution meets the Reg 122 tests."

Indeed, it has subsequently been confirmed by both Gloucester City Council and Tewkesbury Borough Council that educational infrastructure on non-strategic sites was to be funded through CIL. Gloucester City Council has identified in the Background Paper on Infrastructure and Viability that:

"During the production of the Gloucester City Plan Viability Report, September 2019 (herein referred to as the viability report) it was GCC's view that contributions for off-site education infrastructure would be met through the CIL process..."

... CIL costs were included in the viability testing, however education infrastructure costs in the form of s.106 were not included."

Similarly, the Tewkesbury Borough Plan Viability Assessment states:

"This review considered contributions for all items except off-site affordable housing, as affordable housing is tested separately as part of the viability testing. It also excludes education costs as requirements are expected to be offsite for the allocated sites and covered by CIL."

For testing plan policies with the Adoption of CIL funding for infrastructure, an allowance of £5,000 per unit has been included in the viability testing for s106 to mitigate site-specific impacts based on the JCS and Pre-submission TBP policies. This includes policy requirements on a biodiversity net gain across local and landscape scales, open space and amenity spaces covering children's play, local green space, and highways and minor transport works that may be required."

If an alternative approach was to be adopted, namely that educational infrastructure was to be funded through s106 rather than CIL and/or that the funding gap had changed significantly as a result of the new approach of the County Council, this would require an immediate review of the CIL Charging Schedule in accordance with the PPG (25-045).

The County Council are nevertheless correct to note that s106 contributions can be used to fund educational infrastructure that is directly related to an individual development. This accords with the approach of the Joint Core Strategy authorities throughout the examination who identified that where an individual development of itself generated a demand for on-site provision this would be provided through s106 contributions but where an individual development did not generate a need for on-site infrastructure, including on generic developments of less than 450 dwellings such as the proposed development, this was to be funded using CIL.

The County Council's approach is therefore contrary to the basis upon which the CIL Charging Schedule was adopted, contrary to the position presented by the Joint Core Strategy authorities to the examination, contrary to the position considered by the Examiner and contrary to the adopted Regulation 123 List.

The County Council also require that notwithstanding that the viability of relevant policies have not been tested in accordance with their position as required by the PPG (23b-005), it is nevertheless appropriate to depart from the Development Plan and the CIL Charging Schedule.

Such an approach would mean that the applicant is charged for educational infrastructure both through CIL and again through s106. It is clearly not necessary for an applicant to pay for the same infrastructure twice to make a development acceptable in planning terms and this is confirmed in numerous Council documents including Section 7.7 of the Infrastructure Delivery Plan and paragraph 1.3 of the Regulation 123 List.

A new formulaic approach

The PPG (23b-004) identifies that it is not appropriate to introduce a new formulaic approach to planning obligations, such as that advanced by the County Council, without these having been subject to examination.

Rather disingenuously, the County Council suggest that as the use of PPRs is well-established, the use of new PPRs is not a new formulaic approach. The use of formulaic approaches to all planning obligations is well-established and therefore if the principle of the County Council was applied any new formula could be applied in the absence of an examination which would render the entirety of the PPG (23b-004) obsolete. In truth, the County Council applies a formulaic approach, namely that every 100 households in new dwellings will increase the number of children by 98, which has not been subject to examination. Accordingly, the approach of the County Council would be directly contrary to national guidance for yet another reason.

It is also notable that the new approach of the County Council assumes that all children will require a place without any allowance for those children that do not attend childcare facilities, those that are home-schooled, those that are privately educated, and those that attend traineeships and apprenticeships. This is contrary to the approach set out in paragraph 102 of the adopted Local Developer Guide of the County Council which was in place at the time the Joint Core Strategy was adopted. Therefore, even if the County Council's incorrect interpretation of the PPG (23b-004) was adopted, it would remain the case that the County Council now adopt a new and different approach to that which they adopted at the time the Joint Core Strategy was examined.

Pupil Product Ratios

As set out above, the need for additional educational infrastructure should be determined in accordance with the Development Plan, the CIL Charging Schedule and national guidance, namely on the basis that the proposed development would generate a need for 122.7 places.

