

LAND AT OAKLEY FARM, CHELTENHAM

ADDENDUM ON EDUCATIONAL CONTRIBUTIONS

ON BEHALF OF ROBERT HITCHINS LIMITED

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E. EXECUTIVE SUMMARY

E.1 The LEA sought to introduce a number of additional documents after the start of the inquiry. These are addressed in this Addendum which identifies that:

- a. The Gloucester City Plan documents demonstrate that the deliverability of the Development Plan will be undermined as a direct result of the application of the LEA's new formulaic approach directly contrary to the proposition of the LEA;
- b. The Tewkesbury Borough Plan document does not reflect the new formulaic approach of the LEA and so provides no support for the LEA's proposition that the new formulaic approach does not undermine deliverability;
- c. The PPR Comparison document further demonstrates that the ppr's sought by this LEA are disproportionate to the overwhelming majority of other LEAs contrary to the contention of the LEA. The anomalous nature of the ppr's sought in Gloucestershire is obvious when the demographic characteristics of Gloucestershire are taken into account;
- d. The PPR¹ – Actual NOR² document provides further confirmation that the ppr's identified by the LEA are not credible. It also indicates that as developments mature a greater number of pupils may arise in the short to medium term than are initially present in a new development. However, in the absence of any forecasts which reflect how these additional pupils will "play out" alongside the background reduction in the number of pupils arising in the underlying population, there is no evidence to demonstrate that additional places will be required.

E.2 The Borough Council have now conceded that the deliverable supply is likely to be substantially lower than that previously advanced. The significantly lower number of dwellings that the Borough Council consider will deliver means that there will be a significantly lower number of pupils arising in the next five-years than currently assumed by the LEA. The effect of this is that it is likely that there will be more

¹ This acronym stands for pupil product ratio.

² This acronym stands for number on roll.

than sufficient capacity in secondary schools to accommodate the proposed development, such that no contributions may be required at all towards education.

1. BACKGROUND

- 1.1 My name is Neil Tiley. My qualifications and experience are set out in my Proof of Evidence on Educational Contributions.

- 1.2 The evidence which I have prepared and provide for this appeal (APP/B1605/W/21/3273053) is true and has been prepared and is given in accordance with the guidance of my professional institution irrespective of by whom I am instructed and I confirm that the opinions expressed are my true and professional opinions.

2. INTRODUCTION

- 2.1 On the opening day of the inquiry the LEA indicated that they intended to introduce a number of additional documents. The LEA verbally identified the points arising from these documents upon which they sought to rely on 16th September, and these are reflected in the table provided to the Inspectorate on 15th September.
- 2.2 Following collaborative work between the parties³ it was agreed that the following documents should be accepted:
1. Background Topic Paper Infrastructure and Viability (November 2020) to the Gloucester City Plan examination.
 2. Site Update to EXAM 8 for 'Red' Typologies (June 2021) to the Gloucester City Plan examination.
 3. Gloucester City Plan Viability Evidence Base – Examination Addendum (June 2021) to the Gloucester City Plan examination.
 4. EXAM050 – Inspector's Post Hearings MMs Letter (16th June 2021) to the Tewkesbury Borough Plan examination.
 5. PPR Comparison Document (September 2021) as agreed by the LEA and the Appellant.
 6. PPR – actual NOR as at Pupil Census January 2021 providing the necessary clarifications are provided by the LEA.
- 2.3 The sixth document was accepted on the condition that the LEA provide clarifications on a number of points raised by the Appellant on 16th September 2021.
- 2.4 This Addendum addresses the implications of each of these documents. It also addresses the revised position of the Borough Council on housing delivery insofar as this affects educational need.

³ The LEA and the Appellant.

3. GLOUCESTER CITY PLAN (GCP) DOCUMENTS

The Background Topic Paper (November 2020)

3.1 This document⁴ summarises the findings of the Viability Addendum⁵ prepared in support of the GCP examination. It identifies that:

- the LEA had updated the way in which they calculate the number of pupils generated by a new development⁶. In other words it identifies that the LEA have introduced a new formulaic approach contrary to the PPG (23b-004).
- the new formulaic approach of the LEA would render the GCP wholly unviable⁷ and undermine the deliverability of the GCP⁸ contrary to paragraph 34 of the NPPF, the PPG (23b-003), and (23b-005).

Site Update to EXAM 8 (June 2021)

3.2 As explained at the inquiry, the LEA has introduced the subsequent Site Update to EXAM 8 (June 2021)⁹ to demonstrate that notwithstanding the new formulaic approach of the LEA, the GCP is now considered to be viable. This document indicates in paragraph 1.8 that 75% of proposed allocations accounting for 90% of the housing is expected to be viable.

Examination Addendum (June 2021)

3.3 The LEA did not propose to introduce the supporting Examination Addendum from which the conclusions of the Site Update have been drawn. This identifies that the Site Update assumes that £3,250 per dwelling¹⁰ will be sought through s106 towards all forms of infrastructure, rather than the £10,409 per dwelling¹¹ sought by the LEA towards education alone.

⁴ Which is referred to in footnote 20 of my Proof of Evidence but was omitted from the Core Documents.

⁵ Which has the reference VIA002.

⁶ In paragraph 3.7.

⁷ In paragraph 4.1.

⁸ In paragraphs 3.6, 6.5 and 8.6.

⁹ A preceding viability Site Update (EXAM 8) was prepared in May 2021 but is not before the inquiry.

¹⁰ See the fifth bullet on page 2.

¹¹ Calculated from the £2,602,127 identified in paragraph 12 of the County Council's opening submissions divided by the 250 dwellings proposed.

3.4 It identifies¹² that with a s106 contribution of £7,500 per dwelling towards all forms of infrastructure, only 59% of housing would be viable and confirms that this finding is consistent with VIA002. As reflected in the Background Topic Paper, VIA002 found the GCP to be wholly unviable on this basis. Therefore, it remains the case that if £7,500 per dwelling was sought per dwelling, let alone the £10,409 sought by the LEA towards education alone, the GCP would be wholly unviable¹³.

