

Gloucester City Plan (2011-2031)
STATEMENT OF COMMON GROUND

Between

Gloucester City Council
&
Gloucestershire County Council as Education Authority

1. Introduction

1.1 This Statement of Common Ground (SoCG) has been prepared by Gloucester City Council and Gloucestershire County Council as Education Authority, referred to hereafter as ‘the parties’. It documents matters which are agreed and disagreed by the parties regarding text, policies, sites, and evidence base for the Pre-Submission Gloucester City Plan (GCP).

1.2 This SoCG is provided without prejudice to other matters of detail that the parties may wish to address at the examination.

2. Background

2.1 Gloucestershire County Council as Education Authority has been consulted at all stages of preparation of the GCP:

- The Scope (2011)
- City Plan Part 1 (2012)
- City Plan Part 2 (2013)
- Draft Gloucester City Local Plan (2017)
- Pre-submission Gloucester City Plan (2019)

2.2 The Education Authority was engaged in the preparation of the Infrastructure Delivery Plan (IDP) which formed a part of the GCP evidence base, and was subsequently published for consultation alongside the Pre-Submission GCP between November 2019 and February 2020 (Submission Documents INF001, INF002a – c).

2.3 The parties engaged to identify a suitable site to provide for future primary school places arising from growth in the eastern part of the city; this resulted in the allocation at Policy SA01 ‘Land at the Wheatridge’ in the Pre-Submission GCP. In February 2021 this proposal received funding through the Wave 14 Free School Programme for a two-form entry, 420 place primary free school, and a planning application will be submitted to Gloucester City Council in due course.

2.4 Wave 14 funding has also been secured for a new secondary school to provide for the needs of Gloucester City and the wider area. Work to identify a suitable site is ongoing, however given finite site availability, this is unlikely to be within the administrative boundary of Gloucester City Council. Current plans are for a six-form entry, 900 place, 11 – 16 age secondary free school, with opportunities to expand to provide for future demand as required.

2.4 The Education Authority undertook a review of Pupil Product Yields (PPY) in both 2018 and 2019, the latter in response to concerns expressed by the development industry regarding the

associated costs. The PPY review provided a reassessment of the number of school age children generated from new developments, then translated this into costs for new school places from new development. The updated analysis led to an increase in the PPY figures. These were published in November 2019 and have been fed into an update of the Gloucestershire Local Developer Guide, which is to be considered for adoption by Gloucestershire County Council's Cabinet on 24th March 2021.

- 2.5 In recognising the changes to the PPY, and in advance of submission of the GCP to the Secretary of State, the parties worked together to review the education contribution requirements arising from planned growth in the GCP and this is presented as an addendum to the GCP IDP (Submission Document INF002).
- 2.6 At the same time, the City Council commissioned Porter Planning Economics to assess whether it is possible to release additional monies for infrastructure contributions, through the application of more recent land values, build costs and policy costs. This resulted in an increase in available S106 contributions to support infrastructure delivery, from £2,500 per dwelling in the original Viability Appraisal, to £5,000. This is in addition to funds that can be secured through the Community Infrastructure Levy. The results of this analysis are provided as an addendum to the Viability Appraisal (Submission Document VIA002).
- 2.7 The conclusions to these additional pieces of work, and the City Council's submitted position, are set out in the Infrastructure and Viability Background Note (Submission Document INF003).

3. Matters on which the parties agree

- a) The City Council and the Education Authority have worked together on an ongoing basis and have satisfied the Duty to Cooperate.
- b) There is a recognised, evidenced, and accepted need for the provision of education contributions towards planned growth in the GCP.
- c) The City Council accepts that s.106, rather than CIL, is the Education Authority's preferred method for securing funding from developments towards education infrastructure. This approach is supported by the national changes to the CIL regulations, removing the pooling restrictions for s.106. Developer contributions towards education (and other) infrastructure are acceptable to the City Council where they meet Regulation 122.
- d) The methodology and findings of the viability evidence base that underpins the GCP is accepted and supported.
- e) The parties will continue to work together in a positive manner to bring forward new education infrastructure and support any applications for external funding opportunities as they arise.
- f) That it is not appropriate for the GCP to contain a policy that sets a figure for education contributions per dwelling, or across the whole plan area given that each application needs to be assessed on its own merits, on the basis of need and capacity. Capacity in schools can fluctuate. Where capacity is available in local schools, or new school places come on stream from new school developments, the need for places and therefore the

costs to the developer from providing for those places is reduced. A flexible approach is favoured. This also ensures that requests for contributions meet the Regulation 122 tests.

