

# Education and Health Report

Land East of Cossington Road,  
Sileby, Leicestershire

David Wilson Homes

**BEN HUNTER**  
**BA DipMS**

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## 1.0 Introduction

1.1 This Education Report is in relation to a development of up to 170 dwellings on Land East of Cossington Road, Sileby, Leicestershire. Sileby is a former industrial village and civil parish in the Soar Valley, between Leicester and Loughborough.

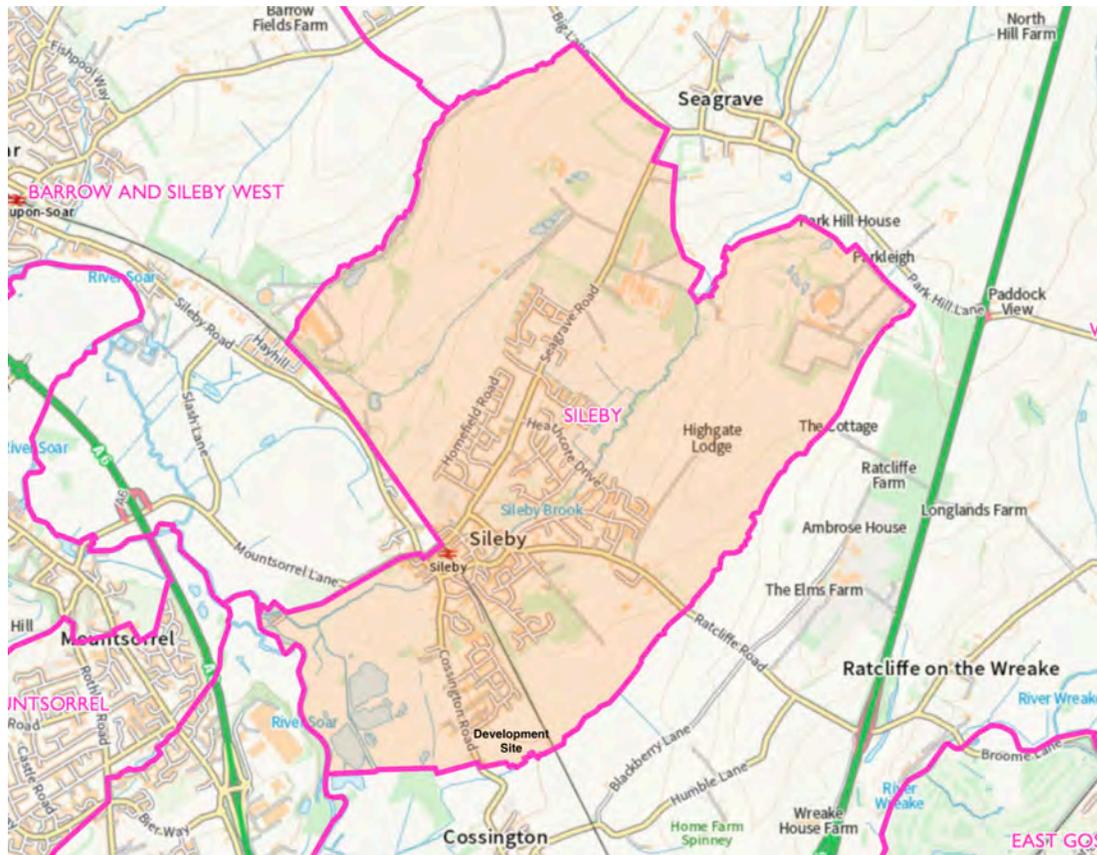
1.2 This development is a submitted planning application under planning application reference P/21/0491/2. The application was refused in September 2021, and an Appeal lodged in December 2021. The first Reason for Refusal (“RfR”) was related to a loss of an Area of Local Separation. The second RfR states that *the development creates demand for open space, education provision and healthcare services which cannot be met by existing services*. This Report will comment directly on this assertion.

1.3 The approximate development outline for the development can be seen below in Map 1:



Map 1: Approximate Development Outline

1.4 The development is located entirely within the Charnwood Borough Council (“CBC”) Planning Area. The Education Authority for the area is Leicestershire County Council (“LCC”). The development is located predominantly within the Sileby Ward (“the Ward”), although the south portion is in the Wreake Villages Ward. Map 2 demonstrates the Ward boundaries and the development’s approximate location within the Ward parameters.



Map 2: Ward Map and development's location within the Ward

1.5 This Report looks in detail at the trends in dwelling delivery, of births and the age of the population over the last decade to create a context for this proposed development. The history of dwelling delivery identifies the likely proportion of new households, which are characterised by a younger population. The trend in birth numbers, too, is often linked to dwelling delivery and, if rising, to younger populations. Births also indicate the future demand for school places. Finally, the trend in the median age of the population is an indicator of the nature of the area and how sustainable it is. The assumption is that the population should reflect national norms, which includes its ageing. When the balance of dwelling delivery does not maintain the median age of the population at around the national norm, there are implications for social infrastructure.

1.6 Existing local schools are identified and mapped with Google Earth, providing the approximate walking distances from the proposed development. The relevant schools, having been sorted by distance, are then described for capacity, numbers of pupils by age, and occupancy levels, all at January 2021 (the academic year 2020/2021). Newer data is utilised when available.

1.7 CBC discuss the Community Infrastructure Levy (“CIL”) in the Charnwood Local Plan Local Development Scheme April 2020 to March 2023<sup>1</sup>, where they state:

*The Community Infrastructure Levy is a charge that local authorities can levy on most types of new development in their areas based on the size, type and location of the development proposed. The funding secured can be used towards delivery of infrastructure set out on the infrastructure list. However, the Council’s major growth proposals set out in the existing Core Strategy are supported by individual Section 106 legal agreements to secure the infrastructure necessary to mitigate their impacts. As a result, the benefits of a CIL Charging Schedule are much reduced. **The Council will consider whether CIL is necessary to deliver the proposals set out in the new Local Plan, but substantive work is not programmed within the three year programme set out in this Local Development Scheme.***

1.8 Accordingly, this Report will commence on the basis that should Education development mitigation be required, that it will be secured via Section 106 planning obligations, rather than via CIL.

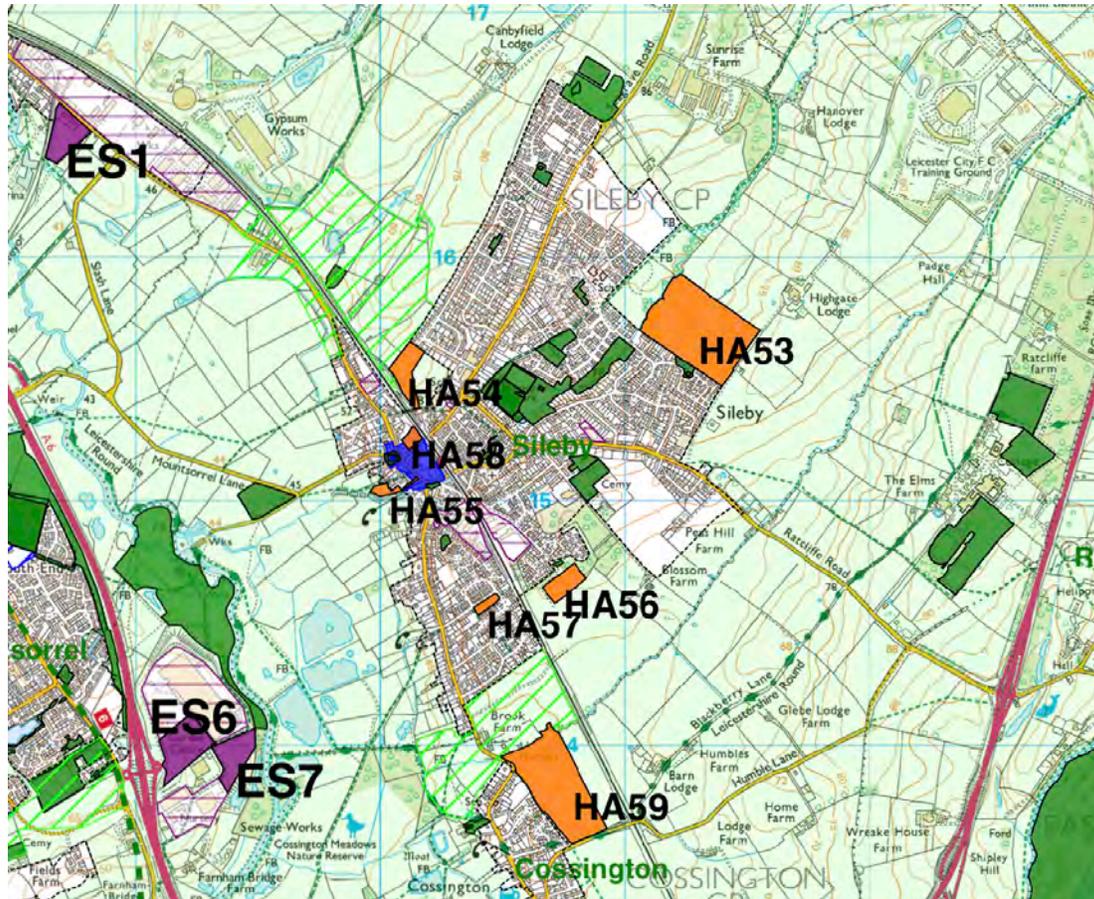
1.9 CBC is currently taking a new Local Plan<sup>2</sup> (2021-2037) through the requisite stages of adoption. CBC submitted the Local Plan for Examination on Friday December 3<sup>rd</sup> 2021. The Policies Map for Sileby can be seen below:

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<https://charnwood.moderngov.co.uk/documents/s4642/Draft%20Local%20Development%20Scheme%20Q20.pdf>

<sup>2</sup> <https://www.charnwood.gov.uk/pages/examination>



Map 3: Sileby Policies Map - Draft Local Plan

1.10 This Report will first look at the demographic data of the area, in order to understand the local context in which the new residents will be located.

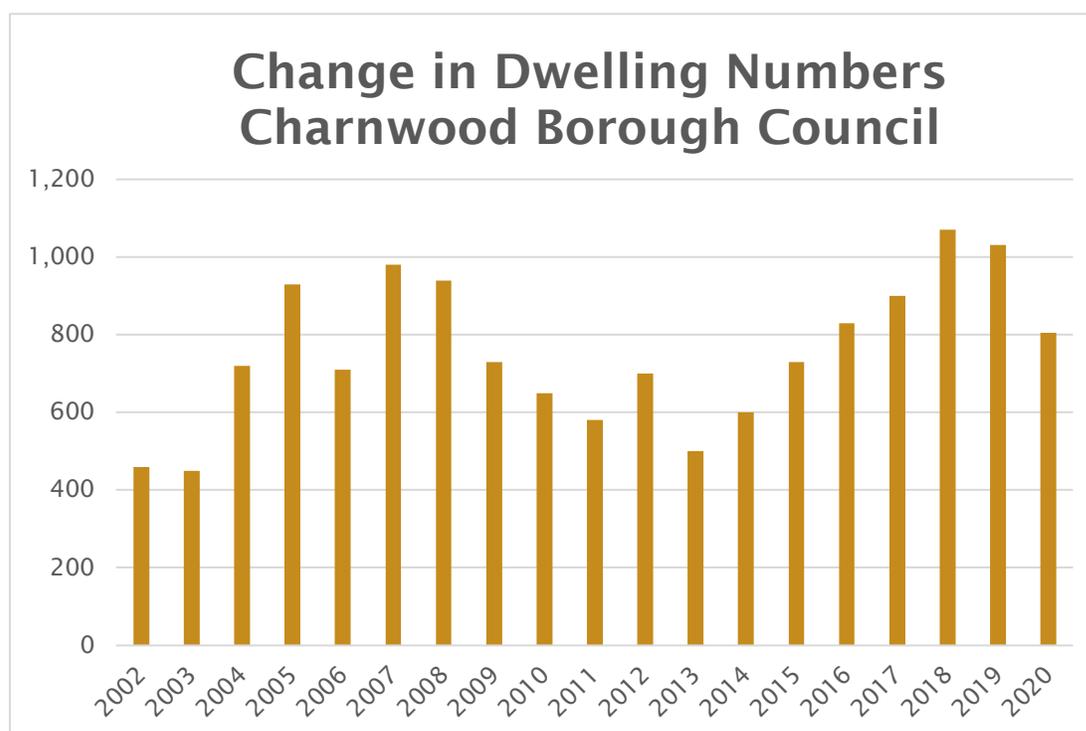
## 2.0 Dwellings

2.1 The CBC administrative area consisted of 62,070 dwellings at the end of 2001. By mid-2020, this had increased to 76,386 dwellings. This is an additional 14,316 in the nineteen-year review period (23%) or an average of 753 dwellings per annum:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
62,070	62,530	62,980	63,700	64,630	65,340	66,320	67,260	67,990	68,640	69,220	69,920	70,420	71,020	71,750	72,580	73,480	74,550	75,581	76,386

Table 1: Dwelling Numbers in the Administrative Area

2.2 The trend in new housing delivery can be seen below in Graph 1. It demonstrates that new housing delivery has been consistent across the review period. New dwelling delivery peaked in 2018 at 1,070 dwellings, and was at its lowest in 2002 at 450. It should be noted that due to when the 2020 figures were established, the actual number delivered is likely to be higher (the forecast is approximately 1,100):



Graph 1: Change in Dwelling Numbers per Annum

2.3 Comparatively, the Sileby Ward consisted of 3,616 dwellings in mid-2021, according to data from the Royal Mail. There were no new dwellings listed post August 2018, with none unbuilt. This is up from 2,611 in 2001, which is an increase of 1,005 (38%) in the twenty-year period, or an average of 50 new dwellings per annum.

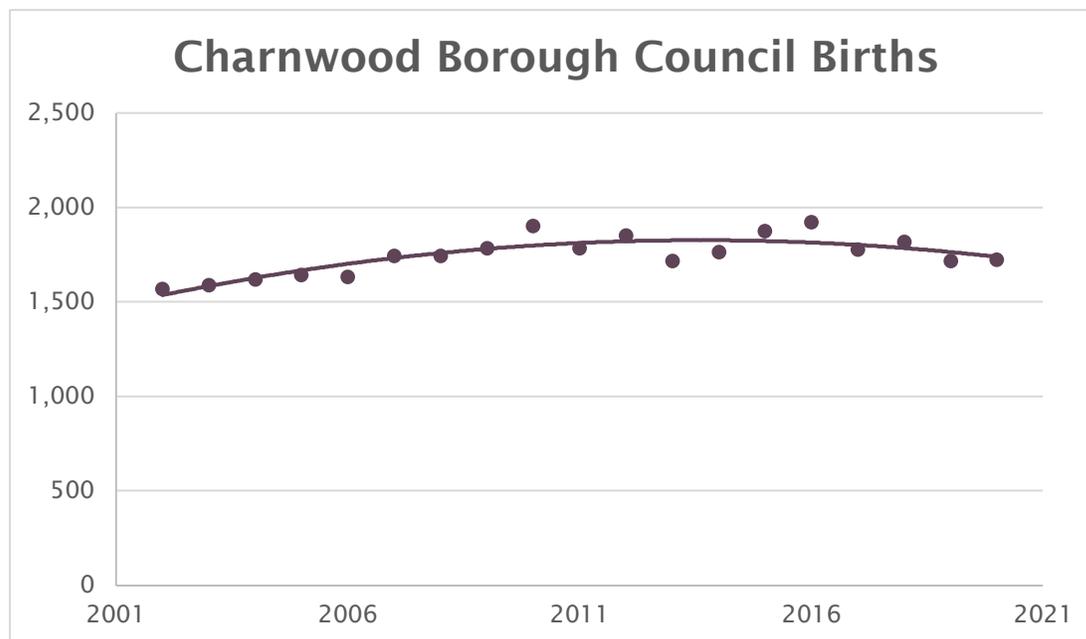
### 3.0 Births

3.1 Births in the CBC administrative area averaged 1,738 per annum in the period 2001-2020. Births peaked in 2016 at 1,922, and were at their lowest in 2001 at 1,558:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
1,558	1,571	1,592	1,621	1,645	1,635	1,746	1,745	1,784	1,902	1,786	1,854	1,719	1,766	1,876	1,922	1,778	1,818	1,718	1,726

