

STATEMENT OF COMMON GROUND ON EDUCATIONAL CONTRIBUTIONS

SECTION 78 APPEAL BY ROBERT HITCHINS LTD

LAND AT OAKLEY FARM, CHELTENHAM

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

LPA REF: 20/01069/OUT
APPELLANT REF: P21-0623
PINS REF: APP/B1605/W/21/3273053
Date: 25th August 2021

Signed:	Signed:
Name: Bridgette Boucher	Name: Neil Tiley
On behalf of: Gloucestershire County Council (the Local Education Authority)	On behalf of: Pegasus Group (acting on behalf of the Appellant)
Date: 25 th August 2021	Date: 25/08/2021

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1. INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) on Educational Contributions has been prepared by Pegasus Group, on behalf of Robert Hitchins Limited ("the Appellant").
- 1.2 It has been prepared with Gloucestershire County Council ("the LEA"). It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of Land at Oakley Farm, Cheltenham ("the Appeal Site").
- 1.3 The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LEA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues.

2. MATTERS NOT IN DISPUTE

- 2.1 This section sets out the matters that are not in dispute between the Appellant and the LEA.

Planning Obligations

- 2.2 It is agreed that education contributions should be based on an assessment of the likely impacts of the proposed development and can be secured via s106 Agreement.

The Development Plan

- 2.3 It is agreed that the Infrastructure Delivery Plan of 2014 (IDP2014) underpins and accompanies the Joint Core Strategy (JCS) and that this assesses the infrastructure and services that will be required to support the levels of housing and employment growth proposed in the JCS at the time of Examination.
- 2.4 The Development Plan is comprised of:
- Joint Core Strategy
 - Cheltenham Plan.

Coombe Hill Decision

- 2.5 It is agreed that the need for contributions towards educational infrastructure was debated between Pegasus Group and the LEA at a recent s78 appeal in the context of the Coombe Hill application/appeal. It is agreed that the Coombe Hill Inspector's conclusions are relevant to the determination of this issue and should be afforded weight.

The Gloucestershire Local Development Guide 2021

- 2.6 It is agreed that the County Council adopted a new Local Development Guide (LDG) in March 2021. It is agreed that the LDG is not planning policy.

The Interim Position Statement

- 2.7 It is agreed that in light of the Coombe Hill appeal decision the LEA has now introduced a new Interim Position Statement (IPS) which is informed by the Cognisant Study and seeks to address the comments made in the Coombe Hill decision.

The NEMS Market Research Survey

2.8 It is agreed that:

- The Appellant commissioned a survey of new build developments in 2020.
- A headline report of the results has been provided.

Area of assessment

2.9 It is agreed that in accordance with the PPG (23b-008), the capacity of schools within the relevant primary school and secondary school planning areas should be considered.

2.10 It is agreed that the Appeal Site is located in the Whaddon primary school planning area and the Cheltenham secondary school planning area.

Occupancy rate

2.11 It is agreed that the adopted Gloucestershire Local Development Guide recommends that a school should be considered to have no surplus places where it has a forecast occupancy rate of 95% or above.

2.12 It is agreed that the Audit Commission report entitled Trading Places: The Supply and Allocation of School Places, 1996 states that a sensible approach would be to plan for a 95% occupancy rate at schools and accept some variation of say plus or minus 10% around this target.

2.13 It is agreed that the National Audit Office report on Capital Funding for New School Places 2013 states at paragraph 1.16 that the Department for Education “calculated the number of extra places needed to achieve a surplus of places of at least 5 per cent in each authority or district” and that it adopted this “planning assumption” and “considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools.” It is agreed that the 95% planning assumption relates to the whole of an authority or district and not to individual schools or planning areas.

2.14 It proceeds to advise at a paragraph 1.17 “Local authorities’ statutory duty to provide sufficient schools does not require them to maintain surplus capacity for parental choice. Although the Department issued guidance in June 2009 that it

was reasonable for authorities to aim for between 5 and 10 per cent primary surplus to allow them some opportunity to respond to parental choice, it did not subsequently communicate to authorities its September 2010 figure of a minimum of 5 per cent surplus. This is because it was a planning assumption, rather than a target it expected authorities to meet. The Department recognises that it needs to undertake work to identify whether its assumption realistically enables parental choice.”

- 2.15 It is agreed that both the National Audit Office report and Trading Places were before the Inspector in the recent Coombe Hill appeal decision

Forecast demand and capacity

Pre-school

- 2.16 It is agreed that the LEA is not requesting any contributions towards pre-school/early years places.

