

Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure)
(England) Order 2015**

**Town and Country Planning Appeals (Determination by Inspector) (Inquiries
Procedure) (England) Rules 2000 as amended**

Gloucestershire County Council

**Planning Obligations CIL Compliance Statement (Education,
Libraries, Highways and Transportation Infrastructure)**

Land at Hill Farm, Hempsted Lane, Gloucester, Gloucestershire

**20/00315/OUT - Outline application for the erection of up to 245 dwellings with public
open space, structural planting and landscaping, surface water flood mitigation and
attenuation and vehicular access point from Hempsted Lane. All matters reserved except
for means of vehicular access and currently subject to Appeal Reference:**

APP/U1620/W/22/3296510



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1. Introduction and Overview

- 1.1 This Statement explains the Community Infrastructure requirements sought by Gloucestershire County Council ('the County Council') in the exercise of its statutory functions for Education, Libraries and Highways & Transportation in relation to the appeal that has been lodged by the Appellants in the event that the proposed scheme proceeds.
- 1.2 The scheme was assessed for community infrastructure impact based on an assessment of planning application 20/00315/OUT, in compliance with the County Council's Local Development Guide (the LDG) updated in 2021, and in the context of local and national policy and guidance.
- 1.3 This document will take each statutory function and set out its responsibilities and requirements in turn.

2. Statutory Functions

2.1 Education Provision (Secondary Schools)

- 2.1.1 It is the statutory responsibility of GCC to ensure every child in the community has fair access to local schools and the highest standards of teaching¹.
- 2.1.2 Where a CIL Charging Schedule is adopted and applicable, GCC will expect CIL monies to be passed to the GCC to provide new or expanded schools. GCC's preference is that where developments are of a certain size, that –in-kind provision and land is provided. For example, where a development requires a 1 Form Entry Primary School², there are advantages to delivery to secure this through a S.106 planning obligation. In areas where CIL is not applied, this will remain the standard approach. GCC will proactively work with applicants and Charging Authorities to ensure delivery via the most appropriate route.
- 2.1.3 Where contributions will be sought through S.106 planning obligations, GCC will assess the impact of new development in terms of the ability of local primary and secondary schools to offer places to children arising from it. The impact from a new development will be assessed on the schools within the local planning area and any obligation will comply with the legal tests. The Pupil Product Ratio (PPR) is derived from the total child yield. The PPRs are reviewed and adjusted from time to time based on up-to-date information from a variety of local and national sources such as a local household survey of recently completed developments.
- 2.1.4 The PPR reflects the full expected pupil yield, but is reduced to take account various factors such as: the proportion of children not educated within LEA schools; Sixth Form staying-on rates. For further detail see Section 5 below.
- 2.1.5 Where the nearby schools have sufficient surplus places, the assessment will identify that these can be matched up with the anticipated level of demand. Where a school is at or above 95% of capacity, it is considered to have no surplus places.³ The ability to achieve reasonable levels of access for families from the new development will be a key determining factor as to which local schools will be included in each assessment. In assessing the need for school places, GCC applies a countywide approach for the number of children expected to occur per 100 new **'qualifying'** dwellings. This is known as the pupil product. A **'qualifying'** dwelling is a house or flat that has no restricted occupancy for age or health reasons and has at least two bedrooms. All one-bedroom units are excluded. GCC reviews from time to time the information used to generate the pupil product, and the costs to provide the places annually, and will update Appendix 2 to this Guide.

¹The Education Act 1996, Education & Inspections Act 2006

²A 1FE Primary School has capacity for 210 children which equates to around 750 dwellings. However, the need to allow some surplus capacity means that developers should give consideration to additional primary school provision from around 600 dwellings, in consultation with GCC.

³The Audit Commission recommends authorities plan for a 95% occupancy rate across an area in order to achieve a match between pupils and places, efficient and educationally effective outcomes and to offer diversity and choice to parents.