Table 2: Births in the CBC Administrative Area

3.2 The trend over the review period can be seen below in Graph 2. It demonstrates that births have been falling from the peak in 2016, and were down by 196 in 2020 compared to the peak. This falling trend in births is consistent with the wider population of the UK, where births were at their lowest in over two decades<sup>3</sup> in 2019. ONS reported that births were down a further 4% nationally in 2020<sup>4</sup>:



Graph 2: Area Births per Annum

3.3 In the Ward, births averaged 99 per annum in the review period 2001-2020 (the most recent year for which data is available in the public domain). Birth numbers peaked in 2018 at 120, and were at their lowest in 2004 at 81. By 2020, numbers had dropped to slightly below the average, which again is consistent with national trends:

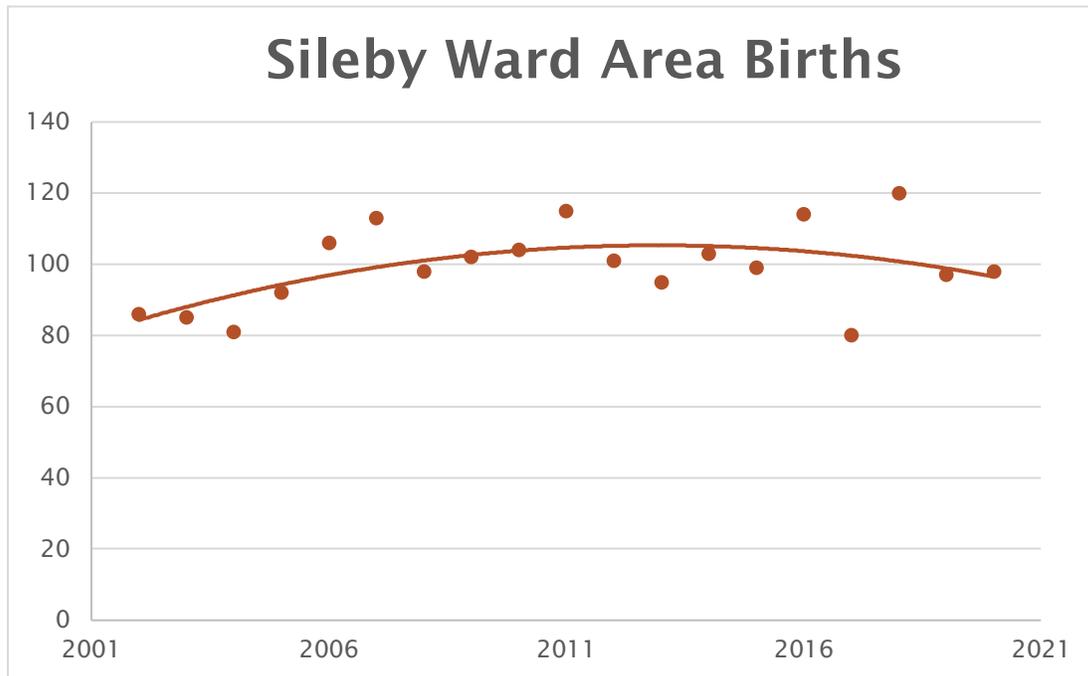
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
82	86	85	81	92	106	113	98	102	104	115	101	95	103	99	114	80	120	97	98

Table 3: Ward Births per Annum

3.4 The trend over the review period can be seen below in Graph 3. It demonstrates that birth numbers have been reasonable consistent, although are starting to fall as a trend:

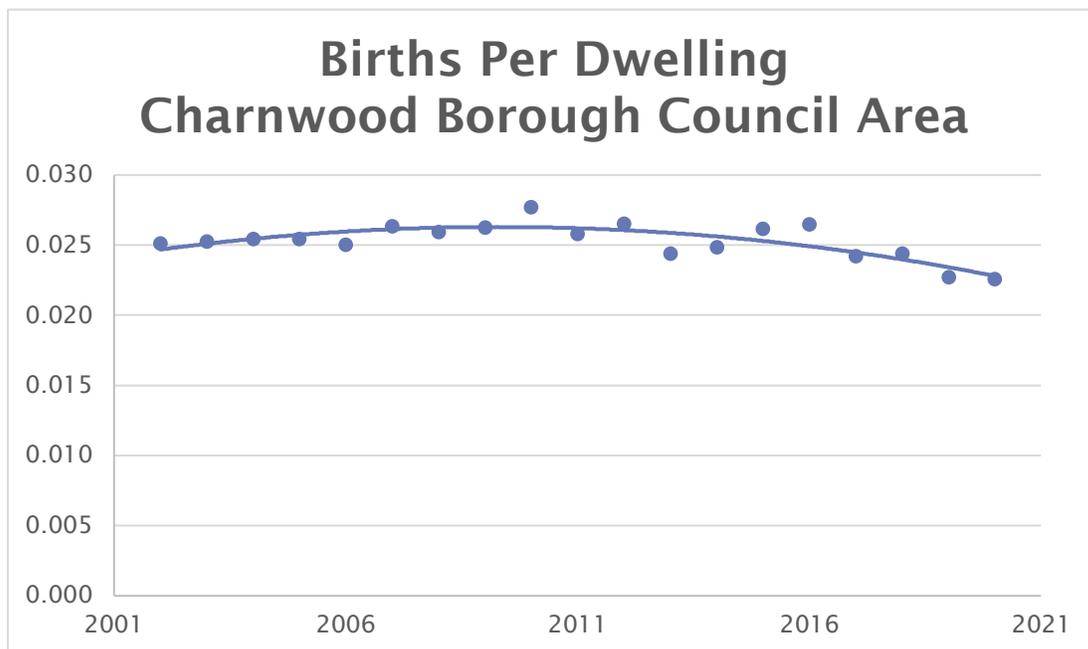
<sup>3</sup> <https://www.independent.co.uk/news/uk/home-news/birth-rate-england-wales-low-uk-ons-fertility-brex-it-climate-a9031641.html>

<sup>4</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/birthsummarytablesenglandandwales/2020>



Graph 3 Ward Births per Annum

3.5 When looking at the births per dwelling in the CBC area, they are falling considerably, indicating that birth numbers are not keeping pace with house building:



Graph 4: Births per Dwelling -Area

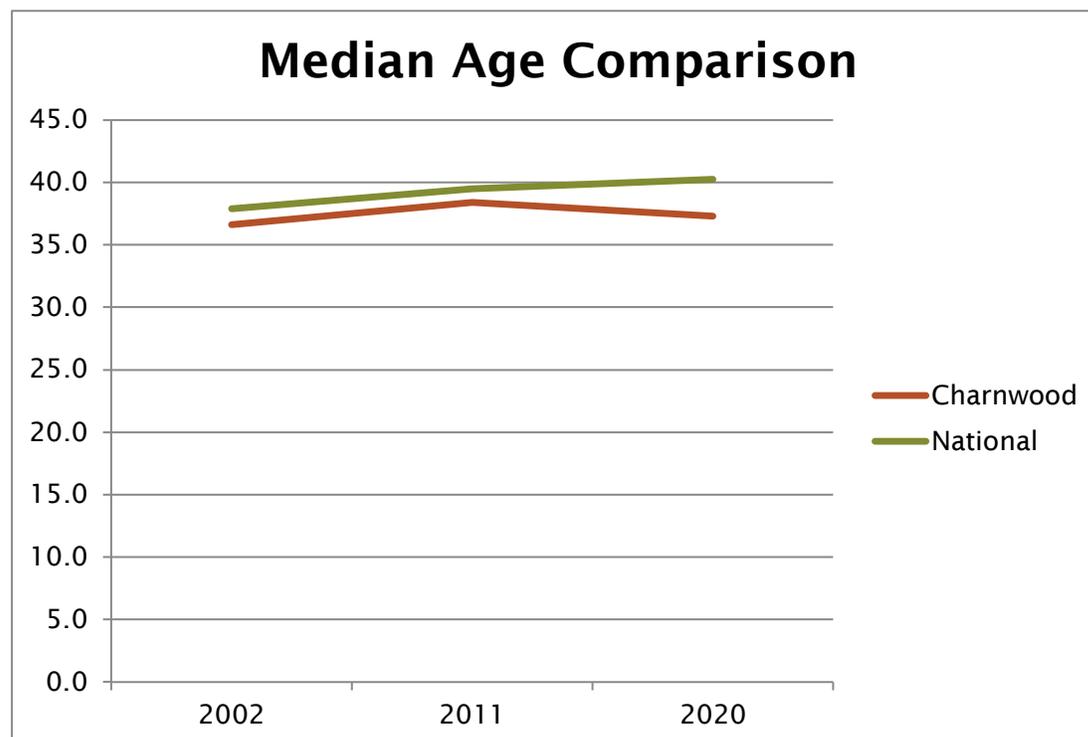
## 4.0 Age

4.1 This report has reviewed the median age profile of the CBC administrative area, the national picture, and the Ward. In the year 2001, the difference between the median age profile of the CBC area and the national picture was 1.3 years, with Charnwood's population being marginally younger. By the end of 2020, the difference had increased to 2.9 years, with the national population ageing faster than that of the CBC population:

Year	2002	2011	2020
<b>Charnwood</b>	36.6	38.4	37.3
<b>National</b>	37.9	39.5	40.3
<b>Difference</b>	1.3	1.1	2.9

Table 4: Median Age Comparison

4.2 The trend over the review period can be seen in Graph 5. It shows that in recent years the median age of the population has fallen. A lower median age is usually consistent with a higher rate of fertility:



Graph 5: Median Age Comparison

4.3 Comparatively, the Sileby Ward, as of 2020, had a median age of 38 years of age. This is consistent with that of the wider Borough.

4.4 To summarise the demographic data of the administrative area: new housing developments have been very consistent, and new dwelling delivery had been increasing year on year since 2014 to 2018, but has subsequently fallen slightly; birth numbers in 2020 were the lowest they'd been since 2013, with the trend a falling one; and the median age of the administrative area is younger than the national picture, and getting younger.

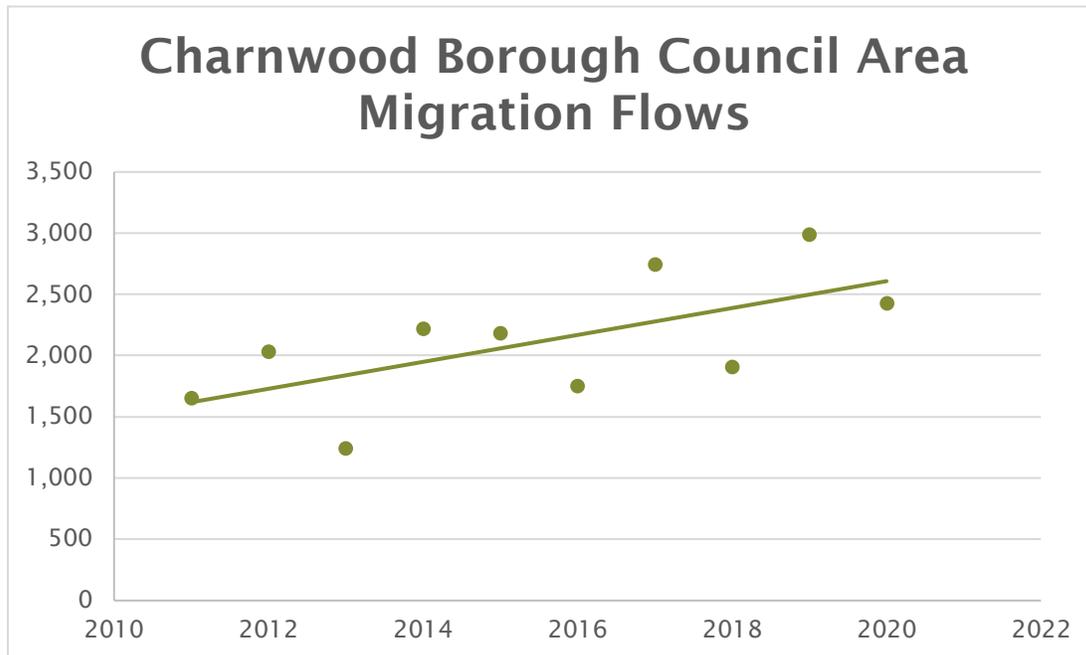
## 5.0 Migration

5.1 When looking at the inward and outward migration data of people moving in and out of the administrative area, the CBC administrative area is a consistent net importer of people. In the financial years 2010/11 to 2019/20, there had been a net average of 2,114 people moving in to the area from a different one per annum. This peaked in 2018/19 at 2,989 people, and was at its lowest in 2012/13 at 1,242:

CBC	Mid Year Population	Long-Term International Migration		Internal Migration (within UK)		Change	
		Inflow	Outflow	Inflow	Outflow		
Year	Estimate						
2010/11	165,876	2,026	817	10,539	10,097	1,651	1.00%
2011/12	168,370	1,607	892	11,376	10,059	2,032	1.21%
2012/13	169,993	1,444	737	10,652	10,117	1,242	0.73%
2013/14	172,548	1,641	644	11,738	10,515	2,220	1.29%
2014/15	175,167	1,632	743	11,298	10,005	2,182	1.25%
2015/16	177,378	1,592	731	11,401	10,511	1,751	0.99%
2016/17	180,387	1,469	590	14,236	12,373	2,742	1.52%
2017/18	182,643	1,791	1,018	14,268	13,136	1,905	1.04%
2018/19	185,851	1,892	771	15,749	13,881	2,989	1.61%
2019/20	188,416	2,248	581	13,568	12,808	2,427	1.29%

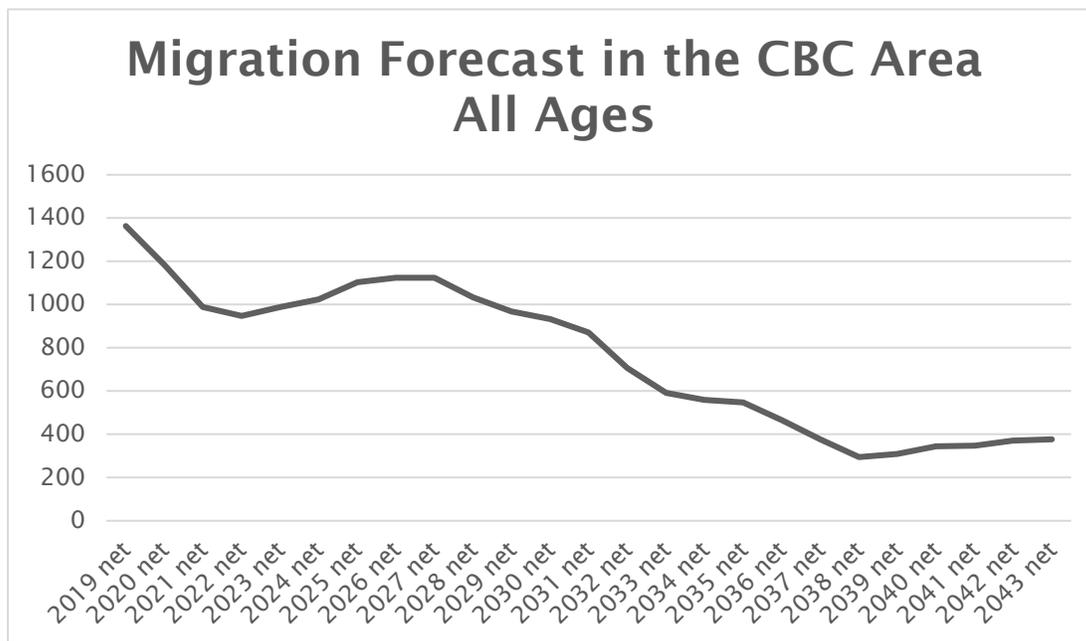
Table 5: Migration Flows in the CBC Administrative Area

5.2 When plotting these numbers on a graph, it is evident that the trend is a growing one:



Graph 6: Migration Flows in the Administrative Area

5.3 Looking further ahead at migration projections produced by the Office for National Statistics (“ONS”) up to 2043, it is forecast the number of new people moving in to the area will stay a net positive, but will start to fall in the coming years:



Graph 7: ONS Migration Projections

5.4 When looking at the migration of individual age groups, again the CBC area is a net importer of every age group of children, when taken as an average over the previous six years for which data is available. There is an average of 86 Early Years pupils moving in to the administrative area from a different one per annum; there is an average of 133 (0.63FE) Primary School aged children moving in to the administrative area per annum; and finally, there is an average of 68 (0.45FE) Secondary School aged children moving in to the administrative area per annum:

NET MIGRATION children							
Age	2014	2015	2016	2017	2018	2019	Average
0	-19	5	25	1	4	-15	0
1	31	35	9	25	19	52	29
2	29	17	6	36	56	39	31
3	28	37	19	20	0	59	27
4	24	38	-12	0	36	66	25
5	5	32	-4	13	27	31	17
6	13	16	8	14	28	12	15
7	17	39	8	33	10	44	25
8	11	8	3	43	19	22	18
9	18	18	-12	-1	9	29	10
10	21	28	19	34	-6	38	22
11	0	4	5	-3	14	27	8
12	9	8	-9	28	18	2	9
13	33	17	18	27	22	14	22
14	-9	1	5	5	42	22	11
15	1	13	21	29	11	32	18
16	8	21	40	48	49	66	39
0-3	69	94	59	82	79	135	86
4-10.	109	179	10	136	123	242	133
11-15.	34	43	40	86	107	97	68

Table 6: Individual Age Migration Flows

5.5 ONS produced projections for the migration of individual age groups, which is shown below in Table 7. This suggests that the inward migration of children of all age groups will continue to at least 2043:

Area Name	Age Group	2019 net	2020 net	2021 net	2022 net	2023 net	2024	2025 net	2026 net	2027	2028 net	2029 net	2030 net	2031 net	2032 net	2033 net	2034 net	2035 net	2036 net	2037 net	2038 net	2039 net	2040 net	2041 net	2042 net	2043 net
Charnwood 0	7	5	5	4	4	4	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
Charnwood 1	13	15	12	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	
Charnwood 2	31	26	27	26	25	24	23	23	22	22	22	22	22	22	22	22	23	23	23	23	24	24	24	24	24	
Charnwood 3	24	25	21	21	19	18	17	17	17	17	16	16	16	16	16	16	16	17	17	17	17	17	17	17	18	
Charnwood 4	17	16	17	13	14	12	12	11	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
Charnwood 5	22	17	16	17	14	15	14	13	13	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
Charnwood 6	25	27	23	23	21	21	20	20	19	19	19	19	19	18	18	18	18	19	19	19	19	19	19	19	19	
Charnwood 7	28	27	29	25	25	25	22	22	22	21	21	20	20	20	20	20	20	20	20	20	20	20	21	21	21	
Charnwood 8	19	25	24	25	22	22	22	20	19	19	18	18	17	17	17	17	17	17	17	17	17	17	17	18	18	
Charnwood 9	11	11	11	11	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	
Charnwood 10	20	14	11	15	17	19	15	15	15	13	13	12	12	11	11	11	10	10	10	10	10	10	10	10	10	
Charnwood 11	15	16	12	11	14	13	13	12	12	12	12	10	10	9	9	9	9	9	9	9	9	9	9	9	9	
Charnwood 12	14	17	17	13	11	16	16	17	14	13	13	12	12	11	11	11	10	10	10	10	10	10	10	10	10	
Charnwood 13	26	24	27	27	24	23	27	26	27	26	26	24	23	22	22	22	21	21	21	21	21	21	21	21	21	
Charnwood 14	26	29	28	30	28	29	30	29	30	30	28	28	26	26	26	25	25	25	24	24	24	24	24	24	24	
Charnwood 15	35	34	36	37	40	40	37	36	40	39	38	36	37	35	35	34	34	33	33	33	33	33	33	33	33	
Charnwood 16	36	35	30	38	37	40	40	38	37	41	41	41	38	38	38	36	35	35	34	34	34	34	34	34	33	

Table 7: ONS Individual Age Group Migration Projections

5.6 When looking at the population forecasts of the Charnwood area: in 2014, the CBC administrative area had a population of 173,500 people. By 2039, this is expected to increase to 215,000; this is an increase of 41,500 people (24) over the 25-year period, or an average of 1,660 people per annum. When looking at households, they are expected to increase from 69,602 in 2014, to 90,748 in 2039; this is an increase of 21,146 households (30%), or an average of 846 per annum. Finally, the average household size is expected to decrease from 2.49 to 2.37 over the same period<sup>5</sup>.

CHARWOOD													
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Population	173500	176000	178300	180300	182200	183900	185600	187200	188900	190700	192600	194600	196600
Households	69602	70646	71708	72631	73534	74461	75358	76252	77089	77944	78852	79765	80690
Av Household Size	2.49	2.49	2.49	2.48	2.48	2.47	2.46	2.46	2.45	2.45	2.44	2.44	2.44
Age 0-4	9500	9500	9400	9400	9500	9600	9900	10000	10100	10200	10300	10300	10400
Age 5-9	9100	9400	9800	10000	10100	10100	10100	10000	10000	10100	10300	10400	10500
Age 10-14	8700	8700	8900	9200	9500	9700	9900	10300	10500	10600	10600	10600	10500
Natural Household Growth	1044	1062	923	903	927	897	894	837	855	908	913	925	
Local Plan													

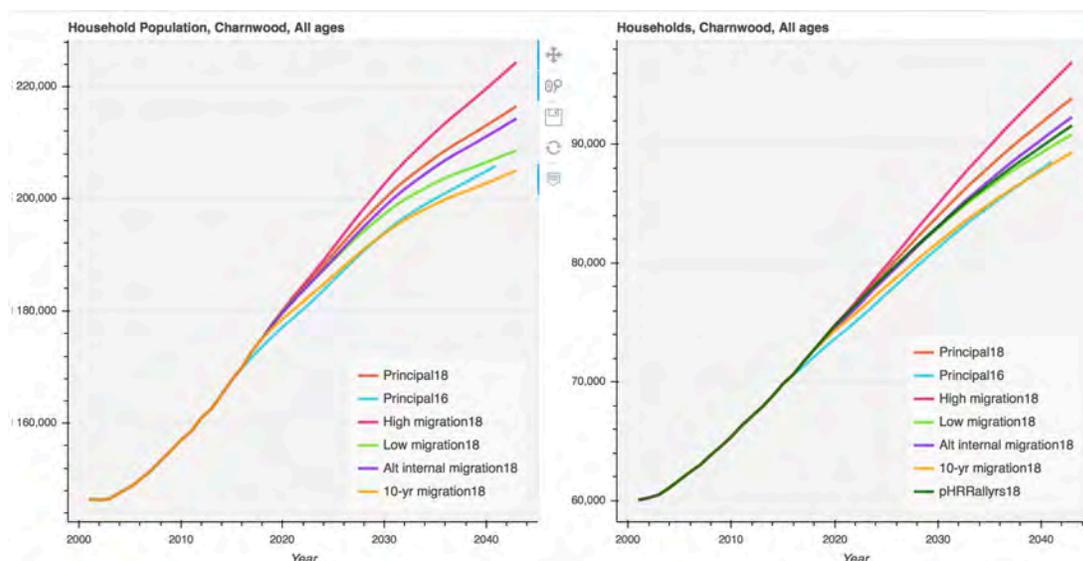
	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
Population	198600	200400	202200	203900	205600	207100	208400	209700	211000	212300	213600	215000	216200
Households	81618	82556	83464	84366	85262	86151	86968	87728	88474	89239	90002	90748	91470
Av Household Size	2.43	2.43	2.42	2.42	2.41	2.4	2.4	2.39	2.38	2.38	2.37	2.37	2.36
Age 0-4	10400	10400	10400	10400	10400	10400	10400	10400	10500	10500	10500	10600	10700
Age 5-9	10700	10700	10800	10900	10900	10900	10900	10900	10900	10900	10900	10900	10900
Age 10-14	10500	10600	10800	10900	11000	11100	11200	11300	11300	11300	11300	11300	11300
Growth	928	938	908	902	916	869	817	760	746	765	763	746	746

Table 8: 2014 Population Forecasts

5.7 Comparing the 2016 population projections to the 2014 version shown above, they are lower, with the 2016 version projecting a population of 203,898 in 2039, compared to 215,000 in the 2014 projection. The Government has adopted the 2014 projection for the planning system as a safeguard.

