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26th May 2020

Dear Ms Donaldson,

Consultation on the Gloucestershire Local Development Guide (GLDG) Refresh 2020

These representations are submitted on behalf of Redrow Homes Limited (Redrow) in response to the Gloucestershire Local Development Guide Refresh (April 2020) consultation and specifically with reference to the various assets that Redrow controls and owns across the County of Gloucestershire.

Before setting out our comments and broad concerns and objections to the document, it is important to state that Redrow is committed to delivering developments which provide appropriate, proportionate and viable infrastructure contributions. These contributions should accord with national and local planning policy and they should be tested and scrutinised at independent examination.

It is understood that many other developers are submitting comprehensive objections to this refresh document, indeed Robert Hitchins has prepared a robust objection that is supported by Redrow Homes Limited.

GENERAL CONCERNS ABOUT THE CONSULTATION

The time frame for the consultation is 4 short weeks, this is insufficient and prejudicial in normal circumstances. Immediately this provides an unsettling impression that Gloucestershire is seeking to rush adoption of the document to capitalise on ongoing circumstances, rather than run a transparent and inclusive consultation process. The typical 6 week period should be adhered to as a minimum, although in light of current circumstances, which has seen many in the development industry take a pause and staff being furloughed, a longer consultation process should be provided to adhere to guidance and to provide a transparent public consultation exercise to take place.

Concern raised by the rushed consultation process intensifies further upon reading that a Cabinet meeting has been scheduled to resolve to adopt the refreshed GLDG in June 2020. Said Cabinet meeting is on the 17th June which will give little time to review consultation responses following close of the consultation. I am aware that other parties will be submitting legal opinions alongside their representations; thoughtful, through and careful consideration will need to be provided to all

responses by officers upon close of the event. A full and fair consultation cannot and will not happen without sufficient time being set aside for parties to comment and for review of all responses.

The consultation document claims to be an interim policy guide and reports that the various Gloucestershire LPAs intend to work collaboratively on an updated version of the Guide by Spring 2021, in accordance with their emerging Local Plan Review processes. This indicates that GCC prepared the document independently, a breach of its statutory Duty to Cooperate. On this basis alone this document should be withdrawn. It should not be proposed for adoption and thus should not become a material consideration in the determination of planning applications for the interim period. It clearly doesn't represent collaborative working the LPAs, and should be reintroduced for consultation at a time that it can be tested independently in conjunction with relevant development plans.

The document itself accepts that it is not fit for purpose, acknowledging lack of collaboration and that greater clarity is required from Government on the operation of the obligations regime and the application of CIL regulations. The guide's role as a material consideration is immediately undetermined, and only limited (if any weight) can be applied to it based on the stated limitations within it. For these reasons GCC should focus its resource on preparing a revised version that secures input from all local authorities within the County.

In May 2020, once the GLDG consultation period launched, GCC published a 'clarifications' paper. Within this paper, Redrow's role as joint 'commissioning partner' of the Cognisant report is referenced. The purpose of the Cognisant report was to simply broaden the scope of research; secure data from 7 developments not just 2 proposed previously to inform pupil analysis. It is Redrow's belief that GCC are misusing the data, without consideration of other factors, including house moves within the county and affordable housing impacts. Redrow's involvement as commissioning partner of baseline PPR (Pupil Produce Ratios) search should not be viewed in any way as an endorsement of the document.

DEVELOPERS CONTRIBUTION PROTOCOL

If for any reason the County decides to proceed with adoption of the document, notwithstanding the strength of objection on the principles of the document, below please find comments addressing the protocol.

Paragraph 56 outlines the County Council's approach to seeking contributions. The first bullet point inserts the term 'sustainable' in place of the standard test of 'necessary in planning terms'. The correct and known terminology referred to in the Regulations should be used to avoid ambiguity.

Paragraph 59 indicates that data will be reviewed frequently to ensure that its up to date and fit for purpose. This approach is supported. The provision to consider data and evidence provided by developers that is specific to individual schemes and the impact they will have on infrastructure is welcomed. It is pleasing that there is acknowledgement that a singular approach should not be applied, and a flexible approach ensuring that the best available information is used is supported.

Paragraph 76 lists various indexes that the County Council will apply to phased payments secured via S106 agreements. The Guide should note that the index should be jointly agreed and should operate in an upward and downward function, specifically in light of current circumstances and the uncertainty of how the economy will recover from the Covid 19 crisis.