- 2.1.6 Where developer contributions are considered justified, financial contributions through S.106 planning obligations will be sought for capital works to extend, remodel, upgrade and improve the capacity of an identified existing local school or schools.
- 2.1.7 For large scale development schemes, which are likely to generate sufficient demand to justify the requirement for a brand new school, GCC would require a contribution to cover the full cost of building a new school including site infrastructure and playing fields. All new schools provided in this way would need to meet GCC design standards according to best practice at the time.
- 2.1.8 In addition, GCC may use the opportunity of new or reconfigured local schools to help accommodate other community infrastructure. Integrated solutions accord with a number of wider planning objectives⁴
- 2.1.9 When assessing forecast surplus or shortfall GCC looks to the penultimate year of forecasts as they are calculated using NHS GP data; therefore, the final year of forecasts will not include all births for that forecast year.

Secondary School Places	Planning Area Schools
Total Capacity	10,097.00
95% of Capacity	9,592.15
Forecast year 2027/28 for school(s) (i.e. the demand)	9,643.00
Surplus places available to credit to development	-50.85
Primary Yield from proposed development	41.65
Number of places requested	41.65

- 2.1.10 When considering forecast data and the schools within the scope for a development GCC can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places in order to calculate whether there are places to credit to a development.

⁴Paragraph 93 of the National Planning Policy Framework 2021 specifically refers to the need to ensure an integrated approach is taken to towards community facilities and services, and the need to plan positively for the provision and use of shared space and community facilities

2.2 Library Service Provision

Background to the Library Service, and External Funding Streams for Library Improvement Works

- 2.2.1 Under the provisions of the Public Libraries and Museums Act 1964, the County Council, as a 'Library Authority', has a statutory duty (not a discretionary power) to provide a comprehensive and efficient library service for all persons wishing to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.
- 2.2.2 Under the PLMA, libraries have a duty to offer free access to stock and other resources as may be required by those persons wishing to make use of it. In this regard, it is important to note that residents do not use libraries within a defined period of their lives, and libraries need to be accessible to anyone at any time of their life as and when they need to use the wide range of facilities on offer. We cannot be prescriptive about when someone moving into a catchment area of the library may need to use its resources or services, or how often.
- 2.2.2 The current Library service is provided through a network of local public library buildings, customer access points, e-resources, and a virtual online reference library. A modern library service is not just about book stock and information provision, libraries offer free public access to PCs, Wi-fi and digital equipment. They also provide activities and events aimed at all age groups within their local communities, and support job and home seekers, address social isolation, and support those wanting to gain new skills.
- 2.2.3 For context, it should be noted that planning obligations are the Library Authority's principal source of external funding for library works and provision that are needed to meet increased demand arising from new development. With regards to alternative external funding streams, the following observations are relevant:
- As with all other Library Authorities across the country, the County Council does not receive funding from Central Government to increase library services to meet demand arising from new development.
 - There are currently no external grants that could be used to fund the improvements required to mitigate this development. There is also no guarantee that any grant application for a library improvement project would be successful.
 - CIL can only be awarded to Library schemes that are not directly related to development. There have been no strategic programmes for many years.
 - The City Council's Infrastructure Funding List (December 2021) shows that there have been no monies awarded to libraries in the last year.
 - There are no library projects listed within the City Council's Infrastructure Funding List.

