

Gloucestershire County Council Community Infrastructure Planning Application Representations

To Case Officer: Mrs Lucy White
From: GCC Developer Contributions Investment Team
Date: 12/08/2020
Application Ref: 20/01069/OUT
Proposal: Development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. Approval sought for means of access to site from Harp Hill with all other matters reserved for future consideration.
Site: Oakley Farm Priors Road Cheltenham
Summary: Contributions will be required to make the development acceptable in planning terms

Please refer to GCC Commissioning for Learning Report dated 06/08/2020 for detailed assessment of the impact of this proposal on Education infrastructure and the necessary S106 requirements to mitigate the impact if planning permission is granted.

Supporting Education Information:

- The School Place Strategy 2018-2023 (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2018 and 2023. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed.
<https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>
- Place Cost Multipliers - The DfE have not produced cost multipliers since 2008/09, so in the subsequent years we have applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per the wording of the s106 legal agreements. We calculate the percentage increase using the BCIS indices published at the start of the financial year and use this for all indexation calculations during the year for consistency and transparency.
- Pupil Yields – GCC is using the updated Pupil Yields supported by two studies in 2018 and 2019. The updated pupil product ratios (PPR) for new housing are; 30 pre-school children, 41 primary pupils, 20 secondary pupils and 11 post-16 pupils per 100 dwellings. All

data/research produced is available from:

<https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

- This application has been assessed for impact on various GCC community infrastructures in accordance with the “Local Developer Guide” (LDG) adopted 2014 and updated 2016. The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.
<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-localdeveloper-guide-infrastructure-and-services-with-new-development/>
The LDG is currently being updated and will include the most up-to-date PPR, which have changed since 2016 as a result of the Pupil Yield studies carried out in 2018 and 2019.
- This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the Education requirement.
- Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

Site Specific Assessment of Library Provision Requirements:

The nearest library is Oakley Library

Detailed guidance within the GCC Local Developer Guide (LDG) states that:

“New development will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA)”.

The scheme will generate additional users who will need for Library resources calculated on the basis of £196.00 per dwelling:

A contribution of £49,000.00 (250 dwellings x £196) is therefore required to be used at Oakley Library to make this application acceptable in planning terms, in accordance with the GCC LDG, Library Strategy and national guidance.

The nationally recommended benchmark is now available in the publication Public Libraries, Archives and New Development A Standard Charge Approach (May 2010). It sets out a recommended library space provision standard of 30 sq metres per 1,000 population. This is costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010.

In accordance with the Library Strategy (“A Strategy for Library Services in Gloucestershire 2012, and any updates), where development occurs it will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In this case the proposed development and increase in population will have an impact on resources at the local library and a contribution is required.

Background Library Information:

- Gloucestershire County Council has a statutory duty to provide a comprehensive and efficient library service to all who live, work or study in the County.
- This application has been assessed for impact on various GCC community infrastructures in accordance with the “Local Developer Guide” (LDG) adopted 2014 and revised 2016. The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.
<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-localdeveloper-guide-infrastructure-and-services-with-new-development/>
The LDG is currently being updated.
- New development will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA).
- A Strategy for Library Services in Gloucester 2012. This strategy for providing library services is set in the context of two main drivers for change; the technological revolution and the financial situation.
<https://www.gloucestershire.gov.uk/libraries/library-strategy-and-policies/>
https://www.gloucestershire.gov.uk/media/3413/updated_strategy1_-64623.pdf

Compliance with CIL Regulation 122 and paragraph 56 of the NPPF:

The Community Infrastructure Levy (CIL) is a charge which can be levied by Charging Authorities on new development in their area.

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms.

They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund

generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change in the amendments is the 'lifting' of the 'pooling restriction' and the 'lifting' of the prohibition on section 106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority's published 'regulation 123 list' as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to section 106 obligations contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both section 106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122 continue to apply.

