

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF
43 DWELLINGS AND ASSOCIATED WORKS
ON LAND ADJACENT TO
OAKHURST RISE, CHELTENHAM, GLOUCESTERSHIRE, GL52 6JU**

EDUCATION AND LIBRARY PROVISION

PROOF OF EVIDENCE

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ON BEHALF OF
WILLIAM MORRISON (CHELTENHAM) LTD AND
THE TRUSTEES OF THE CARMELITE CHARITABLE TRUST**

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1 Introduction

- 1.1 My name is Jan Edward Kinsman and I am Associate Director at Educational Facilities Management Partnership Limited (EFM). I am a chartered engineer, and have been employed to deal with school place planning and other planning obligation matters by EFM for over 16 years. During this time I have advised both developers and local authorities on a wide range of projects and prepared and presented evidence at appeal hearings and public inquiries. The majority of my work concerns school place planning and mitigation. I have also advised on other population related planning obligation requirements including sports facilities, libraries and healthcare.
- 1.2 I have 33 years experience in dealing with the implications of development proposals. My previous employment was with Hertfordshire County Council, where I worked from 1975 until I joined EFM in 2004. After many years dealing with highway and transportation aspects of development control, I became Hertfordshire County Council's Planning Obligations Manager in 1997 with responsibility for considering the impact of development on County Council services other than highway and transportation matters. The principal focus of my role was on the impact of residential development on schools, and I was responsible for the completion of about 100 planning obligation agreements.
- 1.3 EFM was established in 1990, and is an education consultancy which advises schools, local authorities, central government departments, developers and landowners. It is also responsible for the premises management of schools and other properties. EFM is currently advising clients on education and other population impacts and appropriate mitigation measures for a wide range of housing and mixed use development proposals, from a few dwellings to major new schemes of 5,000 dwellings and more.
- 1.4 I have been asked to review and advise on the education and library provision required to support the Proposed Development.
- 1.5 Following my appointment in June 2020, I sought to engage with Gloucestershire County Council (GCC) in relation to the contributions it had requested in response to the Proposed Development. Following initial telephone contact, a data sheet providing some additional information was provided on 25 June 2020. On 30 June 2020 I set out a number of concerns that I had about the education contributions requested and was

advised that Mr Chandler, the GCC's Education Place Planning Manager, was the appropriate person to address my concerns.

- 1.6 A conference call took place on 15 July 2020, facilitated by the case officer at Cheltenham Borough Council (CBC). During the call GCC stated that it was not willing to reduce the contributions being sought for education. However, GCC did agree to seek further information from a survey company it had used, and this did eventually lead to a reduction in the amount being sought towards post-16 education provision.
- 1.7 Prior to planning authority members considering the application, the Applicant was aware of and acknowledged the demands being made by the County Council. Keen to minimise potential issues, despite some concern about the veracity of the education contributions, no objection was raised to the contributions sought by GCC at that stage.
- 1.8 On 17 September 2020 CBC refused consent for the Proposed Development for reasons entirely unrelated to the absence of a planning obligation agreement or undertaking providing for contributions towards education and library provision.
- 1.9 I am not convinced that the reduced contribution towards post-16 education has been appropriately calculated, and I am not satisfied that the concerns I raised on 30 June 2020 have been adequately addressed.
- 1.10 It has proved difficult to engage with GCC and to obtain timely information, in relation to the education contributions being sought in particular. Whilst recognising that the Coronavirus pandemic has created many challenges, and will have placed additional burdens on GCC's education service, I consider it reasonable to expect that GCC would make adequate arrangements to enable it to continue with all of its functions, including being able to engage in discussions to support its claims for financial contributions towards education provision.
- 1.11 GCC has not been willing to engage in discussion to the extent that I expect and experience elsewhere, and discussion has effectively been confined to emails since the conference call in July 2020. Appendix 1 contains email correspondence with GCC, concluding on 22 January 2021 and including previous emails as attachments.
- 1.12 In the circumstances I have analysed available information, and this evidence sets out what I believe to be reasonable and appropriate approach to education contribution

requirements. This evidence provides an alternative view to that of GCC as to the planning obligations that can be lawfully demanded in this case. I have been unable to justify any contributions towards education or library facilities.

- 1.13 The Appellants remain willing to provide the sums being demanded by GCC, if these are considered lawfully demanded/CIL compliant. However, my opinion is that such contributions are not CIL compliant, and the possibility of alternative (nil contribution) figures are therefore provided within the planning obligation being submitted.

2 Legal and Policy Background

- 2.1 Provision of infrastructure through planning obligations to meet the needs of development is supported by the NPPF (paragraph 56) and PPG¹ subject to meeting the tests that are now legal requirements pursuant to CIL Regulation 122:

(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.

- 2.2 PPG guidance on planning obligations states² that planning obligation policy requirements should be clearly set out in plans, *“so that they can be accurately accounted for in the price paid for land.”* Reference is made to the guidance from the Department for Education, ‘Securing developer contributions for education’.

- 2.3 PPG guidance also explains that Government provides funding for school places, based on forecasts shortfalls, alongside its programme for the delivery of new free schools. It is explained that funding is reduced to take account of developer contributions, to avoid double funding, and *“Government funding and delivery programmes do not replace the requirement for developer contributions in principle”*. *“Plan Makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts.”*³

¹ Paragraph: 002 onwards Reference ID: 23b-002-20190901

² Paragraph: 004 Reference ID: 23b-004-20190901

³ Paragraph: 007 Reference ID: 23b-007-20190315

- 2.4 The Procedural Guide, Planning Appeals - England, published on 6 November 2019, refers in Annex N.3 to the legal tests set out above. Annex N.3.3 describes the evidence which is likely to be needed to enable an Inspector to assess whether a planning obligation meets these tests, including the methodology for calculating financial contributions and details of the facilities or infrastructure to be funded.
- 2.5 The Department for Education (DfE) guidance, 'Securing developer contributions for education' explains that *"DfE expects local authorities to seek developer contributions towards school places that are created to meet the needs arising from housing development."* and *"Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information;"* It is also stated that, *"There is great value in detailed local methodologies and guidance that explain to all stakeholders the process and reasons for the collection of developer contributions for education in that area."*
- 2.6 GCC is the local education authority for the area in which the Proposed Development is located, and it has a statutory duty to secure a sufficiency of schools (in effect, school places). GCC acts as commissioner rather than direct provider and, with many schools now being academies, may need to negotiate with school bodies to agree the changes that can be made to schools. However, the GCC remains the appropriate authority to identify what is required, and to receive development funding where necessary.
- 2.7 If required, additional school places can be provided with funding from a number of sources, including basic need funding, the free school programme and development contributions (secured through CIL or planning obligation). CBC adopted CIL charging with effect from January 2019 and its Regulation 123 List includes use of CIL funding for primary and secondary education and libraries. Local education authorities, and schools, also have other funding sources including grants and receipts from the disposal of assets which may be used for education capital provision.
- 2.8 GCC's adopted document, Local Developer Guide, Infrastructure & Services with New Development, Update 2016, (Local Developer Guide) sets out GCC's approach to education requirements. It states (as of December 2016) that in recent years, about £6m per year has been secured towards primary and secondary education (paragraph 17).