2.3 Highways and Transportation Provision

- 2.3.1 GCC is the local highway authority (LHA) and is acting in its role as Statutory Consultee to assess the impact of the proposals on the highway network and provide advice to the LPA. The policy framework in which the LHA operates includes NPPF, the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury, and the Gloucestershire Local Transport Plan.
- 2.3.2 Paragraph 110 of Section 9 of the NPPF specifically requires a LHA to assess whether a planning application has appropriate opportunities to promote sustainable transport modes, has safe and suitable access and any impact can be cost effectively mitigated. Furthermore, Paragraph 112 requires amongst other things that applications for development should give priority first to pedestrian and cycle movements, and second to facilitate access to high quality public transport.
- 2.3.3 Paragraph 113 requires that all development that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement of transport assessment so that the likely impacts of the proposal can be assessed.
- 2.3.4 Furthermore, Policy INF1: Transport Network of the JCS requires, amongst other things, that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should ensure all opportunities are identified and taken where appropriate to extended and or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.
- 2.3.5 Policy LTP PD0.3 – Maximising Investment in a Sustainable Transport Network of the LTP requires that developers contribute financially and/or to the design and implementation of sustainable transport. This includes, amongst other things, connectivity for walking and cycling, provision of local amenities and access to public transport. This is so the reliance on motor vehicles is reduced and that sustainable trips are increased.
- 2.3.6 Policy LTP PD 0.4 – Integration with Land Use Planning and New Development requires development to identify protect and exploit opportunities for sustainable transport measures, and to promote existing public transport. Furthermore, it requires developers to use Personalised Travel Planning and Travel Plans are part of toolkit of measures for delivering smarter travel choices. Contributions from new developments are required towards GCC’s sustainable travel programme and the development and monitoring of Travel Plans.
- 2.3.7 Where an impact is identified on the highway network and mitigation is required as per the requirements of NPPF and Local Planning Policy as identified above, GCC will seek to secure the necessary improvements through a S.106 planning obligation.

3. National Policy Context

3.1 National Planning Policy Framework (NPPF) updated 2021

3.1.1 Paragraphs 55 and 57 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- 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.

3.1.2 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.

3.2 Community Infrastructure Levy (Amendment) (England) (No.2) Regulations September 2019

3.2.1 Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change 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 to pay for the same piece of infrastructure. The City Council charges CIL, however, the tests in Regulation 122 continue to apply.

3.3 Other National Guidance – Securing Developer Contributions for Education – DfE Guidance dated November 2019

3.3.1 DfE expects local authorities with a responsibility to provide sufficient school places under the Education Act 1996 to seek developer contributions towards school places that are created to meet the need arising from housing development.

3.3.2 The guidance advises planning obligations are likely to be the most effective mechanism for securing developer contributions in two tier authorities. Para 4 it is stated:

“In two-tier areas where education and planning responsibilities are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education 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. “

3.3.3 Pupil yields should be up to date and evidenced based. Para 8 states:

“Pupil yield factors should be based on up-to-date evidence from recent local housing developments”

3.3.4 GCC is also responsible for ensuring sufficient schools for pupils receiving primary and secondary education up to the age of 19 as well as securing sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25. Para 10 states:

“We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development.”

3.3.5 In accordance with this guidance and evidenced in this statement, the money being sought to secure developer contributions reflects the cost of providing school places based on up to date evidence and government advice and linked to the adopted LDG.

4. Local Policy Context

4.1 The Local Development Guide (LDG)

4.1.1 GCC has published a “Local Development Guide” (LDG). 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-local-development-guide/>

4.1.2 The updated Local Development Guide was adopted by Gloucestershire County Council Cabinet in March 2021 following a period of public consultation. The consultation followed Local Planning Regulations and met with the requirements set out within Gloucestershire's District and County Statements of Community Involvement (SCIs).

4.1.3 Although the Gloucestershire Local Development Guide is neither a Development Plan document nor a Supplementary Planning Document, it is a material consideration for decision makers in the consideration of future planning proposals. Its purpose is to aid, inform and improve transparency and consistency in terms of its approach to mitigating the impacts of a development and making it acceptable in planning terms, in a non-prescriptive manner. The guide has been prepared in line with the National Planning Policy Framework (NPPF).

4.2 The Local Transport Plan

4.2.1 GCC has adopted a Local Transport Plan 2020-2041, which it considers a material consideration in the determination of the impact of proposed development on infrastructure.

<https://www.gloucestershire.gov.uk/media-/2108466/ltpp-policy-document-final:>

4.2.1 The updated Local Transport Plan was revised in March 2021 following a period of consultation. The following policies are extracts from this plan and are applicable to the proposed development

4.2.2 **Policy PD0.3 “Maximising Investment in a Sustainable Transport Network”** states:

GCC will work with partners to ensure the delivery of a financially sustainable transport network, through maximising opportunities for inward investment. GCC will do this by implementing the following policy proposals:

- Developers are required to contribute financially and/or to the design and implementation of sustainable transport, in order to mitigate against the impacts of proposed new development on the transport network. Through including at the design stage facilities, routes and infrastructure for electric vehicle charging,

homeworking, connectivity for walking and cycling, provision of local amenities and access to public transport, so sustainable trips are increased and dependence on motor vehicles reduced.