- g) The Infrastructure Funding Statements (IFS) that both the City Council and County Council are required to publish will provide a mechanism and opportunity to prioritise critical infrastructure funding including education where appropriate. Where funding gaps have been identified, and routes to alternative sources of funding exhausted, infrastructure identified as critical should be included within the relevant IFS.
- h) The figures provided by the Education Authority are current maximum costs and place numbers, and may reduce over time. This is because capacity in local schools fluctuates and will need to be calculated on a case by case basis at the time a planning application is submitted. New schools may also contribute towards an overall reduction in the need. The need figures provided by the Education Authority were calculated on dwelling numbers and do not take account of local capacity, parental preference, private and faith provision, or housing mix. As an example, a one-bedroom dwelling is taken by the County Council as not generating a need for pupil places and therefore the presence of these on a development would reduce need when assessed at the application stage.
- i) That Basic Need Funding provided by the Department for Education should not be used as a funding mechanism for education where developers can pay for the education needs arising from an application.

4. Proposed changes

- 4.1 There are no proposed changes to the content of the Pre-Submission GCP.

5. Matters on which the parties are not agreed

- a) The Education Authority does not consider the JCS CIL Project Tracker updated July 2020 appropriately prioritises education. The City Council do not consider this a matter for the GCP examination.
- b) The City Council, in paragraph 8.8 of Infrastructure and Viability Background Paper (Submission Document INF003) have indicated that they will consider sites which meet the policy requirements of the GCP and provide £5,000 per dwelling in S.106 contributions to be viable. The Education Authority would prefer to investigate viability on a site by site basis to maximise developer contributions for education. While the City Council is sympathetic to this position it is also mindful of delays to the development management process and the potential conflicts with paragraph 57 of the NPPF if it were to require a site by site viability assessment for proposals that are otherwise policy compliant.
- c) The City Council have on balance concluded that where there is limited viability available in a scheme, priority will be given to the delivery of the policy requirements of the GCP. This balance is justified in section 6 of INF003 Infrastructure and Viability Background Paper. The Education Authority do not support this position.
- d) The City Council have outlined alternative funding options for education infrastructure in section 5 of the Gloucester Infrastructure Delivery Plan Addendum (Submission Document INF002). One of these is Basic Need Funding. The City Council understands that the Government's Development Contributions Guidance on delivering schools to support

housing growth (<https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>) promotes the use of the planning process (via CIL/s.106) to secure funding. It does however not do this in isolation of viability matters:

‘While Basic Need funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having taken into account all infrastructure requirements.’ (Paragraph 6)

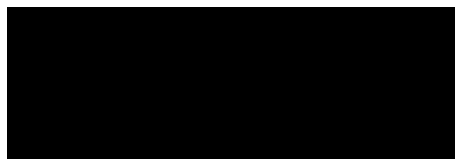
The City Council interprets this to indicate that the Education Authority are eligible to apply for Basic Need Funding from the DFE to assist them to meet their duty to provide primary and secondary school places for children in the area, should they fail to secure adequate developer contributions due to viability issues. The Education Authority do not agree with the City Council’s interpretation.

6. Conclusion

6.1 The parties agree that:

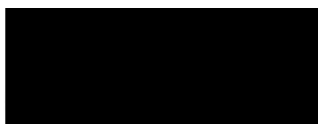
- a) The parties have worked together proactively and on an ongoing basis through the preparation of the Gloucester City Plan and the Duty to Cooperate has been passed.
- b) This statement sets out areas of common and uncommon ground for further consideration at the Gloucester City Plan examination in public.
- c) The parties will continue to work positively together and with all Gloucestershire local authorities and, where relevant, with neighbouring authorities on strategic cross-boundary issues.

Signed on behalf of Gloucester City Council



Ian Edwards – Head of Place

Signed on behalf of Gloucestershire County Council



Clare Medland – Head of Service, Commissioning for Learning

Dated

22nd March 2021