- 2.9 GCC published a consultation draft Local Developer Guide refresh (LDG Refresh) in April 2020, to update the guide which it originally adopted in 2014. The consultation attracted a considerable number of responses, and my understanding is that one of the main areas of concern for many respondents was child yield/pupil product. This is a factor used to determine the number of children or school pupils expected as a result of new development, and therefore a fundamental component of contribution calculations.
- 2.10 The Local Developer Guide figures are compared to the LDG Refresh figures in Table 1 below/overleaf:

	Adopted Local Developer Guide	LDG Refresh (proposed)	Increase
Primary	27	41	52%
Secondary	14	20	71% (estimated)
Post-16	(included in secondary figure of 14, above)	11 7 ⁴	300% (estimated)

Table 1 Child Yield/Pupil Product Comparison, per 100 dwellings

The calculated increase for secondary and post-16 assumes that post-16 represents one sixth of the combined Local Developer Guide figure of 14 - effectively 2.33 per 100 dwellings. This is a rough approximation to the existing distribution of pupils.

- 2.11 GCC is also the library authority for its area, and has a statutory duty *“to provide a comprehensive and efficient library service for all persons desiring to make use thereof, ...”* (Section 7 of the Public Libraries and Museums Act 1964). There is a proviso to this general duty, limiting the duty to those living, working and studying within the area, and there are requirements to have regard to a number of considerations.
- 2.12 The Local Developer Guide refers to GCC’s policy document, A Strategy for Library Services in Gloucestershire 2012 (Library Strategy), and also explains that, *“Where development occurs and is not liable for a CIL charge, or is outside of a CIL Charging Authority, it 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*

⁴ This figure has since been revised down to 7 per 100 dwellings, following discussions about the Proposed Development

Archives Council (MLA) and achieving reasonable levels of accessibility to local library services for new communities. The County Council periodically reviews its benchmark for levels of local provision and may seek to factor in the anticipated expanding use of online library services in the future.” (paragraph 128). Similar wording also appears in the LDG Refresh.

- 2.13 GCC’s Local Developer Guide mentions the use of CIL funding for library services, and also states that, *“Where mitigation is deemed justified, the County Council will normally look to secure a proportionate financial contribution through a S.106 planning obligation.”* (paragraph 129). It states (as of December 2016) that in recent years, about £300,000 per year has been secured towards libraries (paragraph 17).
- 2.14 The LDG Refresh sets out GCC’s approach in these terms, *“Developer contributions will be sought through Charging Authorities’ CIL charge and/or S.106 contributions, as appropriate, on a case by case basis. In terms of CIL, as monies are paid in to a generic district wide pot, the site specific need, identified by the County Council, is not negated or removed, yet as the County Council is not the CIL Charging Authority, it has no control over how the CIL payments collected will be utilised. Consequently, the County Council has no guaranteed means of mitigation and may, where justified, continue to pursue S.106 contributions as a result. Nonetheless, it is understood that work is underway, by the Charging Authorities in the County, to review and update Charging Schedules to address this practical matter.”* (paragraph 52).
- 2.15 Both the Local Developer Guide and the LDG Refresh set out the *“principles that underpin”* GCC’s approach to s106 contributions. The principles are stated as: Fairness, Consistency, Evidenced, Integrated, Quality, Fit-for-Purpose, and Flexible (Local Developer Guide, paragraph 58). However, in reporting on the LDG Refresh consultation to the Gloucestershire Economic Growth Joint Committee on 5 June 2019, it is noted in respect of Libraries and Archive Services that, *“The updated LDG confirms that contributions will be sought where a need arises from a development. The previous approach (an automatic tariff) had been challenged repeatedly at appeals and clarification is required.”*

3 Education Requirements

GCC Response to the Proposed Development

- 3.1 In responding to the Proposed Development, GCC referred to the Local Developer Guide being considered a material consideration, and also referred to the proposed LDG Refresh. However, the pupil yields used in its response were not those in the Local Developer Guide but the higher figures *“supported by two studies on 2018 and 2019”* proposed in the LDG Refresh.
- 3.2 GCC’s response also refers to its School Places Strategy (SPS) 2018-2023, as setting out pupil place needs over the period indicated and explained how school places are planned and developed. The SPS is updated every two years, although the SPS itself confirms GCC employs an annual cycle in its pupil forecasting.
- 3.3 Section 2 of the GCC response is titled *“Education and Library Impact – Site Specific Assessment”*. The section summarises the *“likely contributions”* and also states, *“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.”* There is no apparent record of any such discussion or decision being made between S106 and CIL. However, the Officer Report presents the contributions as being the subject of a S106.
- 3.4 In relation to primary and secondary (11-18) it is stated that *“full contributions”* are requested – meaning that GCC expects that none of the demand from the Proposed Development will be able to be accommodated in existing or planned provision. It is stated that the nearest schools are full or *“over capacity”* either at present or as forecast, and on this basis contributions are sought for provision in the relevant primary and secondary planning areas. No details of the current numbers on roll, capacities or forecasts are provided in the response – either for the nearest schools or others in the planning areas.
- 3.5 The contributions sought in GCC’s response, on the basis of 39 ‘qualifying dwellings’⁵ being built, are:

£241,305.09 for primary education, and

⁵ ‘qualifying’ dwelling is a house or flat that has no restricted occupancy for age or health reasons and at least two bedrooms.

£250,743.48 for secondary education (comprising £152,022.00 for 11-16 and £98,721.48 for post-16)

3.6 The number of 'qualifying' dwellings is now 38, and GCC has reduced the pupil yield for post-16. As a result of these changes GCC's figures should be adjusted to:

£235,117.78 for primary education, and

£209,335.92 for secondary education (comprising £148,124.00 for 11-16 and £61,211.92 for post-16)

3.7 No details of specific projects are provided, and GCC's response seeks contributions that could be used on any project within the relevant (primary or secondary) school place planning area.

Discussions and Assessment of GCC Requirements

3.8 A number of points were put to GCC for discussion and seeking further information, in emails dated 30 June 2020 (Appendix 2). These points concern the availability of places in existing schools and the number of additional places required to meet needs arising from the Proposed Development. The cost per place is not in dispute. In summary the points are:

- a) Schools data only provided for the nearest schools, and primary potentially being over-capacity due to popularity;
- b) Primary school demand forecast to fall (at least 5 surplus places forecast by 2023/24) and questioning GCC's reliance on lack of a 5-10% surplus as justification for a full contribution;
- c) Additional surplus capacity also forecast for the primary planning area, based on DfE published information;
- d) Lack of a primary school project, and conclusion that the additional pupils would be able to be accommodated within the area;
- e) Lack of a secondary school project and surplus capacity forecast for the secondary school planning area;

f) Pressure on places from new development acknowledged and a new school being planned that will add an additional 900 places from 2021/22. Clarification about pupil forecasts sought;

g) Clarification sought about planning obligation arrangements, to account for the final dwelling mix and indexation provisions;

h) Concern regarding GCC's pupil product ratios (PPRs), noting the concerns raised by those responding to the LDG Refresh. Three particular points were raised:

- PPRs being based on children resident not on additional demand for state school places, and that the PPR work did not use information collected about previous place of residence, and schools attended before and after their house move;
- No account being taken of wider population changes affecting the demand for school places. Reference was made to GCC's own Population Profile information for the period 2016 to 2041 – which suggests growth of just 2.6% in the 0-19 age population over that period (CD G16); and
- An apparent error in the post-16 calculations.

i) A suggestion that a PPR based on existing housing should be used as a simple way forward in this case – bearing in mind that GCC was likely to require considerable time to analyse and reflect on the multitude of issues raised in response to LDG Refresh consultation. The figures suggested are set out in Table 2, below, alongside the Local Developer Guide and LDG Refresh figures. The primary figure is lower than the Local Developer Guide figure, while the secondary and post-16 figures are higher.