5.8 ONS show a number of different scenarios below in Graphs 9 and 10 for projected population and household numbers. All of the scenarios show significant growth, with high migration being the biggest factor in potentially increasing both people and households into the forthcoming decades:

<sup>5</sup> The 2016 based forecasts tell the same story albeit at a slightly lower rate. For town planning purposes, the Government position is to retain the 2014 based forecasts.



Graphs 8 and 9: ONS Household Projections Analysis Tool

## 6.0 Child Yield

6.1 LCC Planning Obligations Policy (July 2019) includes the following child yields for new developments:

	Yield Rate per 100 homes of 2 or more bedrooms	Yield Rate per 100 flats of 2 or more bedrooms
Early Years Pupils	8.5	n/a
Primary Age Pupils	30.0	4.3
Secondary Age Pupils	16.7	2.67
Post 16 Age Pupils	3.3	0.53
SEN Primary	0.363	n/a
SEN Secondary	0.4	n/a

Table 9: Child Yield Multipliers

6.2 LCC has applied their multipliers to a development of 170 dwellings, which does not take in to account one-bedroom dwellings, elderly residential units, or flats, that may be located on the development site. Accordingly, these figures can be considered to be worst-case scenario, and will likely go down once a dwelling split has been established and agreed:

Sector	Number of Pupils generated by the development	Number of Pupils for forecasting purposes	Number of S106 funded places in area deducted
Primary	51	51	0
11-16	28.39	29	44
Post 16	5.61	6	156
Primary Special	0.62		17
Secondary Special	0.68		

Table 10: LCC Child Yield Table

6.3 Net migration to new dwellings increases the number of pupils locally, but this need is predominantly focused in Reception Year in the Primary phase, and Year 7 in the Secondary phase. If a child is already in a Primary or Secondary School when they move on to this proposed development, they are very unlikely to change schools once habits have been formed. It is fair to say that a proportion of the children moving in to the new homes will already be in the school system, as a proportion of people moving in to new homes do not move far. There is also the consideration that a proportion of pupils will attend Independent Schools. Therefore, the likely impact on the school system will be less than forecast, and should be focused in either Reception Year or Year 7, as any other year group would likely necessitate a change of school.

6.4 The Department for Education (“DfE”) has produced a Planning Policy Guidance document for education entitled “Securing developer contributions for education”. A key point in the Guidance is that pupil yield factors should be based on up-to-date evidence from recent local housing developments. It is assumed that LCC has taken this in to account with their child yield multipliers.

6.5 At its paragraph 15, the Guidance recommends costs to be based on the published ‘scorecards’. These are DfE published financial statements of school places delivery via extensions and new schools on an individual school and number of places basis, standardised to a regional factor of 1.00 and a common date. This is discussed further below.

6.6 EFM’s own forecast trajectory for this development is based on a different methodology and measures the likely number of new children resident, whereas the LCC multiplier indicates a county-wide average for new enrolment in local schools. Of course, a proportion of households moving to new developments do not move very far and their children do not change schools.

6.7 The EFM demographic model, also working at District level, identifies a 1-year peak, which initial work has suggested is greater than the LCC formula. LCC’s multipliers are broadly consistent with the averages of most EA’s across the UK, and

are not excessive. In this instance, the EFM model serves merely to substantiate that the number of pupil places associated with this development from the education authority is reasonable; the LCC child yield seems to fulfill these criteria.

6.8 Moving on to the costs per pupil place: The most recent cost multipliers utilised by LCC are the following:

Sector	DFE amount per pupil	Pupil ratio per house	Pupil ratio per flat/apartment
Primary	£18,356	0.3	0.043
High 11-14	£17,876	0.1	0.016
Upper 14-18	£18,355	0.1	0.016
Secondary 11-16	£17,876	0.167	0.0267
Secondary 11 – 18	£18,118	0.2	0.032
Post 16	£19,327	0.033	0.0053
<b>Contributions for Special Schools are made on developments of 100 houses or more with at least 2 bedrooms</b>			
Primary (Special Schools)	£65,664	0.00363	0.00052
Secondary 11-19 (Special Schools)	£81,531	0.004	0.00064

Table 11: LCC Cost Multipliers

6.9 The DfE currently utilised figures of £20,508 per pupil for new build Primary Schools, and £17,268 per pupil for Primary School extensions (divided by the regional weighting) in 1Q2020. The DfE utilised figures of £23,962 per pupil for new Secondary School builds, and £22,738 for Secondary School extensions, divided by the regional weighting. When adjusting these figures for 1Q2021, in both cases, the figures utilised by LCC are lower, and can therefore be accepted.

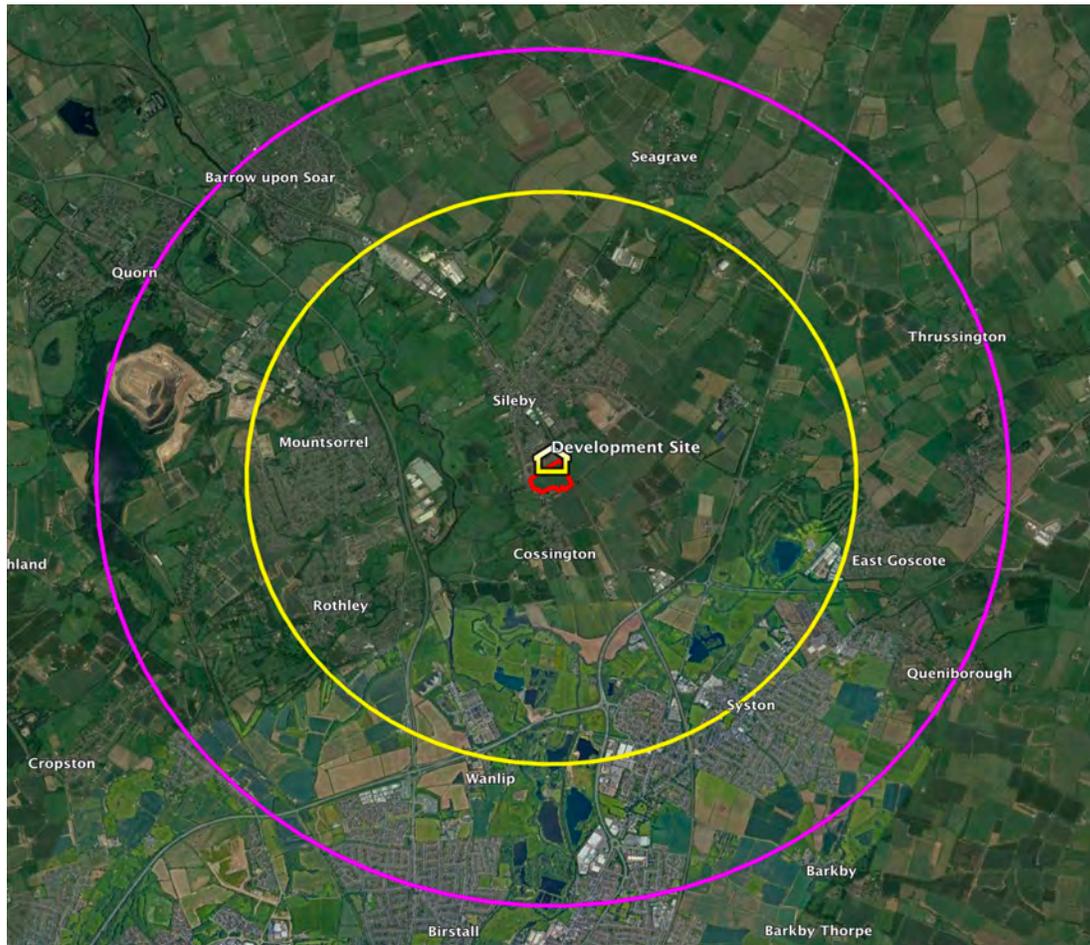
6.10 Regional benchmarking<sup>6</sup> (May 2021) has identified that an average SEN place costs £76,184 per pupil place. The Primary figure is lower than this, and the Secondary figure is higher, but ultimately they balance out and can be accepted.