3.5 The more recent evidence to the GCP examination therefore confirms that if the new formulaic approach of the LEA is applied this would fundamentally undermine the deliverability of the GCP, directly contrary to the contention of the LEA.

The relevance of this

3.6 During the inquiry, it was suggested by the LEA that this was of marginal relevance to the inquiry as it reflects the circumstances in a different LPA. However, I consider that this document is relevant as it demonstrates that:

- If, as proposed by the LEA:
 - the pupil product ratios in the Development Plan are departed from contrary to paragraph 34 of the NPPF, paragraph 19 of Securing Developer Contributions for Education, and the PPG (23b-004), (23b-008) and (23b-013), and
 - a new formulaic approach is introduced contrary to the PPG (23b-004), and
 - this is not robustly tested at examination contrary to the PPG (23b-004) and (23b-013) and,
 - this is not subject to viability assessment contrary to paragraph 14 of Securing Developer Contributions for Education, the PPG (23b-004), (23b-005) and (23b-011),

¹² In the third paragraph on page 7.

¹³ It can be calculated from Tables A1 and A3 that with £10,000 worth of s106 contributions towards all forms of infrastructure only 36% of the homes proposed to be allocated in the GCP would be expected to be viable.

➤ then, this may undermine the deliverability of the Development Plan contrary to paragraph 34 of the NPPF and the PPG (23b-003), and (23b-005);

- In the specific circumstances of Gloucestershire, the new formulaic approach of this LEA, not only may, but demonstrably does undermine the deliverability of the JCS where this has been assessed¹⁴.
- In such circumstances, the spatial strategy of the JCS would no longer be able to be achieved¹⁵ such that if the new formulaic approach of the LEA was to be accepted this would firstly further reduce the weight to be afforded to the policies of the Development Plan and secondly generate a much greater unmet need across the plan area including in Cheltenham Borough¹⁶.

3.7 Having said that, my client is not seeking to argue the issue of viability in this case. Rather, the point is that it the unilateral introduction of the new untested approach advanced by the LEA, contrary to national policy and guidance, demonstrably undermines the deliverability of the Development Plan, such that the weight afforded to the policies of the Development Plan would necessarily be further reduced. It should not fall to an individual applicant to demonstrate that such an untested approach that conflicts with national policy and which renders development wholly unviable across large parts of the plan area does so in any one particular case. The need for applicants to undertake such work and for this to be validated and agreed with LPAs would yet further delay the approval of schemes in the context of 3 LPAs each of whom are currently unable to demonstrate either a five-year land supply or a plan period supply even without this additional evidential burden.

¹⁴ Noting that no such Viability Assessment has been prepared for Cheltenham Borough as required by the guidance.

¹⁵ As development in Gloucester City would be wholly unviable as a direct result of the new formulaic approach of the LEA.

¹⁶ Which would be relevant to the application of paragraph 177a of the NPPF.

4. TEWKESBURY BOROUGH PLAN (TBP) DOCUMENT

4.1 The LEA has introduced a post-hearing letter from the Inspector examining the TBP. The LEA suggested that they had introduced this document to demonstrate that notwithstanding the new formulaic approach of the LEA, the TBP is assessed as being viable.

4.2 It is correct to note that the Inspector has not identified any concerns with the viability of the TBP¹⁷, and this is unsurprising given that at the relevant hearing session I asked¹⁸:

“Whether the Borough Council is asking for the new formulaic approach to testing educational contributions including its evidential basis and the policy implications of it, are they asking that to be tested as part of this examination.”

4.3 To which the Borough Council responded:

““The answer is no. We’re not asking for that at all. There is a Policy INF6 within the JCS that remains in place. Any changes will fall to be tested in the review of the JCS. In the context of Policy INF6, we are not asking for that to be taken into account at all.”

4.4 The Inspector was therefore asked not to consider the policy implications arising from the new formulaic approach of the LEA, and therefore any conclusions that he may reach on the viability or otherwise of the TBP will not take account of the new formulaic approach of the LEA. This cannot therefore be used as providing any support for the LEA’s proposition that the TBP appears to be viable notwithstanding the new formulaic approach.

¹⁷ Or made any indication of his conclusions in this regard.

¹⁸ This verbatim record of what was said was taken directly from the recording of the hearing session.

5. PPR COMPARISON DOCUMENT (SEPTEMBER 2021)

- 5.1 In Table 7.4 of my Proof of Evidence, I had compared the pupil product ratios (ppr's) sought by the LEA with those sought in neighbouring LPAs. One would expect the demographic profiles in these neighbouring areas to be broadly comparable¹⁹ and so I considered that these provide reasonable comparators.
- 5.2 The LEA has now introduced ppr's sought by a large number of additional LEAs²⁰ in various LPAs nationally and these have been agreed as being factually accurate between the parties in the PPR Comparison Document.

Adjustments for migration

- 5.3 The evidence base prepared in support of the published ppr's in these LEAs is in many cases not available. It is therefore unknown whether or not each of these published ppr's have been prepared in accordance with the guidance including taking account of vacant or second homes, pupils educated outside the state sector, or the effects of migration and backfilling. Clearly, without these necessary adjustments²¹, the resultant ppr's may be over-inflated and this potential should be taken into account and caution applied when using these as comparators.
- 5.4 However, in at least two of the LEAs²², the published ppr's do not take account of migration or backfilling and so these LEAs adjust the ppr's to take account of this in accordance with the findings of the Coombe Hill Inspector²³, Securing Developer Contributions for Education²⁴ and the School Capacity Survey²⁵, unlike the approach

¹⁹ With the exception of Swindon Borough, which has a far younger and far more ethnically diverse population and so you would expect it to have significantly greater ppr's.

²⁰ Primarily in the East Midlands, East of England and South East.

²¹ As were found to be required in the recent Coombe Hill decision.