On the matter of viability (raised in paragraph 79), it is understood that this document is not to be tested or scrutinized alongside the development plan or adopted CiL charging schedules. The draft document proposes a significant uplift in financial contribution. This cannot be lawful. It is fundamental that viability is taken into account with all proposals, this guide does not demonstrate how its stringent obligations are viable in context of the current market conditions, and alternative conditions. It is critical that additional wording is added to confirm that flexibility will also be applied to the scale and amount of contributions. As drafted this document places onerous burdens on developments, and thus flexibility is required to ensure that it does not delay or hinder deliverability of schemes. If the drafting is not amended to ensure flexibility then schemes will not come forward, the development plans and their objectives will be undermined.

PRESCHOOL PLACES

The Guide should adopt a flexible approach towards the provision of pre-school facilities, with an array of private and public facilities across the County more work should be undertaken to assess the patterns and take up of private spaces.

There is an assumption that where new primary schools are being provided pre-school childcare facilities will be incorporated in accordance with the DfE advice Securing Developer Contributions for Education 2019, which expects all new primary schools to incorporate nursery facilities. Once again it is important to state that this is non statutory guidance and not mandatory. This should be considered alongside existing facilities, capacity, patterns, parental choice etc.

PRIMARY SCHOOLS, SECONDARY SCHOOLS AND SPECIAL SCHOOLS

Paragraph 99 relates to the need for a new schools to be provided as part of a development, and states that regardless of the number of school-aged children that a development generates (excluding those that can be accommodated within existing schools within a reasonable distance), there is a clear indication that a minimum size of site for provision of a school will be sought (2FE for a Primary School) in accordance with DfE guidance. This is not reasonable, nor does it comply with Regulation 122 of CiL. If larger sites are sought for future proofing on a discretionary basis, it should be a negotiation between a developer and the relevant authorities and a land contribution would ultimately be required.

if a housing scheme generates c.200 primary-aged school children and there is no capacity within existing schools, pupils have not come from schools within the locality, a CiL compliant land and financial section 106 contribution would be to build a 1-form entry primary school (210 places). It would not be appropriate or reasonable to require the developer to fund and provide land for a 2-form entry primary school, which patently exceeds the scale of the impact requiring mitigation contrary to regulation 122. The guide should be revised to make this position clear and compliant. In circumstances where additional land is sought to accommodate a larger school the value attributing to the additional land taken should be credited to offset the financial contribution towards school places to ensure there is no contravention of regulations.

Pupil Product Ratios (PPR), are set out at Appendix 2. As previously mentioned Redrow was one of three commissioning partners who jointly with GCC was responsible for commissioning further research into the numbers of pupils generated by large-scale new housing developments within Gloucestershire in 2019. This research supplemented and expanded work commissioned by the County Council in 2018 which looked at two developments. The same research company and

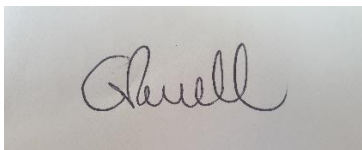
methodology were deployed in each case, with the objective being to widen the sample area to increase the robustness of the evidence produced.

This work revealed that a standard approach based on pupil yields at the various levels of educational provision is not sufficiently accurate to be applied rigidly across the board. The Appendix 2 PPR proposed for primary, secondary and post-16 pupils is subject to significant variation depending on the type, tenure and value of dwellings provided within a development. Clearly further work needed to be undertaken to assess pupil moves within the County (both for the market and affordable units).

The Guide should acknowledge that the evidence commissioned to support the PPR refresh shows significant variation in pupil generation as a factor of dwelling size, results were skewed by larger dwelling sizes. Furthermore the PPR should be used as a base, account needs to be taken for pupils who move within the district (thus pupils that do not generate the need for an additional place across GCC) and children who attend private education facilities. The flexibility alluded to within paragraph 107 of the Guide should be adopted during all negotiations.

The remaining sections of the guide deal with various items for which GCC can seek contributions. Any and all test should compliant with CIL Regulations. Redrow's concerns extend to the heart of the document and it is hoped that upon close of this consultation the County will take a pause, review the strength of objection received, and proceed to work with all local authorities towards preparation of an updated document in early 2021.

Yours sincerely,

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'Emma Powell' written in a cursive style.

Emma Powell
Planning Director