	Adopted Local Developer Guide	LDG Refresh (proposed)	EFM Proposal June 2020
Primary	27	41	21.2 (18.7)
Secondary	11.67, approximately	20	14.5 (12.8)
Post-16	2.33, approximately (see para 2.10, above)	11 7 ⁶	2.7 (2.4)

Table 2 Child Yield/Pupil Product/PPR Comparison, per 100 dwellings.

⁶ This figure has since been revised down to 7 per 100 dwellings, following discussions about the Proposed Development

Note: For ease of comparison, equivalent figures are shown, with the EFM figures in the emails of 30 June shown in brackets, since the email figures would apply to all dwellings, not just qualifying dwellings.

3.9 The emails of 30 June 2020 summarised the position based on the information available, as follows,

“Primary - demand for places at the nearest school and in the planning area is expected to decline over the next few years and I believe the demand from the development can be accommodated without additional provision being made. A contribution is therefore not necessary.

Secondary - Clarification would be helpful, as indicated above. If a contribution is appropriate a more realistic PPR should be used.”

3.10 A number of the above points were discussed with GCC in a telephone meeting on 15 July. It was understood that the GCC officers present generally felt there was no merit in the points being made, and were unwilling to concede that their calculations should be reconsidered. During the conversation, GCC reiterated a number of times about the reliance placed on the PPR survey and that it had been commissioned in partnership with housebuilders.

3.11 At the end of the meeting, however, GCC did agree to request clarification from the survey company about the post-16 calculation. As noted in paragraph 1.6, this eventually resulted in a recalculation of the post-16 pupil yield and a reduction of over 36% in the amount being sought towards post-16 provision. GCC confirmed in an email dated 27 November 2020 (Appendix 1b, page 11) that the error had affected approximately 60 other planning applications between November 2019 and September 2020. The email of 27 November incorrectly refers to GCC’s reduction from 11 to 7 pupils per 100 dwellings as being agreed by telephone – this is incorrect. A figure of 8 was proposed by email on 17 September 2020, which was queried on 29 October 2020 (Appendix 1b, page 12).

3.12 In view of the widespread implications, it is understandable that GCC is reluctant to engage in further discussion about its post-16 contribution figure, or another matters connected with its LDG Refresh pupil yields. However, notwithstanding the concession already made on the post-16 calculation, the revised figure is not correct and represents a significant and untenable over-statement of demand.

- 3.13 To assist with trying to clarify the extent of agreement and disagreement on education matters, on 29 October a formal response was also sought to the points raised in the emails of 30 June 2020 (Appendix 1b, page 13). This request for a response was reiterated on 27 November, to which Mr Chandler for GCC responded on 1 December with a copy of GCC's formal response to the application (Appendix 1b, page 9) - which was not find helpful, as it did not address the points raised following consideration of the response.
- 3.14 Further confirmation of GCC's willingness/unwillingness to discuss matters further was sought, and concerns about its post-16 PPR calculation were explained in considerable detail, in an email dated 7 December 2020. Mr Chandler responded, "*We have answered your questions and provided the evidence and justification for the education funding contribution relating to Oakhurst Rise on several occasions, most recently on 1 December 2020. I have no further comment to make on your email below.*" (Appendix 1c, pages 17 to 19).
- 3.15 Following the Inspector's Case Management Conference Call on 5 January 2021, a further approach was made to GCC regarding education (and library) matters. GCC's response again confirmed its unwillingness to engage further (Appendix 1, pages 1 to 3).
- 3.16 That a very obvious error in GCC's pupil yield work had not been spotted prior to the questioning of the results in connection with the Propose Development undermines the credibility of GCC's work. It is particularly surprising that basic sense checks on the outcome from study do not appear to have been undertaken. Even now, with the reduced post-16 PPR of 7 per 100 dwellings, the figure is three times what was previously assumed and around 2.5 times the figure that was calculated and presented to GCC in the emails of 30 June 2020. Such a high figure is not credible.
- 3.17 Paragraph N.3.3 of the Procedural Guide, Planning Appeals – England summarises the evidence likely to be needed by an Inspector to assess planning obligations in five bullet points. The evidence provided by GCC does not demonstrate the need for planning obligations to mitigate the impact of the Proposed Development on primary and secondary schools. Furthermore, GCC has failed to provide a reasonable response to the points that have been raised or engage adequately in the preparation of information to assist this appeal.

EFM Assessment and Conclusions

3.18 This section provides EFM's assessment of the need for primary and secondary (including sixth form/post-16) education contributions, based on information provided by GCC and other published information. The assessment is focussed on the areas of disagreement, which are the number of additional pupils expected and the availability of places in existing and planned provision.

- The relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance

3.19 No issue is being taken with the general policies INF4 and INF 6 in the adopted Joint Core Strategy, which refer to situations where development creates need for additional infrastructure. GCC's response on education refers to its Local Developer Guide (CD G8) and LDG Refresh (CD G10) and its School Places Strategy (CD G13).

- Quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development

3.20 GCC's assessment of demand is based on its LDG Refresh pupil yield (or PPR) figures. As explained at paragraph 3.8 h) above, concerns about these figures were summarised in my emails of 30 June 2020 to GCC (Appendix 2).

3.21 It was suggested, on 30 June, that pupil yields should be based on existing observed pupil yield figures, as detailed in Table 2 above, so as to take account of a variety of factors that were ignored in the survey. Whilst this approach would not always be appropriate – for example when dealing with a large free-standing development, it is considered entirely appropriate for a small development within a substantial urban area such as this. The suggested PPR figures at that time were based on all dwellings, rather than qualifying dwellings.

3.22 To provide consistency with GCC's calculations, EFM's PPR calculations have now refined to remove dwellings with less than two bedrooms. The updated figures are also based on the average PPR observed over the last nine years, to make them more robust. The resultant updated pupil yields, or PPRs, for EFM's assessment are shown in Table 3 and

Figure 1 below. Table 3, which is an update to Table 2, and Figure 1 also show GCC's figures for comparison. Full details of the updated calculations are shown in Appendix 3.