²² Namely in Wiltshire whose Developers Contributions Policy states that the LEA "deduct any one bed sized units from the accommodation schedule and then apply a standard discount of 30% to the remaining (if any) affordable housing. This discount reflects evidence that families in affordable housing move within the immediate area and so their children will not need to change schools, and is most pertinent at secondary level where designated areas can be wide ranging"; and in Worcestershire whose Education Planning Obligations Policy states "In consideration of the higher level of household recirculation, Worcestershire County Council will exempt those properties deemed to be social or affordable rent, where the landlord is a registered provider and the provision is to meet local need from those families already resident in the area...".

²³ Paragraph 108 of CDK2.

²⁴ Paragraph 3 of CDG2.

²⁵ The bottom of page 16 of CDG3.

maintained by this LEA which was found to be flawed in the Coombe Hill decision. The fact that other LEAs have demonstrably taken account of migration further undermines the position of this LEA.

Comparison of the ppr's

5.5 A number of these LEAs²⁶ do not identify an average ppr and so these are not directly comparable with the average ppr's sought by this LEA. Nevertheless, in these LPAs, I reasonably assume that:

- The average can be estimated by applying the mix of housing sought in those LPAs where different ppr's are identified for different house sizes;
- The average is equivalent to the midpoint where a range is identified; or
- The average for houses should be used where there are different ppr's for flats and houses²⁷.

5.6 If these assumptions are not accepted, then the ppr's identified in these LEAs are not comparable and should be disregarded. The two resultant datasets are provided in Appendix 1.

5.7 The total ppr's in these two datasets are presented graphically in Figures 5.1 and 5.2 below.

²⁶ Herefordshire, Oxfordshire (including Cherwell, South Oxfordshire, Vale of White Horse, and West Oxfordshire), Cambridgeshire, Essex, Hertfordshire, Kent, Leicestershire, Medway, Norfolk and Peterborough.

²⁷ As typically a greater number of houses are built than flats although it should be noted that this assumption will over-inflate the ppr's in these LEAs to some extent.

Figure 5.1 – the comparable ppr’s sought by LEAs

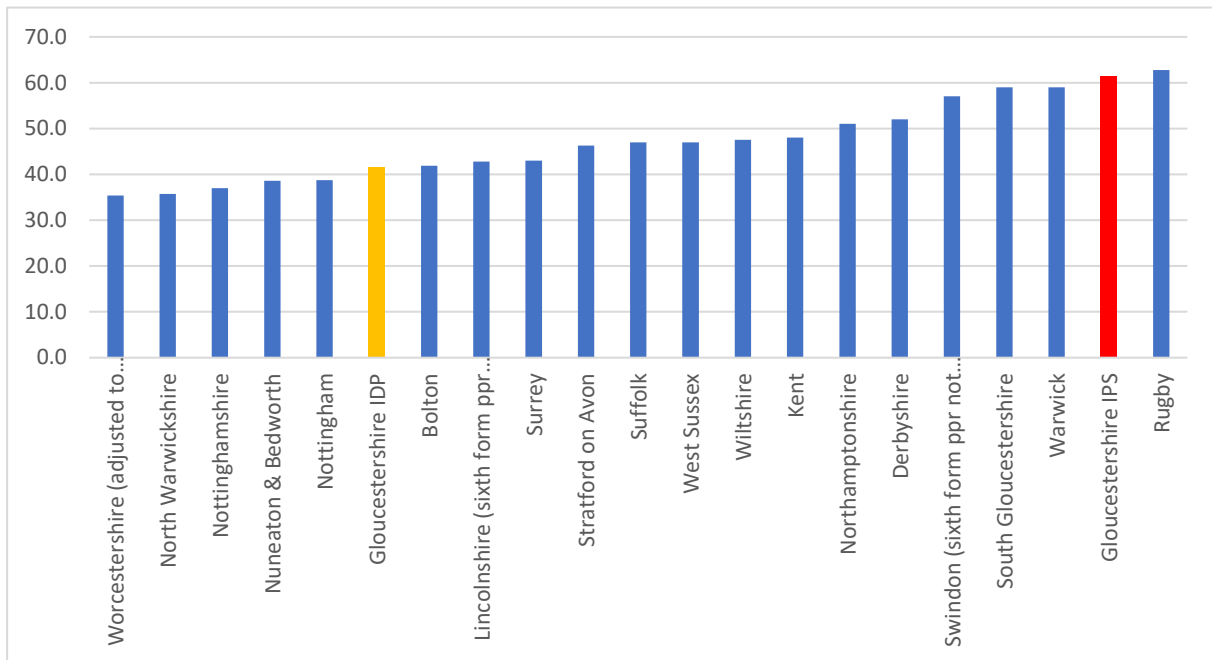
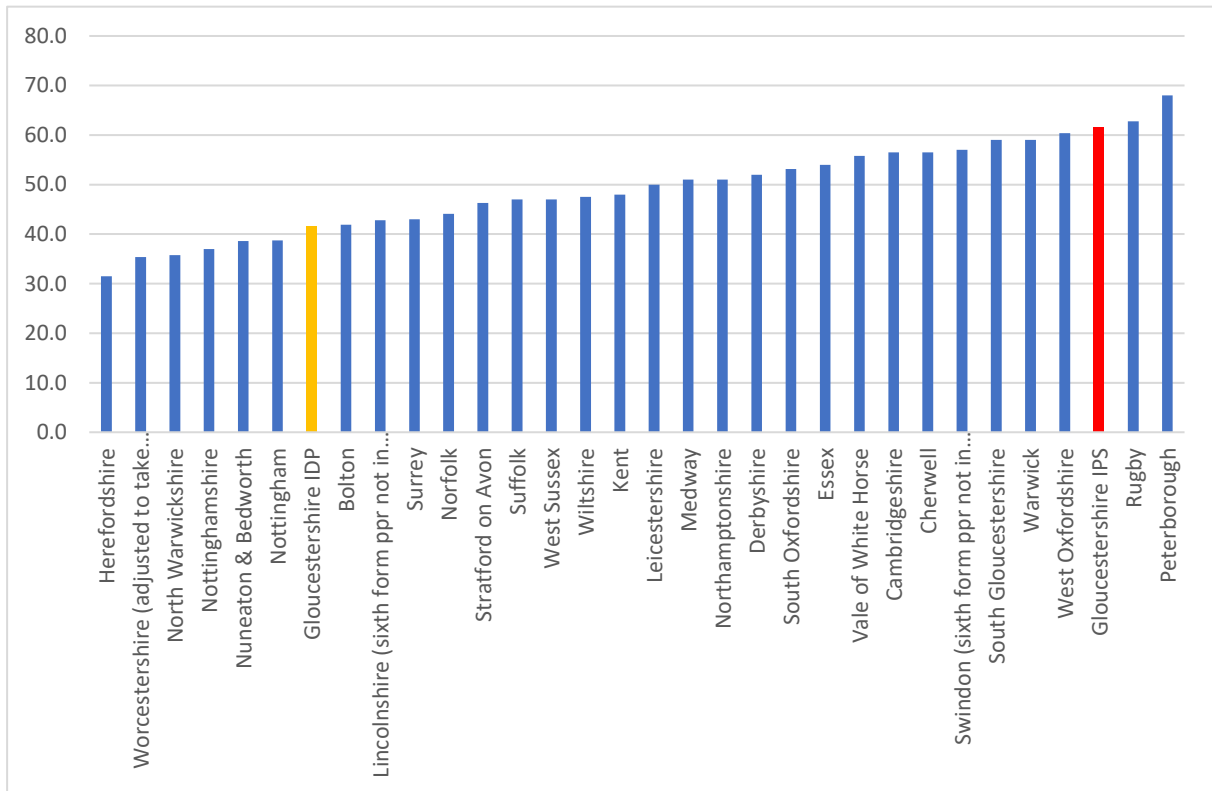


