

Gloucestershire County Council Community Infrastructure Planning Application Representations

Date: 04 June 2020
To Case Officer: Emma Pickernell
From: GCC Developer Contributions Investment Team
Application Ref: 20/00683/OUT
Proposal: Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration
Site: Land Adjacent To Oakhurst Rise Cheltenham
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 infrastructures in accordance with the “Local Developer Guide” (LDG) adopted 2014 and revised 2016. 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-developer-guide-infrastructure-and-services-with-new-development/>

The LDG is being updated and is currently out for public consultation Spring/Summer 2020.

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

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

Education

- The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2018 and 2023. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. This document is currently being reviewed and updated.

<https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>

- Cost Multipliers - The DfE have not produced cost multipliers since 2008/09, so in the subsequent years we have 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. We calculate the percentage increase using the BCIS indices published at the start of the financial year and use this for all indexation calculations during the year for consistency and transparency.

Pupil Yields – GCC is using the updated Pupil Yields supported by two studies in 2018 and 2019. The updated pupil product ratios for new housing are; 30 pre-school children, 41 primary pupils, 20 secondary pupils and 11 post-16 pupils per 100 dwellings. All data/research produced is available from:

<https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

- The new LDG will include the most up-to-date PPR.
- 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:

- Gloucestershire County Council has a statutory duty to provide a comprehensive and efficient library service to all who live, work or study in the County.
- New development will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA).
- The nationally recommended benchmark is now available in the following publication: Public Libraries, Archives and New Development A Standard Charge Approach (May 2010) It sets out a recommended library space provision standard of 30 sq metres per 1,000 population. This is costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010.
- A Strategy for Library Services in Gloucester 2012. This strategy for providing library services is set in the context of two main drivers for change; the technological revolution and the financial situation.

<https://www.gloucestershire.gov.uk/libraries/library-strategy-and-policies/>

https://www.gloucestershire.gov.uk/media/3413/updated_strategy1_-64623.pdf

SECTION 2 – Education and Library Impact - Site Specific Assessment

SUMMARY: Developer Contributions for: Land Adjacent To Oakhurst Rise Cheltenham- 20/00683/OUT

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

Please note that on the potential granting of planning permission a decision will be made between the LPA and Gloucestershire County Council (GCC) as to whether the contributions will be secured via S106 or via CIL.

This is an updated assessment based on the new Pupil Yield data.

Education:

Please also see attached document showing full summary table as below

SUMMARY: S106 Developer Contributions - Land adjacent to Oakhurst Rise, Cheltenham

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings	Pupil Yield	Max Contribution (£)	Contribution Requested	Contribution
Pre-school	EY provision in the Charlton Kings Primary Planning Area	39	11.70	£176,564.70	£0.00	<i>TBC - we do not currently think a contribution will be required.</i>
Primary	Holy Apostles CofE Primary School and/or primary places in the Charlton Kings Primary Planning Area	39	15.99	£241,305.09	£241,305.09	Full contribution requested
Secondary - 11-18	Cheltenham Secondary Planning Area	39	12.09	£250,743.48	£250,743.48	Full contribution requested

Calculation: Multiplier* x Pupil Yield = Maximum Contribution)

*Multipliers 2019 (DfE per pupil):

£15,091.00 – Pre-school/Primary

£19,490.00 – Secondary 11-16yrs

£23,012.00 – Secondary 16-18yrs

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.

Pre-school: There is currently enough local capacity to accommodate the additional pre-school numbers arising from this development therefore a pre-school contribution is not required.

Primary: This development is proposed in a very popular primary planning area, the closest school Holy Apostle's CofE Primary School is currently over capacity and whilst there appears to be a small amount of forecast surplus based on current children/babies registered with local GP's this is below the recommended 5-10%. Therefore a full primary contribution will be required towards Holy Apostles CofE Primary School and/or primary places in the Charlton Kings Primary Planning Area.

Secondary: The closest secondary school is forecast to be full or over capacity across year groups 7-11, with a little spare in years 12 and 13. Therefore a full secondary contribution will be required naming the Cheltenham Secondary Planning Area.

Please note the contribution amounts stated above are higher than the contribution requests stated previously relating to (18/02171/OUT) because the current assessment is based on the new pupil product ratios. In support of the increased yields, GCC commissioned an independent review of pupil yields from housing developments in 2018 and the findings of this report were supported by a second review undertaken in collaboration with housing developers carried out in 2019. Prior to these reviews pupil yields had remained unchanged for a number of years.

Library :

The nearest Library is Charlton Kings Library

Detailed guidance within the GCC Developer Guide states that:

“New development will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA)”.

The scheme will generate additional need for Library resources calculated on the basis of £196.00 per dwelling. A contribution of 38,428.00 (43 dwellings x £196) is therefore required to make this application acceptable in planning terms, in accordance with the GCC LDG.

The nationally recommended benchmark is now available in the publication Public Libraries, Archives and New Development A Standard Charge Approach (May 2010). It sets out a recommended library space provision standard of 30 sq metres per 1,000 population. This is costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010.

In accordance with the Library Strategy (“A Strategy for Library Services in Gloucestershire 2012, and any updates), where development occurs it will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In this case the proposed development and increase in population will have an impact on resources at the local library and a contribution is required.

SECTION 3 – Compliance with CIL Regulation 122 and paragraph 204 of the NPPF (2019)

The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area.

Where planning applications are capable of being charged the levy, they must comply with the tests set out in the Regulation 122 of the CIL Regulations. These tests are as follows:

- 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 in the amendments 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 a of document entitled “Securing developer contributions for education (November 2019), paragraph 4 (page 6) states that:

“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)”

Phasing of payments will be by agreement. It will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure. Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

The education contributions which are based on up to date pupil yield data are necessary to fund the provision of the additional pre-school, primary and secondary school places generated by this development because there is a lack of capacity in the relevant education sectors to address the increase in the numbers of children needing a place at a local school arising directly from this development. There will be an additional 16 pupils in the primary sector and 12 pupils in the 11-18 secondary sector all needing a place at a local school.

The developer contributions are directly related to the proposed development in that the contributions have been calculated based on specific formulas relative to the numbers of children generated by this development and will be allocated and spent towards improving capacity at the local schools/planning area to enable children from this development to attend a local school .

The contributions are fair and reasonable to mitigate the impacts of the proposed development because they only relate to the additional pupils arising directly from this development to cover the costs of the extra places that will be required. The scale of growth is based only on the numbers of additional pupils arising from the proposed qualified dwellings.

Libraries:

The contribution towards the nearest library which is Charlton Kings is necessary to make this development acceptable in planning terms.

The contribution is directly related to the development in that it would be used towards expansion, increased opening hours/stock and improved facilities to mitigate the impact of increasing numbers of users of the library services and facilities directly arising from this development.

The contribution is reasonable and fair in scale being calculated by reference to the Public Libraries, Archives and New Development A Standard Charge Approach (May 2010).

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 this development as it occurs.

The level of CIL charged on a development is unlikely to cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of this development.