However, even if it is concluded that the Development Plan is out-of-date, that contributions should be sought contrary to the CIL Charging Schedule and that national guidance should be disregarded, it would be necessary to determine the need for educational infrastructure in accordance with the relevant guidance. Unfortunately the County Council's approach does not accord with the relevant guidance and it has been necessary for Robert Hitchins Ltd to commission a survey to gather the evidence to accord with national guidance as set out below.

Pupil and child product ratios

The County Council refer to Securing Developer Contributions for Education which requires that pupil yield factors should be based on up-to-date evidence from recent housing developments.

The Pupil Product Ratio Study (PPRS) of the County Council however identifies the number of children rather than the number of pupils in a new housing development as set out in the first paragraph of the PPRS. The PPRS therefore provides the child yield factors rather than the pupil yield factors as required by the DfE guidance. The ratios of County Council are therefore not consistent with the relevant guidance and cannot be used.

In light of this omission within the evidence base of the County Council, Robert Hitchins Ltd have commissioned an extensive survey of new build developments across Gloucestershire and the results are set out in the attached document. This identifies that on average every 100 households resident in new build dwellings have 55.9 pupils. This compares to the PPRS which identifies that 100 households resident in new build dwellings have 98 children.

Dwellings and households

The PPRS will also only have received responses from new dwellings that are occupied by a household. The housing requirement of the Joint Core Strategy assumes that 4.62% of new build dwellings will not be permanently occupied in Cheltenham Borough. However, the PPRS takes no account of this and contrary to the Development Plan assumes that 100% of dwellings will be occupied. This represents a further conflict with the Development Plan and the Regulations as it is not necessary to provide educational infrastructure to support unoccupied dwellings.

Once the vacancy rate of the Development Plan is applied, there will be an average of 53.3 pupils in every 100 dwellings.

Migration

Paragraph 3 of Securing Developer Contributions for Education also requires that pupil migration is taken into account when calculating the need for additional places. This is clearly necessary as a significant proportion of residents within a new build development will move within the locality and their children will not change schools as a result of the move to a new dwelling.

However, contrary to the guidance, the County Council takes no account of this and assume that all of the children resident within a new build development will as a matter of necessity change school. This is not only contrary to the guidance it is unreasonable and unrealistic.

The survey undertaken on behalf of Robert Hitchins Ltd demonstrates that as expected the vast majority of pupils within a new build development do not change schools. Indeed, the survey records that only 13.1 of the 53.3 pupils within 100 new build dwellings will change school.

Effects along the housing chain

The DfE guidance entitled School Capacity Survey 2019: Forecast Guidance identifies on page 13 that the effects along the housing chain should also be taken into account. Yet again the County Council do not take account of these effects contrary to the guidance.

The effects along the housing chain have been considered on the basis of the survey commissioned on behalf of Robert Hitchins Ltd and this demonstrates that even assuming that every released dwelling along the housing chain is within Gloucestershire and that even assuming that none of the existing population within the local area move to other new

developments across Gloucestershire, the number of pupils within a proposed development and along the housing chain will increase by a maximum of 45.7 for every 100 new build dwellings comprising 24.5 children requiring childcare, 15.3 requiring primary school places, 3.5 requiring secondary school places and 2.4 requiring sixth form places.

Accordingly, whilst Policy INF6 requires that full regard is given to the Infrastructure Delivery Plan which identifies that there will be 49.1 additional pupils in every 100 new build dwellings, even if this is disregarded contrary to the Development Plan, the CIL Charging Schedule and national guidance, once the educational needs are assessed in accordance with the relevant guidance, there would be at most 45.7 additional pupils in every 100 new build dwellings. This is less than half that identified by the County Council who apply an approach which departs from the relevant guidance in numerous regards.

If Policy INF6 is applied and the educational needs are determined in accordance with the Development Plan, the pupils arising in the proposed development would require 122.7 places. If however, the Development Plan, the CIL Charging Schedule and the PPG is disregarded, the pupils arising as a result of the proposed development would require 114.3 places if the need is calculated in accordance with the relevant guidance. This compares to 245 places assumed by the County Council based on analysis which does not accord with relevant guidance.