Figure 5.2 – the estimated average ppr’s sought by LEAs



5.8 These demonstrate that the ppr's currently sought in Gloucestershire are towards the top end of the spectrum. This is particularly surprising in Gloucestershire which has a comparatively old²⁸ and ethnically homogenous²⁹ population, a comparatively low birth rate, and which has experienced comparatively low ppr's in the past, such that it would be expected to experience ppr's towards the bottom end of the spectrum as suggested in the IDP. This immediately casts significant doubt on the robustness of the ppr's currently sought in Gloucestershire.

Comparability of the ppr's

5.9 Clearly, the comparability of the ppr's in different LPAs will be dependent upon the comparability of the demographic profiles of those LEAs. Accordingly, I therefore asked whether the LEA had undertaken any analysis of the demographic profiles in these LPAs to identify whether they provided reasonable comparators. I was informed that no such analysis has been undertaken. The effect of this is that the LEA has introduced comparators which may not be comparable to the circumstances in Gloucestershire. I therefore undertake the necessary demographic analysis in Appendix 2.

5.10 This demonstrates that:

- There is a strong relationship between the ppr and the median age of the population, the proportion of white residents, the birth rate and the ppr experienced historically;
- Gloucestershire experiences a greater median age, a greater proportion of white residents, lower birth rates and has experienced lower ppr's than average across these LEAs, such that for each of these reasons, it would be expected to experience ppr's below the average assumed by the identified LEAs contrary to the position of the LEA;
- The median age and proportion of residents that classify themselves as white has increased in Gloucestershire and the birth rate reduced such that

²⁸ Indicating that it has a lower proportion of people of child-bearing age.

²⁹ As White households have far fewer dependent children per 100 households (0.47) than every other ethnicity including Mixed/Multiple households (0.66), Asian/Asian British (1.01), Black/African/Caribbean/Black British (0.88) and Other (0.84) according to the 2011 Census, areas with a larger White population will have fewer children and lower ppr's.

it would be expected that the ppr's would be lower in the future than they have been in the past, namely 19.7 pupils³⁰ per 100 dwellings from 2011-19, contrary to the position of the LEA which suggests there will now be 61.5 pupils per 100 dwellings.

- 5.11 Therefore, once the demographic characteristics of these LEAs are taken into account, this provides yet further evidence that the ppr's in Gloucestershire would be expected to be lower than the average identified by these LEAs rather than being the second or third greatest within this dataset as asserted by this LEA. It yet again demonstrates that the ppr's identified by the LEA are anomalously high and that they are not credible.

³⁰ Including primary, secondary and sixth form.

6. PPR – ACTUAL NOR AS AT PUPIL CENSUS JANUARY 2021

- 6.1 This document identifies the number of pupils currently resident in the developments considered in the Cognisant Study of 2019. It was agreed to be accepted on the condition that the LEA provided some clarity on a number of issues. The parties have since worked together, and the necessary clarifications have been forthcoming. This has included the provision of the corresponding data for the other two developments which were missing in the original document (Appendix 3).
- 6.2 The documents identify the current number of resident pupils by year group in the addresses to which survey responses were sought in the Cognisant Study. For understandable reasons, the detailed data on the pupils and the addresses has not been provided by the LEA³¹ but it is taken as being accurate.

Justification for introduction

- 6.3 The LEA indicated that they had introduced this document to demonstrate that as housing developments mature the demand for additional places will increase.
- 6.4 The LEA's position appears to rely upon the fact that the new information identifies that there are more pupils in younger year groups than in older year groups to support this proposition. Notwithstanding that evidence of this was already before the inquiry³², the LEA appears to be changing its position and suggesting that as a result, the number of pupils will increase on new developments in the longer-term.
- 6.5 This is contrary to the position adopted by the LEA in response to this and all other planning applications, where the LEA assume that the impact of developments will be felt 3 years after the grant of planning permission³³.
- 6.6 Additionally, this new position of the LEA assumes that the ppr within housing developments will increase and thereafter be maintained in the longer-term³⁴, meaning that according to the LEA there will be a ppr of 61.5 across a much greater proportion of the total dwelling stock³⁵, which is even more anomalous with the

³¹ Including because some of the data is protected by GDPR.

³² See Figure 2 of Appendix 5 to the Proof of Evidence of Mr Chandler.