6.11 The remainder of this Report will look at the Education landscape in order to establish whether additional school infrastructure projects are necessary in order to mitigate the impact of this development.

<sup>6</sup> <https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf>

## 7.0 Schools

7.1 In our assessment, we consider all Primary Schools within a 2-mile walking distance<sup>7</sup>, and all Secondary schools that lie within a 3-mile walking distance of the development. The 2 and 3-mile criteria are the distances prescribed in the Education Act beyond which local authorities are required to provide/fund transport where the nearest available school is further away.



Map 4: Two and Three-mile boundary around the development site

7.2 It is the intention of the planning system and the provision of state-funded schools that the ideal mode of travel to and from school is walking or cycling. The NPPF made this plain at paragraph 38. Paragraph 38 has been replaced by paragraph

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<sup>7</sup> Distances have been calculated based upon coordinates near to the development (52.722151, -1.105112). Once the development is built out, some parts of the site will be further/closer than shown.

106A in latest iteration of the NPPF (July 2021) with an exhortation to minimise the number and length of journeys. The words ‘within walking distance of most properties’ have been removed.

7.3 The authority is required to make pupil forecasts to the Department for Education on a year of age basis by ‘school planning area’ and identify each school in the cluster and its capacity. The forecasts cover the period for which birth data is available. Forecasts covered by Section 106 agreements submitted separately to avoid double funding. For Primary School age pupils, the current published data runs to 2023/24 and for Secondary School aged pupils 2025/26. These are known as the School Capacity (“SCAP”) returns. This is how Government allocates its funding for additional school places that are its responsibility to provide. Updated SCAP Forecasts were due to be released in March 2021 but were cancelled due to Covid. The next publication of SCAP Forecasts (SCAP 2021) will be published in March 2022.

7.4 Schools should be operationally full to meet the financial audit requirement for best value from public assets. This is demonstrative of a properly functioning school system. School funding is predicated on the number of pupils that are on a school’s roll, so it is in the best interest of schools to maximise intake within their capacity. Accordingly, many schools take from a wide catchment area and some enroll over capacity.

7.5 The statutory rules on enrolment are that whilst schools may have a catchment area and ordered criteria for admissions, the rules only apply if the school is oversubscribed. Otherwise, whoever applies is admitted irrespective of where they live. This is known as ‘More Open Enrolment’. It fosters parental choice of school.

7.6 The overarching duty to provide sufficient schools and school places rests with central Government. (Education Act 1996 Section 11) The duty excludes those otherwise provided for (private education, home schooling, those in new housing with a **Section 106/CIL in place** (my emphasis).

7.7 The education authority’s duty in such matters is to secure sufficient schools and school places for their area (Education Act 1996 Section 14). ‘For their area’:

*The duties of a [local] education authority do not require the authority to secure the provision of schools for pupils from outside the area of the authority, even though it may be convenient for a pupil to attend a school in an area other than that in which he lives.<sup>8</sup>*

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<sup>8</sup> Law of Education

7.8 Within the State-funded school sector there are Community Schools funded by the local authority and there are other providers than the local authority; these are the Academy, Free School, Voluntary Sector (e.g. Church Schools) and Foundation Schools. Academies and Free schools are funded directly by Central Government: Church Schools and foundation Schools are maintained by the local authority.

7.9 The provision of school places, where there is a shortfall, is made via a funding stream from the Department for Education (“DfE”) is known as Basic Need. Basic Need funding is allocated as ‘a number of pupil places times a unit cost’, differentiated by school phase and local building costs. Allocations are made on the basis of projected shortfalls in local School Planning Areas against current pupil numbers and the actual numbers of school places in that Planning Area. Each planning area is treated as a discrete area and shortfalls met through the allocation of resources.<sup>9</sup> A surplus in one school planning area is not offset against another with a shortfall. In this case, providing housing in the Group 5b Barrow Primary Planning Area (for whatever planning reason) will be reflected in the forecasts for the Group 5b Barrow Primary Planning Area, and nowhere else.

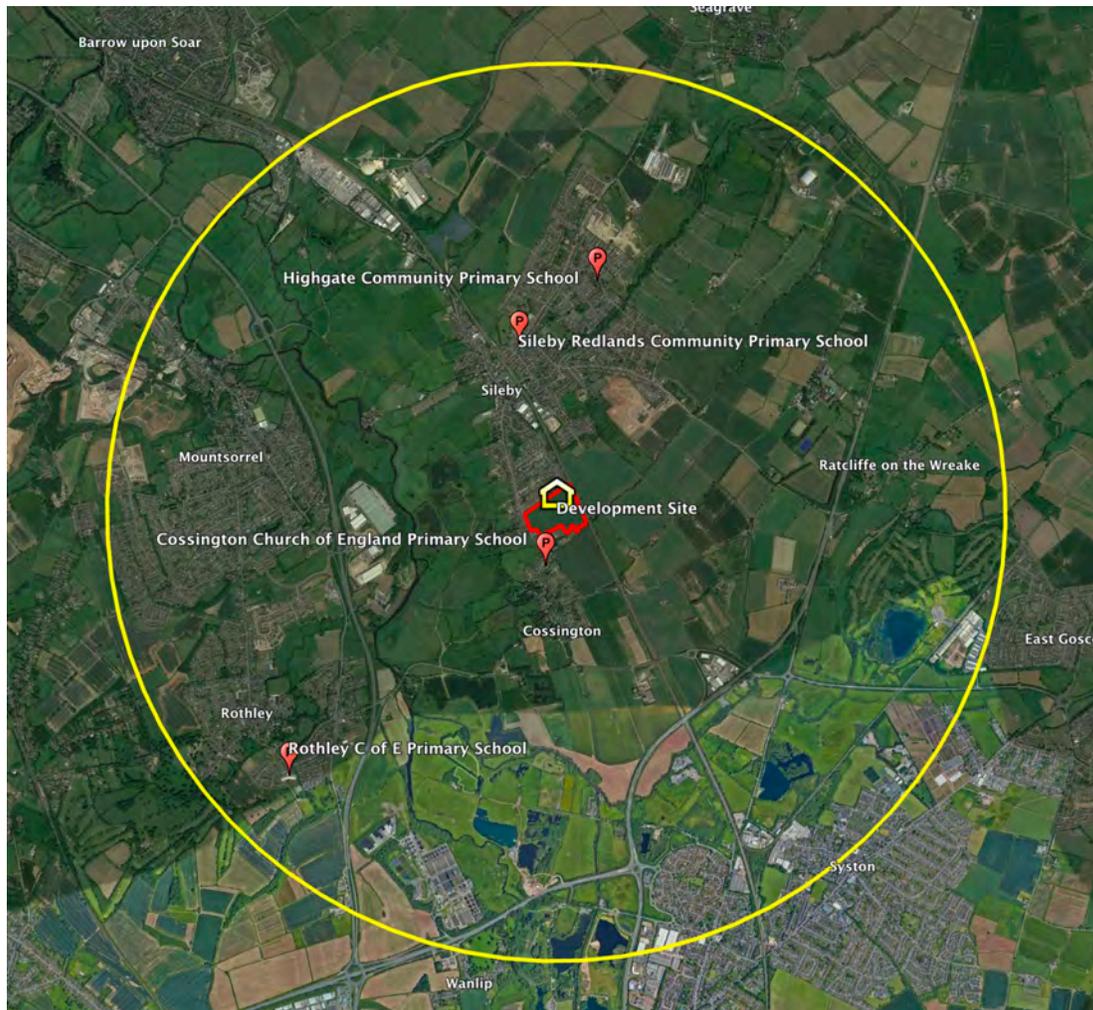
## 8.0 Primary Schools

8.1 There are at least five independent, non-selective, state funded schools accommodating Primary School aged pupils within a two-mile radius of the development site. However, only three of these are within a two-mile walking distance, and potentially directly serve Sileby.