Capacity

The County Council suggest that the proposed development will place a significant demand on education facilities. However, as yet they have provided no evidence of the available capacity to accommodate the places required to accommodate the pupils arising as a result of the proposed development.

Pre-school

As set out in the Educational Needs Assessment, there would appear to be more than sufficient capacity in childcare places to accommodate the proposed development. This is further supported by the fact that the County Council's Childcare Sufficiency Assessment of 2019 identifies that:

"Overall, the available provision in Gloucestershire is sufficient to meet demand, with the early years population expected to remain stable for the foreseeable future."

Primary Schools

Similarly, the Educational Needs Assessment demonstrates that it was considered likely that there would be sufficient available capacity to accommodate the number of primary school pupils that arise as a result of the proposed development even using the demonstrably incorrect ratios of the County Council. This analysis can now be updated using the robust ratios identified in the survey commissioned on behalf of Robert Hitchins Ltd.

As set out in the Educational Needs Assessment, in 2019 there were 1,188 primary school pupils accommodated in 1,283 places in 2018/19 with 95 available places. Based on

demographic growth alone without taking account of the number of pupils arising from new build developments, the School Places Strategy forecasts that from 2018/19 to 2022/23 the number of primary school pupils would reduce by 34 from 1,160 to 1,126 (=1,281-155), providing 129 available places by 2022/23.

According to the latest Residential Monitoring Report of the Borough Council there are sites with the capacity to deliver 33 dwellings and 60 dwellings in All Saints Ward and Oakley Ward respectively which broadly equates to the Whaddon primary school planning area. Even assuming that all of these were delivered by 2022/23 and that all of the primary school pupils within these are additional to the demographic growth identified by the School Places Strategy, they would increase the number of primary school pupils by 14 based on the pupil product ratios identified by the survey on behalf of Robert Hitchins Ltd or by 7 based on the Infrastructure Delivery Plan and so there would be either 115 or 122 available primary school places to accommodate the proposed development. The number of primary school pupils would also increase by either 38 or 19 as a result of the proposed development and so there would be more than sufficient capacity to accommodate the proposed development based on the Infrastructure Delivery Plan or the evidence prepared on behalf of the applicant. Indeed, based on the survey prepared on behalf of Robert Hitchins Ltd, there would be 1,178 primary school pupils (=1,126+14+38) in 1,283 places, which would provide for an occupancy rate of 91.8%; or on the basis of the Infrastructure Delivery Plan there would be 1,152 primary school pupils (I=1,126+7+19) in 1,283 places, which would provide for an occupancy rate of 89.8%.

The primary school pupils arising as a result of the proposed development could therefore be easily accommodated in the existing primary schools and it would not be necessary to provide additional places to make the development acceptable in planning terms.

Secondary Schools

The Educational Needs Assessment identified that there would be a need for additional secondary school places to accommodate the pupils arising from the proposed development.

This remains the case as there are not a sufficient number of secondary school places to accommodate the demographic growth let alone any additional needs that may arise as a result of new developments.

Accordingly, if Policy INF6 is considered to be up-to-date such that the educational needs should be determined in accordance with the Infrastructure Delivery Plan, there would be a need for 30.3 secondary school places arising from the proposed development based on the ratio of 12.10 places per 100 dwellings. Alternatively, if Policy INF6 is considered to be out-of-date, based on the ratio of 3.5 places per 100 dwellings identified by the survey prepared on behalf of Robert Hitchins Ltd there would be a need for 8.8 secondary school places.

In either case, in accordance with the adopted CIL Charging Schedule, the position of the JCS authorities to the CIL examination, the position adopted by the Examiner and the interpretation of both Tewkesbury Borough Council and Gloucester City Council, given that the need for a new secondary school that will accommodate these places is not directly related to

the individual proposed development, these places should be secured using the CIL receipts generated from the proposed development.