³³ As set out in the fifth bullet point on the fourth page of the IPS (CDG1).

³⁴ It is unclear whether the LEA assume that the ppr will increase to 61.5 or increase beyond 61.5.

³⁵ Including all developments that have been built in the last 10 or so years rather than just those built within the last 3 years.

ONS's position that there will be an average of 14.8 children per 100 dwellings³⁶. This would undermine the credibility of the LEAs ppr's still further and even if these were accepted it would require that the average number of pupils in the older dwelling stock decreases even more significantly than identified in my Proof of Evidence³⁷. Such corresponding reductions would need to be taken into account when calculating the need for additional school places, which the LEA has not done.

- 6.7 The calculations of the LEA if accepted therefore provide only a partial picture which serves to potentially grossly over-inflate the demand for places.

The ppr's identified in the new information

- 6.8 Whilst the LEA has not indicated that they rely upon the ppr's calculated within the new documents, it is anticipated that they may incorrectly seek to do so.
- 6.9 The ppr's identified in the new documents reflect the average number of pupils per 100 dwellings but pay no regard to whether these pupils have actually generated an additional demand on school places – i.e. that the pupils are not already within the local education system already. They are not therefore comparable with the ppr's which are to be applied to new build development which should reflect only the additional rather than total number of pupils in accordance with the findings of the Coombe Hill Inspector³⁸, Securing Developer Contributions for Education³⁹ and the School Capacity Survey⁴⁰.
- 6.10 The ppr's which are presented in the new documents are combined in Table 6.1 below for ease of reference. This demonstrates that on average, these developments have a total ppr of 34.8 primary school pupils, 18.7 secondary school pupils and 2.2 sixth form pupils in every 100 dwellings. A proportion of these pupils would have attended schools in the locality and in Gloucestershire regardless of the developments⁴¹ and therefore the additional demand for school places will be less than a need for 34.8 primary school places, 18.7 secondary school places and 2.2

³⁶ As set out in Table 7.4 of my Proof of Evidence.

³⁷ See paragraph 7.56.

³⁸ Paragraph 108 of CDK2.

³⁹ Paragraph 3 of CDG2.

⁴⁰ The bottom of page 16 of CDG3.

⁴¹ Because they may have remained in their previous home in the absence of these developments, or they may have moved to another home in the locality in the absence of these developments.

sixth form places in every 100 dwellings. Based on the only evidence that is available, 75.5% of pupils do not place an additional demand for school places in new build developments in Gloucestershire⁴². Therefore, it would be expected that on these developments the pupils that have arisen will have generated a demand for circa 8.5 primary school places, 4.6 secondary school places and 0.5 sixth form places. There will clearly also be additional effects along the housing market chain. Using the calculations set out in Table 7.2 of my Proof of Evidence based on the total ppr's identified in the new documents would result in additional ppr's of 29.8 primary school pupils, 16 secondary school pupils and 1.9 sixth form pupils per 100 dwellings. These are broadly consistent with the ppr's of 27.8 primary school pupils, 12.1 secondary school pupils and 1.8 sixth form pupils identified by the IDP which provides yet further support for these. Similarly, they are significantly lower than the ppr's identified in the IPS and further undermine their credibility.

6.11 Additionally, as identified in Table 6.1, the total ppr's experienced on the majority of the developments⁴³ are broadly consistent with the ppr's identified by the IDP which provides yet further support for the use of the ppr's of the IDP.

Table 6.1 – total ppr's⁴⁴ within new build developments

Number of pupils	Stroud Hunts Grove	Cotswold Kingshill Meadow	Cotswold Upper Rissington	Tewkes Coopers Edge	Stroud Coopers Edge	Tewkes Deans Farm	Kingsway	GCHQ	Total
YR	31	25	22	23	35	29	203	29	397
Y1	24	19	16	28	33	27	193	28	368
Y2	23	18	23	22	35	21	183	25	350
Y3	27	15	13	36	26	20	197	24	358
Y4	32	18	23	27	23	13	200	17	353
Y5	26	12	26	26	32	20	189	20	351
Y6	24	19	12	23	23	12	194	19	326
Y7	24	16	9	19	20	25	174	20	307
Y8	18	20	7	20	20	12	167	19	283
Y9	10	17	17	14	16	11	188	14	287
Y10	10	18	5	16	17	13	161	14	254
Y11	6	13	9	11	12	9	143	14	217
Y12	1	6	4	2	10	5	61	6	95
Y13	2	0	3	4	7	3	35	8	62

⁴² As set out in paragraph 7.16 of my Proof of Evidence.

⁴³ At Kingshill Meadow, Coopers Edge (both parts), Deans Farm and GCHQ.

⁴⁴ Rather than additional ppr's which are to be used when calculating the need for additional school places.

Number of pupils	Stroud Hunts Grove	Cotswold Kingshill Meadow	Cotswold Upper Rissington	Tewkes Coopers Edge	Stroud Coopers Edge	Tewkes Deans Farm	Kingsway	GCHQ	Total
Total primary	187	126	135	185	207	142	1,359	162	2,503
Total secondary	68	84	47	80	85	70	833	81	1,348
Total Post-16	3	6	7	6	17	8	96	14	157
Dwellings	409	610	291	598	621	447	3,337	880	7,193
Primary PPR	45.7	20.7	46.4	30.9	33.3	31.8	40.7	18.4	34.8
Secondary PPR	16.6	13.8	16.2	13.4	13.7	15.7	25.0	9.2	18.7
Post-16 PPR	0.7	1.0	2.4	1.0	2.7	1.8	2.9	1.6	2.2
Total PPR	63.1	35.4	64.9	45.3	49.8	49.2	68.6	29.2	55.7

6.12 The extremely high ppr's on the other three developments namely Hunts Grove, Upper Rissington, and Kingsway are likely to be explained by site specific factors. For example⁴⁵:

6.13 At Hunts Grove, this is likely to be explained by the size mix of housing, as:

- According to Stroud District Council's Housing Land Availability Report of 2019⁴⁶, 38% of homes completed had 4 or more bedrooms compared to the 21% required across Gloucestershire⁴⁷; and
- According to Table 2d of the Cognisant Study⁴⁸, 80% of planned homes had 3 or more bedrooms compared to the 71% required across Gloucestershire.

