

Gloucestershire County Council Community Infrastructure Planning Application Representations

Date: 30 th May 2022
To <u>Joann Menaud</u>
From: GCC Developer Contributions Investment Team
Application Ref: <u>20/00315/OUT</u>
Proposal: Outline application for the erection of up to 215 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. This GCC response to the LPA is for a potential alternative scheme of 215 dwellings however please note that GCC's response to the LPA of 18th November 21 on the 'up to 245 dwelling' development is still applicable.
Site: Land At Hill Farm Hempsted Lane Gloucester
Summary: Contributions will be required to make the development acceptable in planning terms

SECTION 1 – General Information

This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). 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/>

The assessment also takes account of CIL Regulations 2010 (as amended)

In support of the data provided please note the following: -

Education

Following a recent Planning Appeal Decision, Gloucestershire County Council (GCC) has undertaken to review 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.

GCC is committed to undertaking a full review of its Pupil Product Ratios (PPRs), which will subsequently be consulted upon. In the meantime, GCC has reviewed its PPRs, taking account of comments made by the Planning Inspector at this recent appeal, and, using information that is currently available adjusting its calculations per 100 dwellings. This information can be found in the Interim Position Statement on PPRs which was published by Gloucestershire County Council in June 2021. The Interim Position Statement (IPS) is available on Gloucestershire County Council's website which you can access on the below link.

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

The latest School Places Strategy 2021 – 2026 is also available on the Gloucestershire County Council website (see the link above). The School Place 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.

Cost Multipliers - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years GCC has applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per the wording of the s106 legal agreements. GCC calculates the percentage increase using the BCIS indices published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the education requirement.

Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

Libraries:

Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring 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.

New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.

Consideration will be given to the existing capacity of the library using the national recommended floorspace benchmark of 30 sq metres per 1,000 population (as set out in the *Public Libraries, Archives and new development: A Standard Charge Approach, 2010*).

Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution, and calculated using the County Council's established per dwelling charge of £196.00.

Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.

SECTION 2 – Education and Library Impact - Site Specific Assessment

SUMMARY: Developer Contributions for: 20/00315/OUT Land At Hill Farm Hempsted Lane Gloucester

A summary of the likely contributions (note these figures can be subject to change over time because of for example; updated multipliers and education forecasts) is found below.

Education:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multipliers	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	Hempsted Primary school and the Linden Primary Planning area	215	£14,954	82.78	£0.00	0
Secondary - 11-16	Gloucester secondary planning area.	215	£19,312	36.55	£705,853.60	36.55
Secondary - 16-18	Gloucester secondary planning area.	215	£22,803	12.90	£0.00	0

Calculation: Multiplier x Pupil Yield = Maximum Contribution

GCC has included the planning area for each of the phases of education as without further investigation of the schools; an appropriate project may not be achievable on a particular site.

Please see further clarification of this education summary below.

Clarification in relation to education summary on previous page regarding 20/00315/OUT Land At Hill Farm Hempsted Lane Gloucester

Outline application for the erection of up to 215 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

The site will impact on the following education planning areas:

- 9161950 Linden Primary Planning Area
- 9162600 Gloucester Secondary Planning Area

Primary Places Impact

The proposal is for 215 dwellings. This number of dwellings would be expected to generate an additional demand for 82.78 primary places. Gloucestershire County Council is not currently requesting primary contributions

- There are 11 primary schools within the acceptable 2mile statutory walking distance, all have been considered in the assessment.
- The nearest Primary School is Hempsted Primary. This school is regularly over subscribed however space currently is forecast to be available in the wider planning area.
- There are a number of developments expected to produce a significant cumulative yield which would be applied to some the schools listed and the wider Gloucester area, we would expect to allocate spare capacity to developments of a first come first served basis.
- Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions; see Local Development Guide <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/> page 14, pt. 56.

	Planning Area Schools	All Schools Total
Total Capacity	1470.00	3185.00
95%	1396.50	3025.75
Forecast year 2024/25 for school(s)	1302.00	2741.00
Surplus places available to credit to development	94.50	284.75
Primary Yield from proposed development	82.78	82.78
Number of places requested	0.00	0.00

- When assessing forecast surplus or shortfall we look 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 year.

- When considering the relevant forecast data and the schools within the scope we 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. However, we must also be mindful of yields from earlier consultations already credited with surplus places.

Secondary (age 11-16) Places Impact

- **The proposal is for 215 dwellings. This number of dwellings would be expected to generate an additional demand for 36.55 secondary age 11-16 places. Gloucestershire County Council is at this time seeking a contribution of £705,853.60 towards the provision of secondary (age 11-16) places in the Gloucester Secondary Planning Area.**
 - This development site falls within the 9162600 Gloucester Secondary Planning Area. There is a total of 7 secondary schools within statutory walking distance of 3 miles. Three of these schools have selective admission policies and as such have historically taken pupils from a wider area.
 - As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

	All Selective Schools	Non Total All Schools
Total Capacity	10097.00	14066.00
95%	9592.15	13362.70
Forecast year 2028/29 for school(s)	9643.00	13919.00
Surplus places available to credit to development	-50.85	-556.30
Secondary Yield from proposed development	36.55	36.55
Number of places requested	36.55	36.55

Post 16 Places Impact

The proposal is for 215 dwellings. This number of dwellings would be expected to generate an additional demand for 12.90 Secondary age 16-18 places. Gloucestershire County Council is not currently seeking a secondary age 16-18 contribution.

Library Impact - Site Specific Assessment

The nearest library to the application site, and the library most likely to be used by residents of the new development, is **Gloucester**.

The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of **£42,140** is therefore required to make this application acceptable in planning terms.

The financial contribution will be put towards **improving customer access to services through refurbishment, reconfiguration and upgrades, improvements to stock, IT and digital technology, and increased services.**

SECTION 3 – Compliance with CIL Regulation 122 and paragraphs 54 and 56 of the NPPF (2021)

Regulation 122(2) of the Community Infrastructure Levy Regulations, 2010 provides that a planning obligation may only be taken into account as a reason for granting planning permission where it meets the following tests:

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

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

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

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

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

"In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective

mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)

Regulation 122 test in relation to Education contributions required for 20/00315/OUT Land At Hill Farm Hempsted Lane Gloucester

The proposal is for 215 residential dwellings all of which are considered qualifying for education. The education contribution required for this proposed development is based on up to date pupil yield data and the Interim Position Statement on Pupil Product Ratios. The required contribution as stated in this document is necessary to fund the provision of the additional 36.55 Secondary age 11-16 places that are proposed to be generated by this development. Gloucestershire County Council is seeking a contribution of £705,853.60 towards these places arising from this development. This contribution would be allocated and spent within Gloucester secondary planning area.

The secondary age 11-16 contribution that would be required for this proposed development is directly related to the proposed development in that the contribution has been calculated based on specific formulas relative to the numbers of children generated by this development.

This developer contribution is fairly and reasonably related in scale and kind to the development. The contribution requirement has been calculated using an up to date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings.

Regulation 122 test in relation to the library contributions required for 20/00315/OUT Land At Hill Farm Hempsted Lane Gloucester

The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from this development.

The contribution is directly related to the development as it is to be used at the library nearest to the application site which is Gloucester and is based on the total number of new dwellings generated by the development (215 dwellings).

The contribution is fairly and reasonably related in scale and kind to the development as it is calculated

using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (in this case 215 dwellings x £196 = £42,140).

SECTION 4 – CIL/S106 Funding Position

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

The level of CIL charged on a development does not cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of that development.