- New development is required to contribute financially and/or to design to facilitate and encourage active travel (walk/cycle and mobility use)) through ensuring seamless connectivity to local amenities and public transport.
- New development is required to contribute financially and/or to the design for the provision of; mass public transport provision between urban conurbations, and community transport or any other form of mass transport provision and/or infrastructure where there is a current or potential demand where a standard bus service is not a viable long term solution.

Note: Extract of relevant bullet points

4.2.3 Policy PD0.4 “Integration with Land use Planning and New Development” states:

GCC will work with local planning authorities and developers to develop a clear spatial strategy for Gloucestershire based on our long term sustainable transport and growth ambitions, which will deliver large scale development, designed and developed in a sustainable manner, ensuring that sustainable transport principles are embedded into the planning, design and future development of these strategic sites as a core fundamental feature from the outset. This will deliver a step change in sustainable land use planning, ensuring that all new development is located in places with high levels of sustainable transport accessibility and services, and reduces car dependency. GCC will support development that enables sustainable travel choices and will require that developers of new medium/large sites submit site master plans and ensure that transport considerations are integral to the design of schemes and contribute to making high quality places, in accordance with Gloucestershire’s Climate Change Strategy and the emerging Spatial Strategy, Carbon Reduction Targets, NPPF and MfGS.

GCC will do this by implementing the following policy proposals:

- Developers are required to identify and safeguard existing and potential quiet highway routes and connections, within and between settlements, where walking
- /cycling and mobility use are to be promoted to support community connectivity and permeability, supporting multi-functional green and blue infrastructure.
- ☑ Ensure developers promote existing public transport infrastructure and realistic opportunities for travel choice are consistently and comprehensively promoted to
- residents, employers and visitors. Promote Mobility as a Service (MaaS), such as electric vehicle car clubs or car sharing, in order to encourage sustainable car use
- within new housing and employment developments and in association with businesses within Gloucestershire.
- ☑ Developer will be required to use Personalised Travel Planning (PTP) and travel plans as part of the toolkit of measures for delivering smarter travel choices, where

- appropriate, in new and existing residential developments, making sure that travel plans are maintained and enforced. Contributions from new development are
- required towards GCC's sustainable travel programme, Thinktravel for the development and monitoring of travel plans, and an ongoing commitment to
- communicating updated travel information in line the Thinktravel programme.
- All overarching and mode policies will take this policy into account

4.3 The Adopted Joint Core Strategy 2011-2031: Policies INF1, INF4, INF6 and INF7

4.3.1 INF1: Transport Network

"1. Developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposal should ensure that:

- Safe and effective access to the highway network is provided for all transport modes;*
- Connections are provided, where appropriate to existing walking, cycling and passenger transport networks and should be designed to encourage maximum potential use;*
- All opportunities are identified and taken, where appropriate to extend and/or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes"*

And

"4. Where appropriate the Local Planning Authority may require applications to be accommodated by a Travel Plan that has full regard to the criteria set out in the NPPF"

4.3.2 INF4: Social and Community Infrastructure

"Where new residential development will create, or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off site. New or refurbished provision will be of an appropriate type, standard and size. From an early stage, developers will be expected to engage with the relevant local authorities and infrastructure providers and, as appropriate, relevant local community groups where they exist, to ensure that new provisions meets the needs of the community that it will serve and is fit for purpose".

4.3.3 INF6: Infrastructure Delivery

"Where need for additional infrastructure and services and/or impacts on existing infrastructure and services is expected to arise, the Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal".

4.3.4 **INF7:** Developer Contributions

“Arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission. Financial contributions will be sought through the S106 and CIL mechanisms as appropriate”.

- 4.3.4 The Adopted Local Plan policies support the position of seeking contributions where there are additional demands on services as a result of development. The development generates additional demands and therefore it is suitable and reasonable for the development to mitigate those additional demands.