6.14 At Upper Rissington, this is similarly likely to be explained by the size mix of housing, as:

- The reserved matters planning permission at Upper Rissington⁴⁹ provided 58% 4 or more bedroom homes compared to the 21% required across Gloucestershire; and
- According to Table 2f of the Cognisant Study⁵⁰, 87% of planned homes had 3 or more bedrooms compared to the 71% required across Gloucestershire.

⁴⁵ I have been unable to identify the

⁴⁶ The most recent report which contains such information.

⁴⁷ Calculated from Figure 91 of the Local Housing Needs Assessment (CDF2).

⁴⁸ Appendix 5 to the Proof of Evidence of Mr Chandler.

⁴⁹ 12/03810/REM.

⁵⁰ Appendix 5 to the Proof of Evidence of Mr Chandler.

6.15 At Kingsway, this is likely to be explained partially by the size mix of housing⁵¹ but primarily by the exceptional ppr's experienced on this site, as according to Table 6 of the Cognisant Study, this site experienced the greatest ppr for 1 bed homes, 3 bed homes and 4+ bed homes by a significant margin. This is indicative of a particular issue which affects Kingsway alone and is unlikely to be reflected across other sites in Gloucestershire. Indeed, it might be expected that the ppr's experienced on the appeal site will be most closely aligned to those experienced at the neighbouring GCHQ site (29.2 pupils per 100 dwellings) rather than the ppr of 41.63 identified in the IDP or 61.5 identified in the IPS.

The age profile

6.16 The age profile in these developments is presented in Figure 6.1 below. It is correct to note that on average these developments⁵² do indeed have a greater proportion of younger pupils than older pupils. As such it is reasonable to conclude that as these developments are completed and mature and these younger pupils age, the demand for places in younger year groups arising from new developments will reduce and the demand for places in older year groups arising from new developments will increase compared to the situation which currently exists. This would suggest that the primary school ppr will be lower and the secondary and sixth form ppr will be greater than that experienced at present in the short to medium term.

6.17 The period over which any temporary increases in ppr's⁵³ will be experienced can be gauged from the information provided by the LEA. Of the developments identified, only two have been complete for a number of years:

- Kingshill Meadow was completed in 2015 and 6 years later, the age profile⁵⁴ is very similar to that experienced across the entire dwelling stock across Gloucestershire⁵⁵. This would suggest that the ppr's on this development

⁵¹ As according to Table 2c of the Cognisant Study, 28% of planned homes had 4 or more bedrooms compared to the 21% required across Gloucestershire.

⁵² The dashed black line.

⁵³ They must be temporary given that if they were permanent the average ppr across Gloucestershire would approach 61.5 according to the LEA whereas the ONS identify that this will be 14.8, and therefore the ppr's must reduce dramatically once a development becomes an established part of the dwelling stock to account for this difference.

⁵⁴ The solid grey line.

⁵⁵ The solid black line.

have reached their peak (at 35.4 pupils per 100 dwellings) within 6 years of the final completion.

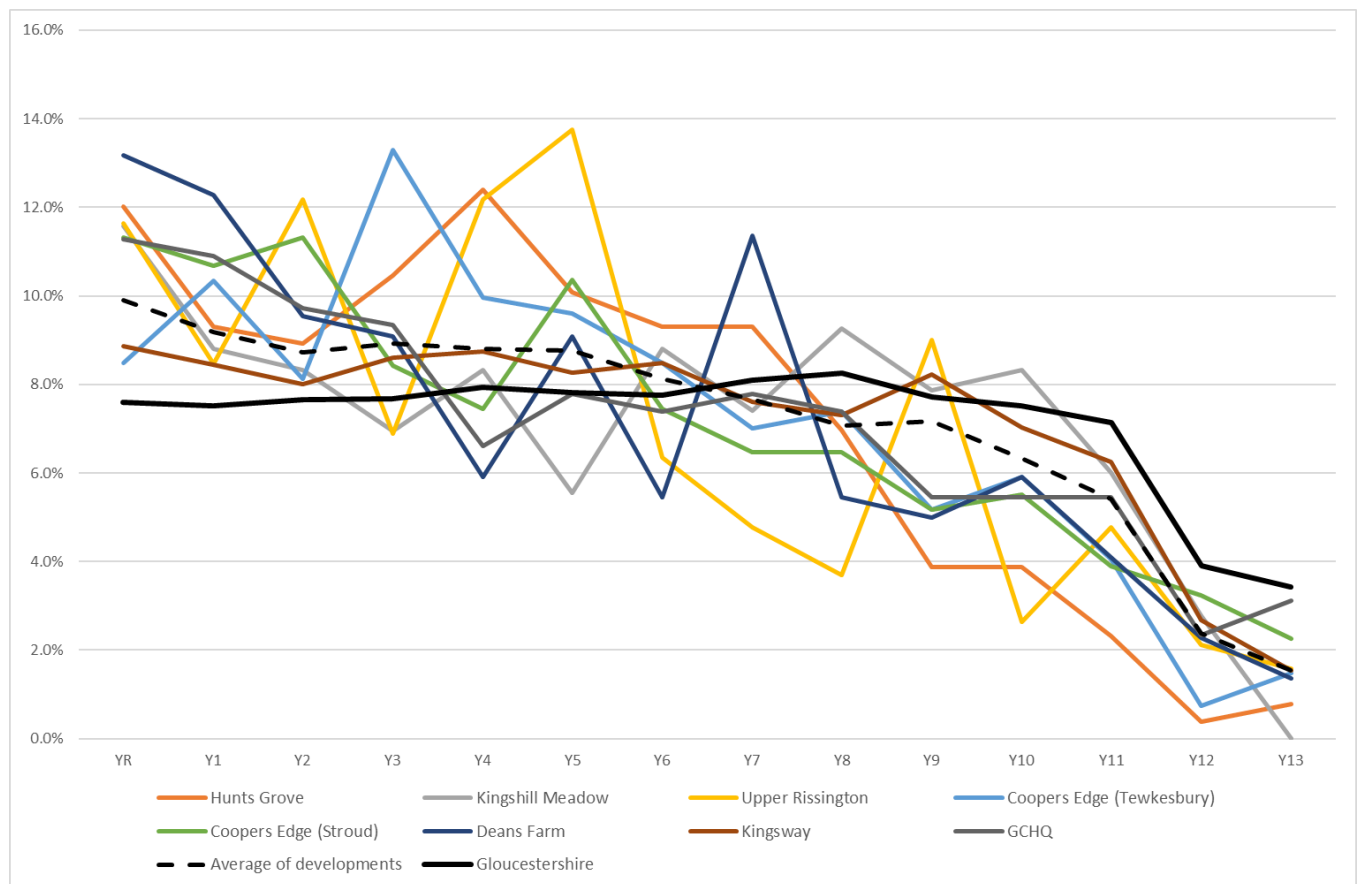
- Upper Rissington was completed in 2018 and 3 years later it remains the case that there are a greater number of younger pupils than older pupils than experienced across Gloucestershire, such that it would be expected that the development has yet to mature and as such it would be expected that the primary school ppr's will reduce and the secondary school ppr's will continue to increase for a temporary period before this becomes part of the established existing dwelling stock which experiences significantly lower ppr's.

