

**From:** THOMAS, Sophie >  
**Sent:** 10 February 2021 12:43  
**To:** Lucy White  
**Cc:** >  
**Subject:** RE: Oakley Farm Pasture Slopes, Cheltenham - 20/01069/OUT

GCC has a statutory duty to ensure provision of:

**Early years, pre-school provision:**

Every local Authority in England is required by legislation (section 7 and 7A Childcare Act 2006 and section 2 Childcare Act 2016) to ensure all children who meet the eligibility are able to take up a place if their parent wants one. This relates to:

- the most disadvantaged two year olds, the 15 hour entitlement
- three and four year olds, the 15 hour entitlement (the universal entitlement); and
- three and four year olds of working parents, the 30 hour entitlement (the extended entitlement).

**Primary and secondary provision:**

Under section 14 of the Education Act 1996, every Local Authority has a statutory duty to provide sufficient school places for all 4 to 19 year old young people in its area.

GCC has a **School Places Strategy** (referred to in the representations already provided) that sets out the pupil place needs in mainstream, state funded schools in Gloucestershire between 2018 and 2023. The strategy examines the duties placed upon the GCC by the Department for Education (DfE) and its purpose is to help key stakeholders and partners understand how school places are planned and developed throughout the County. The strategy is reviewed every 2 years and is currently in the process of being updated with the latest projections for approval and publication in spring 2021. GCC also has a **Childcare Sufficiency Assessment** for early years provision – July 2019. This covers all types of settings including in schools and private, voluntary and independent (PVI). Both of these GCC publications (available on the website) are refreshed to keep in line with latest developments.

The forecasts include pupil yield from new housing that has already been completed as reported annually to GCC by the Borough Councils. The forecasts do not include pupil yield from any other planned housing that has not been completed at the time when the forecasts are calculated. On an annual basis the GCC's commissioning team receive updated local level data. This is used to provide revised school level pupil forecasts and identify if further provision is required for the following year.

Information about expected levels of new housing from the six District/Borough Councils is also taken into account in the planning of places linked to the annual forecasts. However, the base forecasts do not include pupil yield from any anticipated, granted or speculative developments, as it is uncertain whether those developments will be implemented during the forecast period.

Where new places are required as a result of new housing developments, and where existing capacity cannot meet that requirement, the County seeks developer contributions to address this.

The Department for Education published guidance, **Securing Developer Contributions for Education (April 2019)** also referenced in the original representations and it is stated at paragraph 8 that pupil yields should be based on up-to-date evidence from recent local housing developments. It is the responsibility of a local authority to assess and determine pupil yields from development.

GCC undertook two studies in 2018 and a wider study in 2019, the latter was jointly commissioned by a group of major developers and GCC, totalling 8690 dwellings. The findings revealed pupil ratios to be greater than the national average and all parties involved were fully conversant with the outcomes. As such, the current pupil ratios have been used to calculate education contributions since they were introduced in 2019 and were accepted at the planning appeal for Stoke Road, Bishop's Cleeve (APP/G1630/W/19/3229581).

The pupil yield used in the GCC yield calculation for the proposed development is derived from the evidence in the Cognisant Research 2019 report. For every 100 new dwellings there are: 30 pre-school children, 41 primary pupils, 20 secondary pupils, and 7 post-16 pupils. This has been referenced and included in the draft updated Local Developer Guide (LDG) date of adoption and publication to be confirmed, as will all other relevant changes affecting Developer contributions now required since the previous update in 2016. However, it should be noted the LDG has always made clear how developer contributions relate to Education and it is clearly stated in the LDG that the PPR is reviewed annually and adjusted from time to time based on new information and data from other areas (LDG – 2016 - para 101-pg 20). As such the timing of any updated LDG guidance does not affect the relevance and application of the current PPRs that have been applied since 2019.

The representations already provided address CIL compliance in the context of S106 and CIL, including the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019.

Regulation 59(1) of the CIL Regulations 2019, provides that 'a charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area'. The Cheltenham Borough Council CIL has been calculated to contribute to making up a shortfall to deliver particular schemes and types of infrastructure based on the former Regulation 123 List.

The PPG on CIL states that (Paragraph: 017 Reference ID: 25-017-20190901):

"Authorities may have existing 'regulation 123 lists' dating from before the Community Infrastructure Levy regulations were amended in September 2019. These lists remain useful as important evidence to inform plan making and the preparation of charging schedules. By no later than 31 December 2020, authorities will replace these lists with infrastructure funding (IF) statements."

It is noted in the published Cheltenham IF Statement that no CIL has been spent on Education and no CIL that has already been collected has been allocated to Education and as far as I am aware, no CIL is proposed to be allocated by Cheltenham or the JCS Authorities towards Education infrastructure. As such, it is clear that it is not intended that education needs directly arising from a specific development will be funded by CIL and as such the developer contributions requested by way of a planning obligation reflects this position and the requested contributions are regulation 122 compliant.

GCC Education have fully assessed the impact of the proposal, in terms of its impact on education infrastructure using up to date evidence and forecasts; this information has been provided through GCC's consultation responses, written representations, supporting data and emails to the LPA. Full details of all the background information that supports GCC requests for contributions have been provided and I therefore, believe that GCC's position in relation to the proposed Education provisions must now be clear to you.

The above information along with the representations and supporting data provide all the information we have relevant to the contributions requested in respect of the proposed development and will continue to be referred to should the proposed provisions remain contested.

Best wishes,

Developer Contributions Investment Officer  
Strategic Infrastructure

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