4.4 The County Council’s Library Strategy

- 4.4.1 The County Council’s Library Strategy 2012 (‘A Strategy for Library Services in Gloucestershire 2012’) lists a series of overarching outcomes, which include to deliver ‘*Libraries which reflect local needs and can respond effectively to changes in demand*’.

5. Provisions required in relation to this Application

5.1 Secondary (11-16 Years) Requirement

5.1.1 Gloucestershire's School Places Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2021-2026. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. The 2021-2026 update was approved by Cabinet on 24 March 2021 and came into effect on 1 April 2021.

<https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershire-school-places-strategy-and-projects/>

5.1.2 The proposed Development site is located in the Gloucester secondary planning area. Information detailing the 9162600 Gloucester Secondary Planning Area and the schools within it can be found in Section D54 (internal page pg. 254) of the SPS.

<https://www.gloucestershire.gov.uk/media/2108023/gloucestershire-school-places-strategy-2021-2026-final.pdf/>

5.1.3 There are 12 secondary aged schools in the Gloucester secondary planning area, of which 4 have selective admissions policies based on entrance exam or faith. All schools have been factors into GCC's analysis – these are:

- Barnwood Park
- Holmleigh Park High
- St. Peter's High
- Severn Vale
- Gloucester Academy
- Churchdown
- Chosen Hill
- Henley Bank High
- Ribston Hall
- Demark Road High
- The Crypt
- Sir Thomas Rich's

Ribston, Demark Road, The Crypt and Sir Thomas Rich's all have a selective admission policy

5.1.4 The need for school places essentially derives from the local child population. The LEA's previous approach was to consider only the nearest schools to the proposed development. However, the LEA has recently undertaken a review of its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

5.1.5 GCC is in the process of undertaking a full review of its PPRs, which will subsequently be consulted upon. However, in the interim, GCC has issued an interim position statement setting out the criteria it is currently using in its assessments. The interim position statement can be accessed using following link

<https://www.gloucestershire.gov.uk/media/2108092/gcc-interim-position-statement-final.pdf>

5.1.6 Set out below is a table detailing the pupil yield for the proposed Development

Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Gloucester Secondary Planning Area	245	41.65	£804,344.80	41.65

5.1.9 GCC reviews forecasts based on 95% capacity being considered to be full to allow for some flexibility. Data shows that the Gloucester Secondary Planning Area is forecast to be full (see paragraph 2.1.9 of this CIL compliance statement and the table in 5.1.10 below)

5.1.10 Set out below is a table detailing the Gloucester Secondary Planning Area

	All Non Selective Schools	Total All Schools
Total Capacity	10097.00	14066.00
95%	9592.15	13362.70
Forecast year 2027/28 for school(s)	9643.00	13919.00
Surplus places available to credit to development	-50.85	-556.30
Secondary Yield from proposed development	41.65	41.65
Number of places requested	41.65	41.65

5.1.11 Based on the DfE per pupil multiplier for 2021, GCC seeks a secondary education (aged 11-16 years) contribution of £804,334.80 on the basis that all of the proposed dwellings are qualifying dwellings. The provision of the proposed planning obligation uses a formulaic approach to calculate the actual contribution required as follows:

A + B x 0.17 x £19,312

Where: **A** = the number of qualifying flats proposed | **B** = the number of qualifying houses | **0.17** = the PPR multiplier applicable and **£19,312** = the DfE per pupil multiplier for 2021

5.2 Libraries Requirement

This section is split into sub-sections dealing with: the LLA's approach to planning obligations following by the existing situation at Gloucester Library and then concluding by how the demand from the appeal proposal will be met.