	Adopted Local Developer Guide	LDG Refresh (proposed)	EFM Updated PPRs February 2021
Primary	27	41	18.85
Secondary	11.67, approximately	20	13.42
Post-16	2.33, approximately (see para 2.12, above)	11.7	2.66

Table 3 Updated Child Yield/PPR Comparison, per 100 qualifying dwellings

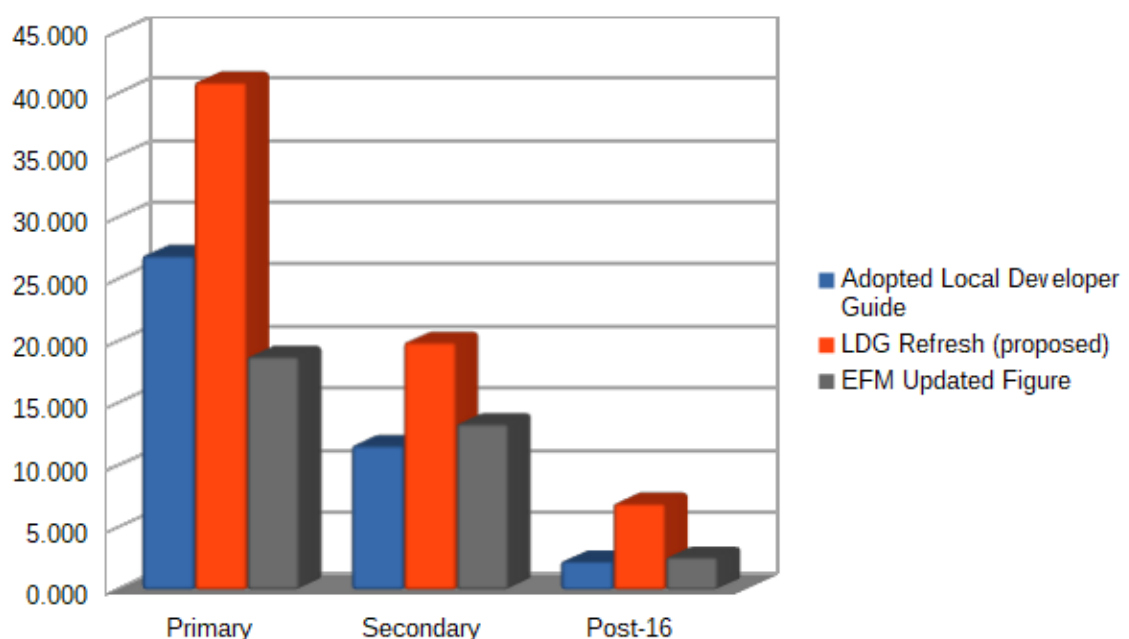


Figure 1 Updated Child Yield/PPR Comparison, per 100 qualifying dwellings

3.23 Based on 38 qualifying dwellings and the EFM pupil yields, the Proposed Development will create demand for the following number of school places:

- 7.16 Primary school places
- 5.10 Secondary school places
- 1.01 Sixth form places

GCC's assessment, based on 38 qualifying dwellings would be 15.58 primary school places, 7.60 secondary school places, and 2.66 sixth form places. Comparable figures based on the Adopted Local Developer Guide are 10.26 primary school places, 4.43 secondary school places, and 1.03 sixth form places.

3.24 The conclusion on pupil yield is that GCC's adopted Local Developer Guide figures are not altogether unreasonable. For primary the figure of 27 per 100 dwellings is somewhat

high compared to the overall primary pupil yield established in EFM’s calculations, whilst the secondary and sixth form figures appear a little under-stated.

3.25 The LDG Refresh figures represent a substantial increase on the adopted Local Develop Guide figures – primary +52%, secondary + 71% and sixth form +300%. These increases are based on surveys that are likely biased, due to their design, and fail to take account of wider population changes. They are inconsistent with changes in pupil numbers over recent years, and their application to new housing across the county cannot be justified.

3.26 A reasoned discussion with GCC about pupil yield has been sought, but has not proved possible. However, some further sense checking and assessment of the implications of both GCC’s LDG Refresh PPRs and the EFM PPRs has been undertaken. This is detailed in Appendix 3.

3.27 Figure 2 below shows how dwellings and pupil numbers have changed in percentage terms over the eight year year period from January 2012 to January 2020. It can be noted that total pupil numbers show a fairly steady growth, as does dwelling growth. The individual components of pupil growth (primary, secondary 11-16 and post-16) show much greater variation. The main reason for this is that there is an underlying variation in the number of births each year, which is plainly not a consequence of new housing.

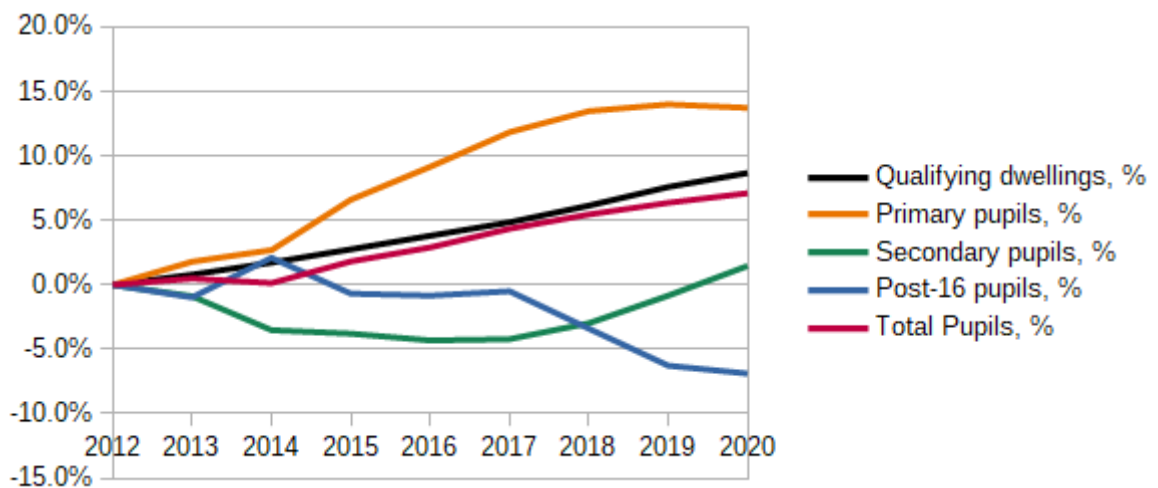


Figure 2 Percentage Change in Qualifying Dwellings and Pupils

3.28 Figure 3 overleaf shows the expectation how total pupil numbers would have increased since 2012 when predicted using both GCC LDGH Refresh PPRs and EFM PPRs, and also compares these with what actually happened. It is clearly evident that the EFM PPRs predict a much closer match, slightly above the actual figures, while the GCC LDG

Refresh PPRs predict much higher figures. Details in Appendix 3 show the actual 2020 figure was 86,713, whilst the GCC PPR-based prediction is 94,529 (+7,816), and the EFM PPR-based prediction is 86,972 (+259).