Primary school

- 2.17 It is agreed that the forecasts of the LEA identify that by the time completions are achieved on the Appeal Site in 2024/25 there will be:

- 104 available places in aggregate across the Whaddon planning area,
- 124 available places in aggregate across the schools within the planning area and in other schools within a reasonable travel distance,
- 1 available place at St Mary’s C of E Infant School,
- 85 available places at Oakwood Primary School,
- 14 available places at Holy Trinity C of E Primary School,
- 4 available places at St Johns C of E Primary School, and
- 14 available places at Dunalley Primary School.

- 2.18 It is agreed that these figures for 2024/25 are the last year of the LEA’s current forecasts and take account of cohort progression alone. It is agreed that no specific adjustment is made for the continued reduction in birth rates in 2020/21 or for developments that are currently being constructed but not yet complete, i.e. committed development.

- 2.19 It is agreed that if a 95% occupancy limit is applied in each school, the number of available places will be lower than identified above and there will be:
- 40 available places in aggregate across the Whaddon planning area,
 - No available places in aggregate across the schools within the planning area and in other schools within a reasonable travel distance,
 - 64 available places in Oakwood Primary School, and
 - 4 available places in Holy Trinity C of E Primary School.
- 2.20 It is agreed that depending upon the pupil product ratio applied, a Proposed Development of 250 qualifying dwellings would increase the demand for primary school places by:
- 69.4 based on the IDP2014,
 - 96.25 based on the IPS,
 - 38.2 based on the NEMS Market Research Survey.
- 2.21 It is agreed that depending upon the pupil product ratio applied, a Proposed Development of 226 qualifying dwellings would increase the demand for primary school places by:
- 62.7 based on the IDP2014,
 - 87.0 based on the IPS,
 - 38.2 based on the NEMS Market Research Survey.
- 2.22 It is agreed that this capacity is based on the forecasts of the LEA which do not make any specific adjustment for committed development that is currently under-construction or is at an advanced stage of the planning process, namely benefiting from a planning permission including sites that either has obtained or has pending pre-commencement conditions.
- 2.23 It is agreed that no forecasts have been made available for the period beyond 2024/25, as these children are not yet born.

Secondary school (excluding sixth form) pupils

- 2.24 It is agreed that according to the forecasts of the LEA that whilst there will be a small number of available places in Pate's Grammar School, as this is a selective school and there will be no other available places in schools in the planning area it is appropriate for the Proposed Development to make a full contribution towards secondary school places.
- 2.25 It is agreed that depending upon the pupil product ratio applied, a Proposed Development of 250 qualifying dwellings would place a demand for the following number of additional secondary school places (excluding sixth form):
- 30.3 based on the IDP2014,
 - 42.5 based on the IPS,
 - 8.7 based on the NEMS Market Research Survey.
- 2.26 It is agreed that depending upon the pupil product ratio applied, a Proposed Development of 226 qualifying dwellings would place a demand for the following number of additional secondary school places (excluding sixth form):
- 27.3 based on the IDP2014,
 - 38.4 based on the IPS,
 - 8.7 based on the NEMS Market Research Survey.

Sixth form pupils

- 2.27 It is agreed that the forecasts of the LEA identify that by the time completions are achieved on the Appeal Site in 2024/25 within the schools in the planning area there will be:
- No available places in aggregate across the Cheltenham secondary school planning area,
 - At least 70 available sixth form places at Cheltenham Bournside,
 - At least 24 available sixth form places at All Saints' Academy.
- 2.28 It is agreed that if a 95% occupancy limit is applied in each school, with no additional allowance for committed development or birth rate registration delays

or the reducing number of births by ways of example, the number of available places will be lower than identified above and there will be:

- No available places in aggregate across the Cheltenham secondary school planning area,
- At least 47 available sixth form places at Cheltenham Bournside,
- At least 12 available sixth form places at All Saints' Academy.

2.29 It is agreed that depending upon the pupil product ratio applied, a Proposed Development of 250 qualifying dwellings would increase the demand for sixth form places by:

- 4.4 based on the IDP2014,
- 15 based on the IPS,
- 6.1 based on the NEMS Market Research Survey.

2.30 It is agreed that depending upon the pupil product ratio applied, a Proposed Development of 226 qualifying dwellings would increase the demand for sixth form places by:

- 4.0 based on the IDP2014,
- 13.6 based on the IPS,
- 6.1 based on the NEMS Market Research Survey.

2.31 It is agreed that this capacity is based on the forecasts of the LEA which do not make any specific adjustment for committed development that is currently under-construction or is at an advanced stage of the planning process, namely benefiting from a planning permission including sites that either have obtained or have pending pre-commencement conditions.

3. MATTERS IN DISPUTE

3.1 The following areas remain in dispute:

- The weight to be afforded to the Coombe Hill appeal decision
- The effects of other developments
- The basis of the NEMS Survey
- Area of assessment
- Occupancy rates at “capacity”, 95% or otherwise
- Pupil Product Ratios
- Forecast demand and capacity.