Approach to Planning Obligations

- 5.2.1 New housing development is assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works required.
- 5.2.2 Where the County Council identifies that improvement works are required to local library provision to mitigate the impact of increased demand from a new housing development, it will usually seek to secure these via a planning obligation, and typically in the form of a financial contribution proportionate to the size of the development.
- 5.2.3 The planning obligation must comply with the legal tests set out at Regulation 122(2) of the CIL Regulations 2010 (as amended).
- 5.2.4 Details of the requested planning obligation, including the name of the local library to which it will be directed, are provided as part of the County Council's responses to planning application and pre-application advice consultations.
- 5.2.5 The majority of financial contributions are requested towards increased customer access to existing services and can include (but are not restricted to): increasing existing lending capacity through additional stock, furniture, and fittings; facilitating an increase in opening hours; increasing accessibility and support for digital and IT facilities; and/or reconfiguration and refurbishment of library floorspace.
- 5.2.6 In such cases, the County Council's established, proportionate charge of £196 per dwelling for developments of 25 dwellings or more is applied, based on the Public Library Service Standards 2008 which has been consistently applied since adoption.
- 5.2.7 Where a new development generates a requirement for a planning obligation towards new library floorspace and fit out (e.g. extension to an existing building or construction of a new building) the County Council will consider the details, including the financial contribution, on a case-by-case basis. Any such requirement will also be explored in terms of its potential to facilitate shared local facilities.
- 5.2.8 The Library Authority's representations submitted to Gloucester City Council ('the City Council') in November 2021 included a request for a planning obligation of **£48,020** towards local library provision which would be used towards *'improving customer access to services through refurbishment, reconfiguration and upgrades, improvements to stock, IT and digital technology, and increased services'* in order to

mitigate the impact of the proposed development. This request was based on a proposed development of 245 dwellings. A pro rata amount will be required should the number of proposed dwellings be reduced based on a proportionate charge of £196.00 per dwelling.

- 5.2.9 The contribution would be used at Gloucester Library as it is a library near to the appeal site and the most likely to be used by the new residents.

The Existing Situation at Gloucester Library

- 5.2.10 In this case the planning obligation would relate to Gloucester Library as it is a library near to the appeal site (circa 1.9 miles) and the most likely to be used by the new residents.

- 5.2.11 Gloucester Library is located in the city centre and currently delivers a library service for the people in the local area. It is open 54 hours a week, including 3 late evenings and Saturdays. In addition to its book borrowing service, it offers a wide variety of activities, clubs and programmes which are tailored to local needs, including for children and young parents, youth, adults, and older people. The majority of the activities are provided free of charge for the local community. Gloucester Library also offers a UKVI Visa checking service on behalf of the Home Office. Further details on the range of services offered at this library can be provided on request, if required.

- 5.2.12 Baseline utilisation and footfall data collated and retained by the Library Authority demonstrates that Gloucester Library has consistently ranked as the 2nd busiest library of the 31 in Gloucestershire in terms of footfall. However, in 2021/22 it ranked 1st (higher than Cheltenham Library) with 11% of the County's library footfall. Between 2017/18 and 2018/19 visits increased by 1.17%.

- 5.2.13 Population growth is placing increased demand on the existing services offered at Gloucester Library. Office for National Statistics data identifies that the catchment population in 2018 was 38,152, an increase of 3.4% since 2014.

- 5.2.14 The existing physical capacity of the library has been assessed, comparing the existing size of the library space, the library catchment population, and the national benchmark of 30 sqm per 1000 population (Public Libraries, Archives and New Development: A Standard Charge Approach (May 2010)). Using the 2018 catchment population of 38,152 there is a requirement for 1,145 sqm of public library floorspace and therefore the existing library (public space of 868 sqm) is already undersized.

Meeting demand from the appeal proposals

- 5.2.15 To accommodate additional users generated by new development, including the appeal proposals, options for physical improvements to the current building to

increase capacity are limited due to design constraints imposed by its status as a Grade II listed building and its city centre location.

5.2.16 In light of these considerations, to mitigate the impact of the development it is anticipated that the requested proportionate financial contribution and the application of such contribution is as set out in paragraph 5.2.8 above.

5.2.17 Typically, there would also be provision in a legal agreement for the monies to be returned by GCC within five years of payment if it is not spent. However, as the provisions are contained in a unilateral undertaking this there can be no reciprocal obligations recited.

5.3 Highways and Transportation Requirement

5.3.1 Highway Improvement Contribution

5.3.1 The Highway Authority has identified a need to provide improved highway infrastructure at Hempsted Lane/Court Gardens and Hempsted Lane/Hinton Close in the form of uncontrolled crossing points. The Highway Authority therefore requires a contribution of £3,000 towards facilitating those improvements.