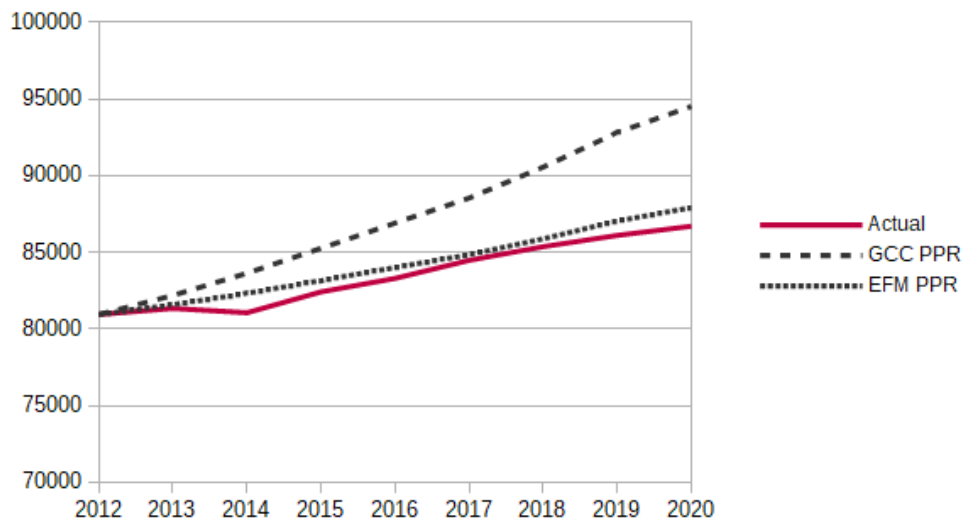


Figure 3 Comparison of Actual Total Pupil Number Increases with Increases Expected as a result of applying GCC and EFM PPRs

- 3.29 Similar graphs for primary, secondary and post-16 are included in Appendix 3. There is much greater variation in the individual phases of education - due to the underlying demographic changes, rather than the effects of new housing..
- 3.30 As noted in the email of 30 June 2020 (Appendix 2) information published by GCC about the long term growth in the population aged 0-19 is predicted to be modest at 2.6% in Cheltenham and 8.1% across the county as a whole. Those aged 20-64 are expected to increase slightly in number across the county, whilst substantial growth is expected in the population aged 65+ - in excess of 53% in each district. This supports an expectation of decreasing household size and fewer children per household, as people live longer often in their own homes (DC G16, page 10, Table 3).
- 3.31 It is concluded that the EFM Updated PPR figures presented in Table 3 are robust, and the appropriate ones to use in the assessment of the Proposed Development.

- Details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands;

a) Primary Schools

- 3.32 GCC’s primary school assessment focusses on the position at the nearest primary school only. This is Holy Apostles CofE Primary School. GCC’s assessment is, *“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”*
- 3.33 The suggestion that a surplus of places should be available an individual school - *“the recommended 5-10%”*, as GCC puts is – does not reflect any official guidance. Plainly, there is not such a surplus of places available at the school at present. No authority would want to add places to a school that are not required, and it is unreasonable to require funding for places that are not necessary.
- 3.34 GCC’s data sheet (CD G5) shows that Holy Apostles has 213 pupils on roll as of January 2020 and that this is expected to fall to 205 by 2023/24. The data sheet also shows other schools in the Primary Planning Area, and an adjacent planning area, although these are not referred to in the assessment and no information is given about existing or expected pupil numbers on roll.
- 3.35 GCC’s School Places Strategy 2018-2023 (CD G13, pages numbered 171-174) provides the most up to date pupil forecast published by GCC, and shows reducing demand and an increasing availability of capacity through to 2022-23.
- 3.36 Pupil forecast information published by DfE, and provided to DfE by GCC, also shows reducing demand for places in the Charlton Kings Primary Planning Area through to 2023-24 as shown in Table 4 below. The capacity of the schools in this planning area is 1,062.

Primary Planning Area	May 2019 Actual NOR	Forecast for 2019-20	Forecast for 2020-21	Forecast for 2021-22	Forecast for 2022-23	Forecast for 2023-24
Charlton Kings	1059	1058	1058	1036	1021	1003
Spare Places	3	4	4	26	41	59

Table 4 Charlton Kings Primary Planning Area Pupil Forecast

- 3.37 GCC seeks a contribution towards Holy Apostles CofE Primary School and/or primary places in the Charlton Kings Primary Planning Area. However, based on the information above, a reduction in demand is expected in this area.
- 3.38 It is therefore concluded is that there is no need for additional primary school capacity to be provided.

b) Secondary Schools

- 3.39 GCC's secondary school assessment also focusses only on Balcarras School, which is the nearest secondary school. Balcarras School is a very popular, and in November 2020 was named 'The Sunday Times Southwest State Secondary School of the Decade'. It has consistently achieved an 'outstanding' rating from OFSTED inspections.
- 3.40 Balcarras School is one of five secondary schools that serve Cheltenham, as shown in GCC's School Places Strategy 2018-2023 (CD G13). The Cheltenham secondary planning area assessment is found on pages numbered 250-253, and shows increasing demand for secondary school places through to 2024-25. Much of this increase is associated with existing or consented housing, with additional demand expected from 1,725 dwellings identified in the Cheltenham Local Plan likely to add to demand.
- 3.41 The table and graph on page numbered 252 of the School Places Strategy suggest strongly rising demand since 2016-17, exceeding Year 7 intake capacity in 2018-19 and exceeding overall school capacity in 2021-22, despite some increases in capacity that are shown. However, this information does not reflect the provision of the new schools mentioned elsewhere in the document.
- 3.42 Earlier pages in the School Places Strategy explain that a new 6fe (900 place) secondary school is planned to support housing growth in NW Cheltenham. Its omission in the case of the NW Cheltenham school, this is probably due to the uncertain timing. This is currently the subject of an outline planning application for up to 4,115 new homes and new primary and secondary schools. It is also confirmed that another new 6fe (900 place) secondary school is planned for South Cheltenham by 2021, and this will ease pressure on places across the borough. (CD G13, pages numbered 161 and 165).
- 3.43 The new school in south Cheltenham is The High School Leckhampton, will be a co-educational comprehensive school run and managed by the Balcarras Trust and located

on Farm Lane, Leckhampton. It will initially admit up to 120 pupils (four forms of entry). Due to delays with its permanent buildings, the school will operate in a temporary building on the Balcarras School site when it opens to pupils in September 2021, before moving fully into its permanent buildings in September 2022. According to the school's Travel Plan, the number of pupils that can be admitted is planned to be increased to 150 for September 2023 and 180 (six forms of entry) in September 2025, although there is likely to be flexibility in these dates depending on the actual demand for places. As a 6fe school, it will have capacity for 900 pupils. Provision of a sixth form for post-16 studies is not currently planned.

3.44 Table 5 below/overleaf shows the five existing Cheltenham secondary schools, together with their capacities for Years 7 to 11, based on each school's normal published admission number (PAN), and their post-16 capacities (calculated by subtraction of Years 7 to 11 capacities from their total capacity taken from SCAP).

3.45 Pressure on places in recent years has resulted in three schools (Pitville, Balcarras and Cheltenham Bournside and Sixth Form Centre) each permanently increasing its PAN since 2013, and three 'one off' bulge classes being accommodated – including two for September 2019 entry. On the basis of a total normal intake (PAN) of 999 places the five existing schools have a capacity for 4995 pupils in the 11-16 age group (5 x 999). The new school will add another 120 places initially and 180 places in due course, providing a total capacity for 4,995 pupils in the 11-16 age group (5 x 999). The proposed NW Cheltenham secondary school is not included in Table 5.

	Normal PAN	11-16 capacity	Post-16 capacity
All Saints' Academy, Cheltenham	180	900	250
Balcarras School	194	970	399
Cheltenham Bournside School and Sixth Form Centre	300	1500	459
Pate's Grammar School	175	875	329
Pitville School	150	750	125
Sub-total	999	4995	1562
The Leckhampton High School	180	900	0
Total	1179	5895	1562

Table 5 Cheltenham Secondary Schools - Intakes and Capacities

3.46 Table 6 shows pupil forecasts from GCC’s School Places Strategy, more recent pupil forecast (SCAP) information published by DfE, and actual (PLASC) figures where available.