6.18 This would indicate that somewhere of the order of 6 years after a development is complete, the ppr's will have peaked and will have started to reduce significantly to reflect that of the existing dwelling stock.

6.19 It is also noteworthy that on average the developments identified by the LEA have only a slightly greater proportion of younger pupils than experienced across the entire dwelling stock across Gloucestershire⁵⁶. The difference between these two sets of data is indicative of the additional demand placed by a newly arising development as compared to that which would have arisen from the underlying population in the absence of such a development. This indicates that actually the additional demand generated by new build development is relatively modest, and that many of the pupils arising would have arisen from the underlying population regardless of the new development. As such, the LEAs position of disregarding migration and thereby disregarding the additional rather than total demand arising from a new build development is yet again undermined.

⁵⁶ The solid black line.

Figure 6.1 – the age profiles in developments and across Gloucestershire



The effects of the proposition of the LEA

6.20 Notwithstanding the fact that the LEA has mistakenly disregarded the consequent effects on ppr’s arising within the existing dwelling stock⁵⁷ and has not taken account of the additional demand rather than the total demand arising from a new build development, there are two potential arguments which arise from the LEA’s proposition, and it is unclear which (if either) the LEA is advancing. Either the LEA is suggesting that:

- (i) the number of pupils arising will be lower than in the short-term and the full number of pupils identified by the LEA will not arise until developments mature in the longer-term; or

⁵⁷ Reflecting the fact that if the LEA is correct the pupils within new build developments will largely arise from the migration of pupils from within the existing dwelling stock, such that these will not generate an additional need for places.

- (ii) in addition to the number of pupils identified by the LEA there will be a greater number of pupils arising in the longer-term.

Argument (i)

- 6.21 If the LEA are now suggesting that the full number of pupils arising will not arise until the longer-term, this is a contrary position to that assumed by the LEA in the fifth bullet point of the IPS (CDG1) which assumes that all of the pupils within developments will arise within 3 years.
- 6.22 This would require that the demands in the short-term will be far lower than identified in the calculations of the LEA and the full demand for places will not be felt for circa 6 years. As such, there will be an even greater available capacity to accommodate the development in the short-term than identified by either party.
- 6.23 It would then be necessary to forecast the availability of school places in circa 6 years or more to assess whether or not the availability of places will be insufficient at that point in time⁵⁸ taking account of the significant reduction in birth rates⁵⁹ (and the resultant significant reduction in pupils in the next 4 to 18 years).
- 6.24 No such forecasts have been prepared by the LEA to demonstrate that there will be insufficient primary school places which would be necessary to justify any contributions. The LEA has only provided primary school forecasts to 2024/25⁶⁰. As set out in my Proof of Evidence, these demonstrate that there will be more than sufficient capacity to accommodate the proposed development in primary schools even without the LEA's potential new position that the number of pupils will be lower in the short-term. In the absence of any such forecasts beyond these dates it is not possible to identify how the reducing birth rates and any migration arising from new development will play out, such that it cannot be demonstrated that any additional school places will be required.
- 6.25 The LEA nevertheless speculate that after 2024/25 as housing developments mature, there will be insufficient capacity. However, there is no evidence that this

⁵⁸ As agreed between the LEA and myself in the Statement of Common Ground at the recent Coombe Hill inquiry, and as set out in the second paragraph of the introduction to the School Capacity Survey (CDG3).

⁵⁹ As set out on page 25 of the School Places Strategy (CDG4) which have continued to reduce significantly in subsequent years.

⁶⁰ In CDG9.

will occur. Indeed, given the significant reduction in birth rates, it would be expected that the number of pupils will reduce significantly in the longer term⁶¹ notwithstanding any additional pupils arising from older developments maturing, such that if there are sufficient places in 2024/25 there will be thereafter.

6.26 At a local level, it is identified in paragraph 6.6 of the Proof of Evidence of Mr Chandler, that contributions were obtained from developments to facilitate the expansion of Oakwood Primary School.

6.27 The LEA has since advised that this expansion was funded by the GCHQ development and by the LEA. The GCHQ development is now complete and as such the pupils arising from this development are already taken into account in the forecasts of the LEA⁶². These forecasts demonstrate that as GCHQ matures the number of pupils in Oakwood Primary School will remain broadly consistent growing from 333 pupils in 2022/23 to 335 in 2024/25 and that there will be at least 85 available places in each of these years. If the potential new position of the LEA is adopted, there would clearly be an even greater number of places available in the short-term.