5.3.2 This obligation is considered necessary to make the proposed development acceptable in planning terms in order to ensure that safe and suitable access is provided for all users. It is considered directly relevant to the proposed development as the enhanced crossing points will facilitate those occupying by the proposed development.

5.3.3 GCC contends that the above financial contribution complies with the statutory tests set out in the NPPF

5.3.2 Travel Plan Monitoring including Security Provisions

5.3.2.1 Travel plans are essential tools in reducing the need to travel and where travel is necessary, to encourage such movement to undertaken by sustainable modes.

5.3.2.2 GCC's Local Transport Plan policy PD 0.4 says:

“Developer will be required to use Personalised Travel Planning (PTP) and travel plans as part of the toolkit of measures for delivering smarter travel choices, where appropriate, in new and existing residential developments, making sure that travel plans are maintained and enforced. Contributions from new development are required towards GCC's sustainable travel programme, Thinktravel for the development and monitoring of travel plans, and an ongoing commitment to communicating updated travel information in line the Thinktravel programme.”

5.3.2.3 GCC has published guidance on residential travel plans and the associated fees in December 2010 and June 2011. Local guidance document “Manual for Gloucestershire Streets” sets the threshold for when a travel plan should be provided; this should not be read as an absolute but provides strong guidance. In this instance, it suggests a development of 50 dwellings should be supported by a travel plan.

5.3.2.4 The December 2010 guidance says:

“Residential Travel Plan will require funding in order to be effective and this can be used to pay a local authority, a consultant or a third party to manage the implementation of the plan as well as implementing the initiatives included in the plan.

The funding would also need to cover monitoring the outcomes and reporting back to the local planning authority on progress towards targets.”

5.3.2.5 The July 2011 guidance says:

“The cost associated with GCC’s assistance in evaluating and supervising the Travel Plan is £1,000 per year (depending on the size of the site), applicants will be required to pay this sum to GCC for a period of 10 years. This is in addition to any contributions secured for sustainable travel and the cost of preparing and implementing the Travel Plan.”*

5.3.2.6 The monitoring fee requested will contribute towards the review process.

5.3.2.7 Section 8 of the July 2011 guidance explains the scope of the contribution; it says:

“It is essential that Travel Plans are monitored in order for effectiveness to be gauged. This is useful to the Travel Plan Coordination to understand what changes have occurred, and also informs GCC who can understand whether Travel Plan obligations or conditions are being met.

8.1.1 Monitoring reports

As mentioned in the previous chapter, applicants are required to submit annual monitoring reports to GCC or their designated consultants. As a minimum the report should contain:

Details of progress made since the submission of the previous annual report: *This could include details of measures which have been implemented, participation in events e.g. bike week. It should also include details of any other changes which have occurred over the year, which are significant to the Travel Plan e.g. rise in staff numbers at the site;*

A summary of the monitoring results: *As a minimum this should include the results of the travel survey. However, where applicable it may include the results of surveys undertaken of cycle parking usage, traffic counts at the access point/relevant junctions, review of patronage of works buses etc;*

An assessment of whether Travel Plan targets are on track to be met: *If the results show that targets are not likely to be met either due to negative shifts in modal shares or little movement from the previous survey, it should be considered as to whether it is appropriate to implement remedial measures at this stage.*

8.1.2 Review

An Identification of actions and priorities for the forthcoming year should also be outlined in the monitoring report. Former sections detailing the progress, monitoring and targets should inform and justify a review of the measures being implemented. The review needs to explain what further actions are to be undertaken to help meet the targets contained within the Travel Plan and why these have been selected.

8.1.3 The role of GCC

GCC will assured by the developer or occupier that the travel plan is being implemented in accordance with the approved travel plan document. In particular, GCC will:

- *monitor the travel plan's compliance;*
- *review submitted reports;*
- *record and review figures and targets; “*

5.3.2.8 It is clear that where a travel plan is required it needs appropriate monitoring. Current policy supports this position and long established guidance provides the details of how GCC will ensure the desired outcomes are achieved. Based on the published fee per year and monitoring duration, a £5,000.00 contribution should be made towards monitoring and a deposit of £45,425.00 should be made to ensure that the travel plan targets are met.