Sixth form places

As identified in the Educational Needs Assessment there are currently 1,290 sixth form pupils in 1,521 places with 231 places available. There is no evidence that this will not be sufficient to accommodate the sixth form pupils that arise as a result of the proposed development and accordingly it is not necessary to provide additional sixth form places to make the development acceptable in planning terms.

Conclusions

In summary, if the request of the County Council is accepted by the Borough Council in the absence of a review of all relevant policies, this will be a matter of necessity:

- Be contrary to Policy INF6 of the adopted Development Plan;
- Undermine the deliverability of the Development Plan;
- Irrevocably render Policy INF6 out-of-date;
- Irrevocably render Policy SP1 out-of-date such that the housing requirement will need to increase significantly to accommodate all of the additional children that arise from the County Council's new approach once they become of household-forming age;
- Irrevocably render Policy SP2 out-of-date as in the absence of a review of all relevant policies, as Gloucester City would be unable to meet any of its housing requirement in the absence of such a review and the Strategic Allocations to meet the needs of Cheltenham Borough will be even less viable, and thereby generate a much greater need for additional housing sites to meet even the housing requirement of Policy SP1;
- Render the evidence base upon which Policy SD11 relies out-of-date;
- Irrevocably render Policy SD12 out-of-date;
- Necessitate an immediate review of the Development Plan;
- Strengthen the exceptional circumstances to justify development within the AONB;
- Be contrary to the PPG (23b-003) as it would undermine the deliverability of the Development Plan;
- Be contrary to the PPG (23b-004) in numerous regards including as it would apply requirements that are inconsistent with the Development Plan that have not been examined, which are not clearly set out in the Development Plan, the viability of which

has not been tested alongside other relevant policies, and which have not been informed by local communities;

- Be contrary to the adopted CIL Charging Schedule;
- Necessitate an immediate review of the CIL Charging Schedule;
- Require the applicant to pay for educational infrastructure twice, once through CIL and once through s106 contributions, which cannot be necessary to make the proposed development acceptable in planning terms and therefore does not accord with the Regulations;
- Introduce a new formulaic approach which has not been subject to examination contrary to the PPG (23b-004);
- Require that additional places are provided for every child resident in a new build development including those that do not attend childcare, are home-schooled or privately educated and those who participate in traineeships or apprenticeships rather than attend school, notwithstanding that this is not necessary to make the development acceptable in planning terms as required by the Regulations;
- Unrealistically require that 100% of new build dwellings are occupied contrary to the assumptions underlying the housing requirement of the Development Plan;
- Unrealistically assume that contrary to the available evidence and relevant guidance, every pupil within a new build dwelling will change school as a result of moving to the new dwelling;
- Unrealistically assume that contrary to the available evidence and relevant guidance, there will be no impacts further along the housing chain as a result of the movement of households to new dwellings;
- Require that additional childcare places are provided notwithstanding the County Council's position that there is sufficient capacity to accommodate the demand for the foreseeable future, and so the requested contributions would not accord with the Regulations;
- Require that additional primary school places are provided not that these would be necessary to make the development acceptable in planning terms based on the rates referred to by Policy INF6 or the survey prepared on behalf of Robert Hitchins Ltd;
- Require that financial contributions towards secondary school places are provided within a s106 agreement contrary to the adopted CIL Charging Schedule as interpreted by the Joint Core Strategy authorities, the Examiner and recently by both Tewkesbury Borough Council and Gloucester City Council;

- Require that additional sixth form places are required notwithstanding the significant number of available places and the absence of any evidence that these will not be sufficient.

Accordingly, the evidence demonstrates that notwithstanding the widespread harm to the operation of the Development Plan across the plan area that would arise from applying the County Council's approach and the fact that this be contrary to the PPG, any contributions towards childcare places, primary school places and sixth form places are not necessary to make the development acceptable in planning terms in any event. These requests therefore do not accord with the Regulations.

It is agreed that regardless of the proposed development there is a need for additional secondary school places across Cheltenham Borough. In accordance with the CIL Charging Schedule these should be funded through CIL and the approval of the planning application will provide further CIL receipts to support the delivery of expansions of existing secondary schools or the creation of new secondary schools.

Yours sincerely



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