	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
GCC SPS Forecast	4578	4832	5063	5337	5550	5638	5647	
DfE (SCAP) Forecast		4685	4951	5248	5477	5631	5715	5765
Actual, January	4484	4663						

Table 6 Cheltenham Secondary Planning Area Pupil Forecasts (Year 7 to Year 11)

3.47 Both forecasts show increasing demand, and are assumed to be on the same basis – that is, they include proposed as well as committed development including 1725 dwellings in the Cheltenham Local Plan as described on page numbered 253 of the School Places Strategy. This would include the appeal site, albeit with 26 rather than 43 dwellings, and others that do not yet have consent. Even so, the forecasts do not show demand reaching the already planned secondary capacity figure of 5,895. Figure 4 below shows the pupil figures graphically.

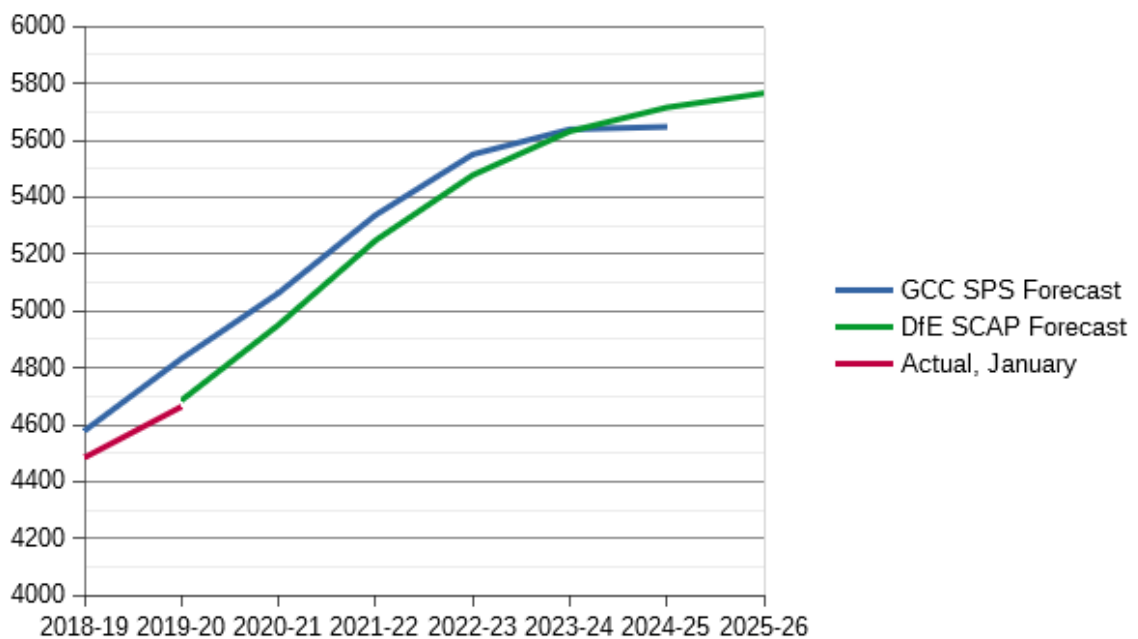


Figure 4 Actual and Forecast Secondary Pupil Roll (11-16)

3.48 On the basis of the above information, I conclude that sufficient capacity is already planned to accommodate the demand from the Proposed Development for secondary education (11-16).

3.49 So far as post-16 provision is concerned, GCC's School Places Strategy does not provide any useful information, simply stating, "A number of local secondary schools offer post 16 education." The DfE published (SCAP) forecasts show demand rising to 1,566 in 2024/25. This is just above the existing post-16 capacity of 1,562 pupils.

3.50 Notwithstanding this, since the forecast includes 1,725 dwellings in the Cheltenham Local Plan, including the appeal site, and other sites that do not have consent, it is extremely unlikely that the need for additional places has been triggered. I therefore conclude that there is no requirement for a contribution towards post-16 education.

- The methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands

3.51 The principle of contributions per qualifying dwelling, calculated on the basis of a cost per place multiplied by an appropriate pupil product ratio or PPR is not disputed, subject to need. There is no dispute about the costs per place that GCC is seeking to apply. However, it is considered that:

- the evidence does not support the need for additional school places, and
- GCC's PPRs are not appropriate, and overstate demand.

3.52 If it is accepted that the evidence does not support the need for additional school places, then contributions are not required and that is the end of the matter.

3.53 In the event that it is considered that the demand for any of the primary, secondary and/ or post-16 (sixth form) places cannot be met in existing or already planned school places, then the PPRs become important as they are used to calculate the number of places required.

3.54 This evidence explains that GCC's suggested pupil factors or PPRs have been based on a survey that probably received a biased response. GCC's use of the survey data assumes all residents in all dwellings are new and additional residents placing new and additional demands on infrastructure. This is considered wholly unrealistic and runs counter to the clear evidence about how demand for school places has changed in recent years. In

addition, the calculation of GCC's post-16 PPR is flawed, as set out in correspondence to GCC on 7 December 2020 (Appendix 1c, page 18).

- 3.55 In contrast the EFM PPRs are based on analysis of pupil yields over eight years, as a demonstrably fair and reasonable basis for assessment of the additional demand for places from the Proposed Development.
- 3.56 Therefore, should it be considered that additional education places are required, in any of the three phases of education considered, then the PPRs to be used should be those proposed in this evidence. These are termed the EFM PPR figures in the planning obligation.
- 3.57 The demand arising from the Proposed Development is approximately 1 place per school year group for primary and secondary education, and 1 place across the two sixth form year groups (paragraph 3.23, above). The information presented in this evidence supports the conclusion that all of this demand can be met in existing or proposed provision, in each phase of education. The options available within the s106 do not allow for the conclusion that part, but not all, of the potential need in any education phase can be met – this is an unlikely conclusion in view of the very small numbers involved.

- Details of the facilities or infrastructure on which any financial contribution will be spent.

- 3.58 GCC has not provided any details of how any financial contribution would be spent, and its June 2020 response seeks contributions that are available for expenditure within the relevant school planning areas and are not clearly defined as to their use and the objectives of their use.
- 3.59 It would be preferable for more precise details of the use of any financial contributions to be identified. In the absence of a detailed understanding of how any contribution might be spent, the planning obligation maintains the potential to use any contribution that is required within the relevant school planning area and also defines the requirement to use any funding to increase capacity. This is wholly reasonable, as a lack of capacity is what GCC asserts supports its claim for the contributions.

4 Library Requirements

GCC Response to the Proposed Development

- 4.1 GCC's response in relation to libraries states that a contribution of "38,428" is required. The figure is a typo and should have read £8,428. The requirement was reported in the Officer report as £38,428; and GCC corrected the figure in an email to CBC's case officer dated 7 December 2020.
- 4.2 Although the response states that the impact of new development will be assessed, and confirms that its assessment has shown there will be an impact in this case, details of the assessment have not provided.
- 4.3 No project for mitigating the impact of the Proposed Development is identified, although a variety of possible uses for the contribution is indicated.