5.3.2.9 To enable GCC to ensure that the Travel Plan (as approved) is implemented, it take a form of security to safeguard it, should the provisions need to be implemented in default, by GCC. Acceptable forms of security include:

- a) a cash deposit held by the LHA; and/or
- b) a bond, in the form annexed to the proposed UU

5.3.2.10 The proposed planning obligation (in the form of a Unilateral Undertaking) provides for the Owner to elect either option. Should the Owner elect to provide a cash deposit, this will be held for the duration of the travel plan period and is payable prior to Commencement of Development. Alternatively, if the Owner elects to provide a bond, it is required prior to Commencement of Development and is held for the duration of the travel plan period.

5.3.2.11 Both the Travel Plan Monitoring fee of £5,000.00 and the Travel Plan Bond/Travel Plan Cash Deposit of £45,254.00 are CIL compliance in that they are necessary to make the development acceptable in planning terms, they directly

6.0 Previous appeal decisions

6.1 The County Council's approach to planning obligations towards the 'County' infrastructure has been tested at appeal on several occasions in recent years, and in each case the Inspector concluded that the requested planning obligation complied with each of the statutory tests. A flavour of those appeals include:

<p>APP/G1630/W/19/3229581 Bishops Cleeve 11.11.19</p>	<p><i>'71. In terms of library provision, a contribution of £42,140 is necessary to accommodate the `additional need for library resources generated as a result of the development and would be used towards Bishop's Cleeve Library including capital works, extended opening hours, increased stock, computer resources and new furniture. Policy INF4 of the JCS supports this requirement. The Bishops Cleeve Library is the nearest library to the development and the contribution is based on a calculation of £196 per dwelling multiplied by the number of dwellings. I consider the provision would be fairly and reasonably related in scale and kind to the development'.</i></p>
<p>APP/G1630/W/20/3256319 Gotherington 12.01.21</p>	<p><i>'86. There are several planning obligations. An agreement with Gloucester County Council obliges the payment of education contributions, a libraries contribution and a travel plan monitoring fee. It also obliges the developer to provide for bus stop upgrade works. The CIL Compliance Statement adequately sets out sufficient justification for the education and libraries contribution and monitoring fees, along with the requirement for bus stop upgrades. All these obligations would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind.'</i></p>
<p>APP/G1630/W/21/3280979 Twynning 05.04.22</p>	<p><i>'31. Turning now to the second planning agreement which includes a primary school transport contribution. The appellant disputes this. However, the only primary school within the 2-mile statutory walking distance of the appeal site is Twynning Primary School and the evidence before me is that this school is currently at 99.75% capacity and therefore unable to accommodate the surplus places likely to be</i></p>

	<p><i>generated by the development. There is capacity at other primary schools in the primary planning area in which the appeal site falls, but these are over the statutory walking distance. The required obligation would therefore cover the cost of a minibus to transport the primary school children generated by the development to school over the course of their primary school education.</i></p> <p><i>32. Without this contribution there would be a clear harmful effect from the development on local educational provision. A minibus for primary school students of the development would be the most effective solution in the circumstances to deal with the additional demand in primary school places generated by the development and is highly likely to be used by future residents with primary school age children given its convenience. Taking these points together I am satisfied this obligation is necessary, directly related to the development, and fairly and reasonably related in scale and kind.</i></p> <p><i>33. In addition to a primary school transport contribution the second planning agreement provides for a library contribution to address the impact on local library services of new users arising from the development. Furthermore, there is an obligation to submit a Travel Plan in respect of the development and provisions for its future monitoring. Travel Plans are essential tools in reducing the need to travel, and, where travel is necessary, to encourage such movement to be undertaken by sustainable modes. I therefore find these obligations meet the relevant tests.'</i></p>
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7.0 COMMUNITY INFRASTRUCTURE LEVY COMPLIANCE STATEMENT

SUMMARY

7.1 A CIL Compliance Statement Summary accompanies this document