Argument (ii)

6.28 The alternative potential new position of the LEA suggests that as developments mature a greater number of pupils will arise than anticipated in their forecasts and/or by their ppr's. This therefore requires that the LEA consider that their forecasts and/or their ppr's are incorrect.

6.29 If the LEA suggest that their forecasts are too conservative and that they should be uplifted to reflect older developments maturing including the GCHQ development, then this is an untenable position as both parties have demonstrated that these forecasts have consistently over-estimated the number of pupils arising⁶³.

6.30 If additionally or alternatively, the LEA suggest that their ppr's are too conservative as they should be uplifted and retrospectively applied to older developments as they mature including the GCHQ development, then this is again an untenable

⁶¹ As illustrated in Appendix 1 to my Proof of Evidence.

⁶² As set out in paragraph 3.12 of the Proof of Evidence of Mr Chandler.

⁶³ See Table 6.2 and paragraph 6.23 of my Proof of Evidence, paragraphs 4.2 and 4.3 of the Proof of Evidence of Mr Chandler and paragraph 109 of the Coombe Hill decision (CDK2).

position as this would require that notwithstanding the demographic characteristics in Gloucestershire, the ppr's would be even greater than 61.5 which is already the second or third greatest identified by any LEA.

7. EFFECTS OF THE LPA'S REVISED HOUSING LAND SUPPLY POSITION

7.1 As set out in my Proof of Evidence on Educational Contributions⁶⁴, the evidence of the Borough Council suggested that the delivery rate would change from:

- 167 dwellings in the period 2015-20 to 46 in the period 2020-25 in my proxy of the primary school planning area, and
- 505 dwellings in the period 2015-20 to 515 in the period 2020-25 in my proxy of the secondary school planning area.

7.2 As a result of the concessions of the Borough Council, they now consider that the delivery rate will change from:

- 167 dwellings in the period 2015-20 to 46 in the period 2020-25 in my proxy of the primary school planning area,
- 167 dwellings in the period 2015-20 to 27 in the period 2020-25 in my proxy of the primary school planning area,
- 505 dwellings in the period 2015-20 to 382 in the period 2020-25 in my proxy of the secondary school planning area, and
- 505 dwellings in the period 2015-20 to 478 or 485 in the period 2020-31 in my proxy of the secondary school planning area⁶⁵.

7.3 It is therefore clear even on based on the unrealistic assessment of the Borough Council the rate of house-building is going to reduce, significantly so in the primary school planning area and significantly so in the secondary school planning area in the short-term. In such circumstances, the DfE indicate that it would be appropriate to adjust the cohort progression forecasts to take account of the reduction of 121 dwellings per annum (or 605 fewer within five-years) in the primary school planning area and the reduction of 123 dwellings per annum (or 615 fewer within five-years)⁶⁶.

7.4 Logically, this new position of the Borough Council would have the following effects:

⁶⁴ Paragraphs 6.29 and 6.30.

⁶⁵ Depending upon whether the trajectory in the Position Statement or the accompanying spreadsheet is used and adjusted for the concessions of the LPA.

⁶⁶ See page 17 of CDG3.

- using the ppr's advanced by the LEA, 605 fewer dwellings would mean that there would be 233 fewer pupils within the Whaddon primary school planning area than suggested by the cohort progression forecasts of the LEA;
- using the ppr's of the IDP, there would be 168 fewer pupils within the Whaddon primary school planning area than suggested by the cohort progression forecasts of the LEA;
- using the ppr's advanced by the LEA, 615 fewer dwellings would mean that there would be 105 fewer secondary school pupils in the Cheltenham secondary school planning area than suggested by the cohort progression forecasts of the LEA;
- using the ppr's of the IDP, there would be 74 fewer secondary school pupils in the Cheltenham secondary school planning area than suggested by the cohort progression forecasts of the LEA;
- using the ppr's advanced by the LEA, 615 fewer dwellings would mean that there would be 37 fewer sixth form pupils in the Cheltenham secondary school planning area than suggested by the cohort progression forecasts of the LEA;
- using the ppr's of the IDP, there would be 11 fewer sixth form pupils in the Cheltenham secondary school planning area than suggested by the cohort progression forecasts of the LEA.

7.5 The cohort progression forecasts of the LEA indicate that there would be 104 available primary school places⁶⁷ if the delivery rate was maintained which would be more than sufficient to accommodate even the 87 pupils that arise from the application of the ppr's of the LEA⁶⁸. If the reducing delivery rate identified by the Borough Council is taken into account, there would therefore be either 337 available places using the ppr's advanced by the LEA or 272 using the ppr's of the IDP. It therefore becomes even less arguable that there is a need for additional primary school places.

⁶⁷ As set out in paragraph 6.33 of my Proof of Evidence.

⁶⁸ As set out in Table 7.5 of my Proof of Evidence.

- 7.6 The cohort progression forecasts of the LEA indicate that there would be up to 3 more secondary school pupils than places if the delivery rate was maintained⁶⁹. If the reducing delivery identified by the Borough Council is taken into account, there would be either 102 available places using the ppr's advanced by the LEA or 72 available places using the ppr's of the IDP. Therefore, contrary to the position presented in my Proof of Evidence there would actually be more than sufficient capacity in secondary schools to accommodate all of the secondary school pupils arising from the proposed development⁷⁰ as a result of the concessions of the Borough Council. However, given that the evidence of Mr Chandler indicates that the cohort progression forecasts of the LEA have been broadly accurate locally and adopting a conservative approach to ensure that there are more than sufficient places, I am content to proceed on the basis advanced in my Proof of Evidence but highlight that this is likely to result in funding being secured for many more places than will actually be required.
- 7.7 The concessions of the Borough Council however have no effect on the need or otherwise for sixth form places and it remains the case that there will remain more than sufficient capacity in individual sixth forms to accommodate the proposed development but an insufficient capacity in aggregate across the planning area.

⁶⁹ As set out in Table 6.4 of my Proof of Evidence.

⁷⁰ 38.4 according to the LEA or 27.3 according to the IDP as set out in Table 7.5 of my Proof of Evidence.