Discussions and Assessment of GCC Requirements

- 4.4 Further information about GCC's policies, assessment processes and potential expenditure proposals for library facilities were sought in an email of 27 November 2020 (Appendix 1a, page 5). GCC's response was to provide a further response to CBC (Appendix 1d, page 20), a copy of which was received on request from CBC's case officer on 5 January 2021. Further clarification was again sought on 12 January, to which GCC responded on 22 January (Appendix 1a, page 1). The purpose of requesting further information was to understand the reasonableness and CIL regulation compliance of the planning obligation for the contribution that was being sought.
- 4.5 Neither the original response nor the further information on library matters provided by GCC provide adequate evidence to demonstrate the need for a contribution in this case.
- 4.6 Paragraph N.3.3 of the Procedural Guide, Planning Appeals – England summarises the evidence likely to be needed by an Inspector to assess planning obligations in five bullet points, which are used as sub-headings below:

- the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance

- 4.7 No issue is being taken with the general policies INF4 and INF 6 in the adopted Joint Core Strategy, which refer to situations where development creates need for additional infrastructure. GCC's response also points to its Library Strategy and the benchmark for provision set out in the MLA Standard Charge document (CD G17).
- 4.8 The MLA document was published in May 2010, since when thinking about libraries has moved on. The abolition of the MLA itself was announced in July 2010, and Arts Council England took on national responsibility for the development of libraries. As far as I am aware, Arts Council policy and strategy does not refer to library floorspace standards, and I do not think there is currently a nationally recommended benchmark for floorspace.
- 4.9 The MLA document explains (on page 5) that its figure of 30 sqm per 1,000 population falls within a range found in a national survey. Annex B (on page 15) refers to a 2001 consultation by the then Department for Culture, Media and Sport (DCMS), which suggested a net (public floor space) figure of 23 sqm which approximately aligns with the MLA's figure of 30 sqm gross (public floorspace plus staff and ancillary spaces total).
- 4.10 GCC's own policy document, from 2012, demonstrates a more forward thinking approach, with less reliance on the traditional building space which underpins the MLA's standard charge approach (and has its roots in much older thinking about libraries). There is no mention of floorspace standards in GCC's Library Strategy (CD G14) nor in its partner document, 'Gloucestershire County Council Library Service: Context and User Needs Assessment' (CD G15).

- Quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development

- 4.11 GCC's response (CD G5) refers on page 2 to new development being assessed and "careful consideration" being given to "current levels of provision compared against the nationally recommended benchmark". I have sought details of the assessment undertaken by GCC and GCC has clarified the assessment is that set out in paragraphs 7-12 of its further response note (Appendix 1a, page 1). There is no pro-forma assessment, and the assessment does not actually assess additional demand as such.

- Details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands;

4.12 Whilst there is no pro-forma assessment, and it is unclear precisely what triggers the need for a contribution in this case, GCC's assessment refers to:

a) The availability of four libraries within 4 miles, with Charlton Kings Library being the nearest and approximately 1 mile from the Proposed Development;

b) Charlton Kings Library being well used and providing a range of services, having 395 new members in 2019/20, 80,924 visits and 84,000 stock items loaned; and

c) Charlton Kings Library having 227 sqm of public floorspace floorspace and a catchment area population of 10,548.

4.13 Paragraph 128 of GCC's Local Developer Guide, quoted at paragraph 2.12 above, explains GCC's assessment considerations. In this case GCC's assessment is clearly based on the position at Charlton Kings Library alone, and it appears the critical factor is the floorspace standard. Whilst not explicitly stated, it appears GCC has divided the floorspace by the catchment population to arrive a figure of 21.5 sqm per 1,000 population (227/10,548) (Appendix 1d, page 21). This is less than 30.

4.14 However, it should be remembered that the 2010 MLA recommended standard figure of 30 is based on gross floorspace, not public floorspace, and this equates to about 22.5sqm on a public area floorspace basis. It is concluded that GCC has calculated the floorspace incorrectly, or used an erroneous comparison, and that a more reasonable assessment shows that Charlton Kings Library currently has public floorspace approximately in line with the standard recommended by MLA in 2010.

4.15 Further information, including the gross floorspace for Charlton Kings Library and other libraries, was requested from GCC through 'freedom of information' (FoI) requests. This shows that the average floorspace per 1,000 population in Gloucestershire is per 18.69 sqm on a gross floorspace basis and 13.69 sqm on a public area floorspace basis. Charlton Kings Library ranks in the top five on both counts and, on these measures by comparison to many other areas, it is clear that the catchment population is very well served (Appendix 4, page 35).

- 4.16 Irrespective of the floorspace position, compared to an outdated standard, GCC has presented no quantified evidence about the extent to which additional demand from the development will be able or unable to be met.
- 4.17 GCC’s assessment states, *“Existing pressure on services would be exacerbated by additional library users generated by the appeal proposals unless its impact can be mitigated.”*
- 4.18 In respect of how busy the library is, and whether additional demand might be problematic, consideration has been given to information published in the Gloucestershire County Council Library Service: Context and User Needs Assessment (CD G15, page 32 of 121) alongside recent (pre-Covid) activity levels as confirmed by GCC (Appendix 1d, page 21, point 9 and Appendix 4). Table 7 below provides an interesting comparison:

	Visits	Issues	Active Borrowers
2010/11	101,799	105,656	3,311
2019/20	80,924	84,000+	2,158
Decrease (and %)	-20,875 (-20.5%)	-214,656 (-20.5%) (or thereabouts)	-1153 (-34.8%)

Table 7 Charlton Kings Library - Activity Level Indicators

- 4.19 The number of active borrowers was not stated as a factor in GCC’s assessment, and the 2019 figure in Table 7 was provided by GCC on 10 February 2020 in response to an FoI request. It can also be noted that the 2010/11 information (CD G15, page 32 of 122) confirmed a downward trend in visits over the previous five years at that time – a trend which has clearly continued.
- 4.20 On 5 April 2012, GCC’s Cabinet made the decision that opening hours at Charlton Kings Library should be reduced to 35 from 38, as part its future Library Strategy for the county (CD G15, page 122 of 122)

- *The methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands*

4.21 GCC's methodology is explained with reference to the standard charge, building-based, approach suggested by the MLA in 2010.

4.22 GCC has confirmed that the extension of the Charlton Kings Library building has been discounted due to site and physical constraints (Appendix 1d, page 21). A building-based calculation is therefore not appropriate.

- *Details of the facilities or infrastructure on which any financial contribution will be spent.*

4.23 GCC has not yet identified a suitable project, and has suggested a wide range of possible mitigation measures. I have therefore asked GCC for information about other projects funded by planning obligations, and what quantitative assessment of the benefits/consequences of those projects shows. This is with a view to trying to understand the potential costs and contribution that might be appropriate - if it were considered that mitigation were required.

4.24 Should a financial contribution be considered necessary, it is reasonable to expect that GCC would be able to demonstrate how the expenditure of the contribution would increase the capacity of Charlton Kings Library. The planning obligation, being provided by way of unilateral undertaking, provides for this.