The Department for Education has updated its guidance in the form a of document entitled "Securing developer contributions for education (November 2019), paragraph 4 (page 6) states that:

"In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)"

Phasing of payments will be by agreement. These will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure. Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

Education Contributions

The education contributions which are based on up to date pupil yield data are necessary to fund the provision of the additional pre-school, primary and secondary school places generated by this development because there is a lack of capacity in the relevant education sectors to address the increase in the numbers of children needing a place at a local school arising directly from this development.

There will be an additional 75 pupils in the pre-school sector, 103 pupils in the primary sector and 78 pupils in the 11-18 secondary sector all needing a place at a local school.

The maximum contribution amount stated in the Education Report is calculated by multiplying the DfE Multiplier* x Pupil Yield

*Multipliers 2019 (DfE per pupil):
£15,091.00 – Pre-school/Primary
£19,490.00 – Secondary 11-16yrs
£23,012.00 – Secondary 16-18yrs

In updated DfE Guidance on securing developer contributions for education provision, GCC has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. The DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2 year olds and the 30 hours funded childcare offer for 3-4 year olds. The take-up has been high, which has increased the demand for early years provision and as such developer contributions have a role to play in helping to fund additional nursery places required as a result of housing growth .

Pre-school provision is a very complex area. It is far more open to market forces and parental choice than the Primary and Secondary education sectors and some providers consider certain information proprietary. Early Years providers have no statutory duty to inform GCC of vacancies and data can change regularly dependant on parents work arrangements and their take up of the funded places.

The forecast data for early years/pre-school shows that there are 1215 children aged 0-4 years old in the Primary Planning Area and a total of 757 childcare places. As such the current population is significantly higher than the number of places available.

The nearest primary school is St Mary's CofE Infant and Prestbury St Mary's Junior Schools in the Whaddon Primary Planning Area. The forecast data shows that the schools have no spare capacity showing in the penultimate forecast year, and when the cumulative yield from other developments is applied it shows a shortfall of 59 places, before the addition of this development. The numbers on roll in Jan 2020 are higher for both infants and junior schools than the stated building capacity for all but 1 forecast year.

The forecast data for Secondary shows that the Pittville School which is the nearest Secondary is forecast to be over capacity before the yields from this development will have an impact. The school has made changes to address increasing demand and there is no spare capacity to accommodate children arising from this development. The building capacity is exceeded for all for the next 5 forecast years

The education contributions requested are directly related to the proposed development in that they have been assessed against the local forecast data and current school capacity and the contributions have been calculated based on specific approved DfE multipliers and formulas relative to the numbers of children generated by this development.

Any existing capacity has been accounted for and the contributions requested are specific to the additional places required arising from this development. The contributions will be required to be paid on specific triggers relative to the progress and impact of the development. This will enable the Education Authority and local schools to plan appropriately and in a timely way to provide for the additional capacity to accommodate additional children arising from this development.

The contributions are necessary to make the development acceptable in planning terms because they will be paid to the County Council in a timely way as the development progresses and allocated and spent towards improving capacity and suitability at the local schools in the school planning area to enable children from this development to attend a local school. Without these contributions, the local schools would not be able to provide for and accommodate the additional growth resulting from this development.

The contributions are fair and reasonable to mitigate the impacts of the proposed development because they only relate to the additional pupils arising directly from this development to cover the costs of the extra places that will be required. The amount of contribution is based only on the numbers of additional pupils arising from the proposed qualified dwellings. The calculations result from recent evidence based studies undertaken by the Education Authority and by updated DfE Pupil multipliers.

Library Contributions

The contribution towards the nearest library which is Oakley Library is necessary to make this development acceptable in planning terms.

The contribution would be used to offer public access to library services from this location to complement the existing education-related support services that are currently available. Contributions would be towards stock, IT and digital technology, and increased services to mitigate the impact of increasing numbers of users directly arising from this development.

The contribution is reasonable and fair in scale being calculated by reference to the Public Libraries, Archives and New Development A Standard Charge Approach (May 2010).

CIL/S106 Funding Position

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of this development as it occurs.

The level of CIL charged on a development is unlikely to cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of this development.