EFM Assessment and Conclusion

4.25 Based on average occupancy of 2.3 persons per household⁷, I have calculated the population resident in the Proposed Development of 45 dwellings as 104. This represents an increase of approximately 1% on the existing catchment area population of 10,548. The number of library visits and loans, could reasonably be expected to increase by about 1% as a result of the development. While this would be an increase,

⁷ 2011 Census figure for Gloucestershire, Table H01UK, sourced from <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/2011censuspopulationestimatesbyfiveyearagebandsandhouseholdestimatesforlocalauthoritiesintheunitedkingdom>

the average reduction experienced since 2010/11 has been over 2% each year. The most likely consequence of the Proposed Development is therefore to slow the rate of decline in library usage and help to maintain its vitality, rather than to impose additional demands that cannot be met within the existing facilities (as GCC suggests).

- 4.26 Plainly, Charlton Kings Library has previously catered for demands considerably greater than those experienced in recent years, and there is no evidence to suggest that the library would be unable to meet the additional demand arising from the Proposed Development.
- 4.27 There is therefore no need for a planning obligation to mitigate the impact on library facilities as a result of the Proposed Development. However, if there were a need then the calculation of the contribution should reflect a reasonable and proportionate cost and not be based on the cost of building a physical extension.
- 4.28 The first criteria for a planning obligation is that it must be necessary. As demonstrated above, GCC's assessment is flawed in a number of ways and the Proposed Development will have positive rather than adverse consequences. It is concluded that a planning obligation for libraries is not required in this case.
- 4.29 At the time of writing, further information about library matters has been requested from GCC by way of a freedom of information request and is awaited.

5 Planning Obligation Provisions

5.1 A planning obligation providing for potential education and library contributions is being submitted (in final draft form) for consideration as part of the appeal.

5.2 Table 8 below shows a comparison of potential contributions, based on the different approaches to pupil yield taken by GCC and the Appellant. The application seeks consent for 43 dwellings of which for education contribution purposes, 38 are qualifying dwellings. The table is based on these figures. However, should the number of qualifying dwellings change through the reserved matters processes, the planning obligation provides for the contribution to be adjusted accordingly.

5.3 Table 8 shows potential contributions based on:

- the adopted Local Developer Guide PPRs – this is provided for information and context;
- the LDG Refresh PPRs – these are the contributions GCC is currently seeking from the Proposed Development (in bold type);
- the EFM PPRs; and
- the Appellant’s position, reflecting the assessments made in this evidence concerning the planing obligations that can be lawfully demanding from the Proposed Development (also in bold type).

	Local Developer Guide PPRs	LDG Refresh PPRs (GCC Proposed Contributions)	EFM PPRs February 2021	Appellant’s Position
Primary Education	£154,833.66	£235,117.78	£108,096.83	£0
Secondary (11-15) education	£86,430.35	£148,124.00	£99,391.20	£0
Secondary (post-16) education	£20,374.82	£61,211.92	£23,260.53	£0
Library facilities	£8,428.00	£8,428.00	£8,428.00	£0
Total	£270,066.84	£452,881.70	£239,176.57	£0

Table 8 Possible Contributions and Local Developer Guide based figures for context (This is based on 43 dwellings of which 38 are qualifying dwellings for the purposes of education contribution calculations)

- 5.4 The planning obligation allows the Inspector (or Secretary of State in the event of a call-in) to confirm whether the education and library contributions sought by GCC are considered to be lawfully demanded.
- 5.5 As stated above, in paragraph 1.13, the Appellants are willing to provide the sums being demanded by GCC, if these are considered lawfully demanded/CIL compliant. In the terms of the planning obligation, this would be a contribution based on “the County Council's figure”.
- 5.6 However, as set out in this evidence, the need for additional infrastructure has not been demonstrated and the Appellant’s position is that none of the education or library contributions can be lawfully demanded. If this finding is accepted, in respect of any or all of the contributions, then the decision maker would confirm the provisions for those contributions in the planning obligation are not considered compliant with CIL Regulation 122.
- 5.7 A third possibility is available, for education contributions. This is, that it is determined that a contribution is required and the evidence supports the use of EFM PPRs rather than GCC PPRs. In this case, any such contribution would need to be based on “the EFM PPR figure”. The planning obligation therefore provides for the decision maker to specify whether education contributions, if considered lawful, should be based on GCC LDG Refresh PPRs (“the County Council's figure”) or EFM PPRs (“the EFM PPR figure”).

6 Conclusions

6.1 GCC seeks contributions amounting to £452,881.70, or over £10,000 per dwelling, for education and library facilities from the Proposed Development. However, despite the principles it states as underpinning its approach (paragraph 2.15 above), GCC has refused to engage in discussion or respond to reasonable requests for clarification regarding the contributions it is demanding.

6.2 The following summarises key findings from the assessments provided in this evidence:

- Pupil yield – GCC is using PPRs based on a survey of children resident in new development, which are considerably higher than those in its Adopted Local Developer Guide – especially for secondary post-16. The survey most likely attracted biased response, and GCC equates a child resident to an additional school place being required. Information collected about previous place of residence, and schools attended before and after the house move was not used. No account is taken of wider population changes affecting the demand for school places.
- Pupil yield – GCC has accepted that its post-16 calculations were incorrect, but the corrected calculation is still incorrect. GCC has refused to respond to the detailed points put to it about this.
- Pupil yield - Evidence shows that GCC's PPR assumptions produce a substantial over-estimate of additional demand from new housing. A more appropriate and realistic, evidentially based, PPR is proposed - as illustrated in Figures 2 and 3, on pages 14 and 15 above. The expected additional demand, or potential need, from the Proposed Development is approximately one pupil per year group for primary and secondary (11-16) and one pupil over the two sixth form year groups.
- Pupil yield – Should it be considered that any education contribution(s) should be required then it should be on the basis of the EFM PPR(s) rather than the GCC LDG Refresh PPR(s).
- Primary education – The pressure on primary school places is easing within the local Charlton Kings primary planning area, such that the demand from the Proposed Development can be accommodated within existing schools. The evidence available does not support the need for a primary education contribution.

- Secondary education – Demand is rising within the Cheltenham secondary planning area. However, additional capacity is already committed in the form of a new secondary school, The Leckhampton High School, which opens in September 2021 and will provide an additional 900 places. Pupil forecasts, which include new housing including development on the Appeal Site and other sites that do not yet have consent, show the total demand for secondary (11-16) places staying within the overall capacity of the schools. Therefore, the evidence does not support the need for a secondary (11-16) education contribution
- Post-16 education - The forecasts of demand for post-16 places, again including new housing sites that do not have consent, show demand rising to just 4 places over the post-16 capacity of 1,562. It is extremely unlikely that the need for additional places has been triggered. Therefore, it is concluded that the evidence does not support the need for a post-16 education contribution.
- Library facilities – GCC’s assessment is flawed in a number of ways. Charlton Kings Library has previously accommodated considerably greater demands than currently being placed on it. The Proposed Development will have beneficial, rather than adverse, consequences and it is concluded that a planning obligation for libraries cannot be lawfully demanded in this case.

6.3 The Appellants are willing to provide the sums being demanded for education and libraries by GCC, if these are considered lawfully demanded/CIL compliant. The planning obligation allows for this.

6.4 However, this evidence demonstrates that requirements for contributions would not be lawful, and consent can be allowed without imposing the burden of these contributions. The mechanism in the planning obligation for this is to confirm in the Decision Letter that provision for such contributions are not considered compliant with CIL Regulation 122.

6.5 In the event that, contrary to this evidence, the decision maker considers any education contribution(s) can be lawfully demanded then the Decision Letter should specify whether GCC or EFM figures are to be used.