8.2 The schools, in relation to the development site, can be seen below in Map 5:

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<sup>9</sup> Capital Funding for School Places by 2021 – explanatory note on methodology



Map 5: Schools within a two-mile radius of the development site

8.3 The latest school roll data (2020/21 academic year) in the public domain for the schools can be seen below in Table 12:

Primary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
Cossington CofE Primary School	LE7 4UU	Leicestershire	0.4	105	15	105	15	15	15	14	16	15	15
Sileby Redlands Community Primary	LE12 7LZ	Leicestershire	0.9	420	60	366	49	52	48	57	59	57	44
Highgate Community Primary School	LE12 7ND	Leicestershire	1.5	315	45	222	35	45	29	27	33	30	23
<b>TOTAL</b>				<b>840</b>	<b>120</b>	<b>693</b>	<b>99</b>	<b>112</b>	<b>92</b>	<b>98</b>	<b>108</b>	<b>102</b>	<b>82</b>
Surplus							21	8	28	22	12	18	38
<b>Available Surplus %</b>							<b>18%</b>	<b>7%</b>	<b>23%</b>	<b>18%</b>	<b>10%</b>	<b>15%</b>	<b>32%</b>

Table 12: School Roll Data (January 2021)

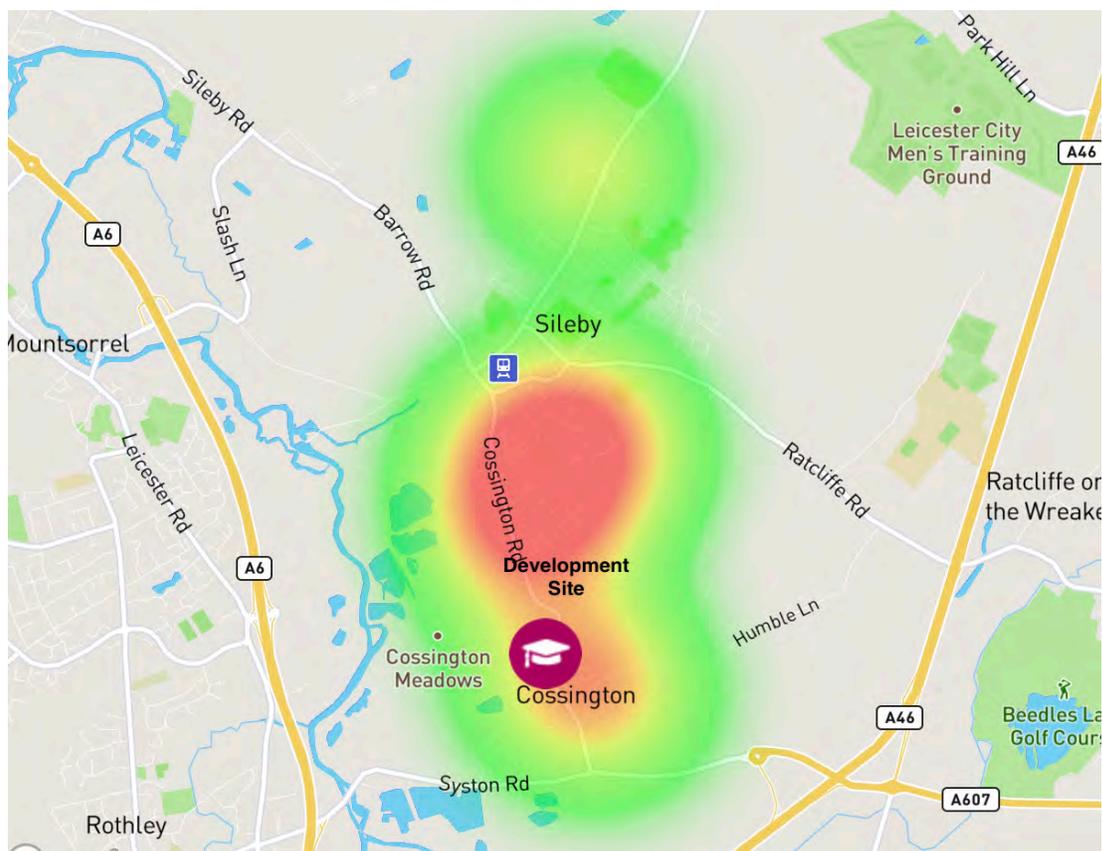
PAN = Planned Admission Number; NoR = Number on Roll

8.4 The closest school to the development site, at 0.4 miles walking distance from a mid-point of the proposed development, is Cossington CofE Primary School. This is a small facility at 0.5FE, and as of the previous academic year it was completely full.

8.5 There is a recently consented scheme in Cossington (P/20/2393/2) for 130 dwellings (land off Humble Lane) that is providing 1.2ha in order to expand the school from 0.5FE to a full 1FE, which is an additional 105 places. The approved scheme is forecast to generate a maximum of 39 Primary School aged pupils, meaning that the expansion would provide spare capacity of 66 places, which is more than the child yield of this development.

8.6 It is not clear which schemes LCC is referring to when it says that there will be a deficit of 35 pupils, and that there will not be sufficient space to accommodate the pupils of this development once Cossington Primary School is expanded. I would therefore question whether Transport costs are justified.

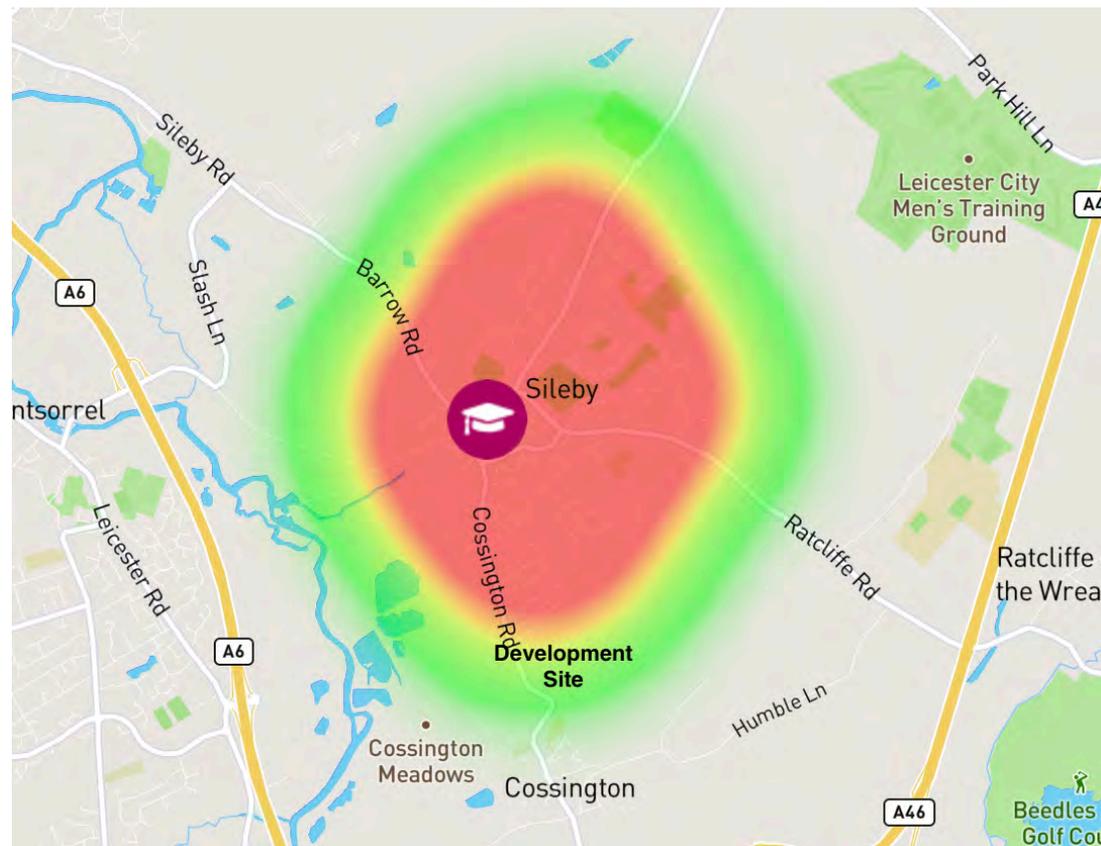
8.7 Cossington Primary School draws pupils from Cossington and Sileby, as shown below:



Map 6: Cossington CofE Primary School Catchment Area Heat Map

8.8 The second closest school to the development site is the catchment area school – Sileby Redlands Community Primary School. This is a 2FE Primary School approximately 0.9 miles walking distance from the development site that, as of the previous academic year, was operating at 87% of its available capacity with 54 spare places. That is more than the total child yield of this development.

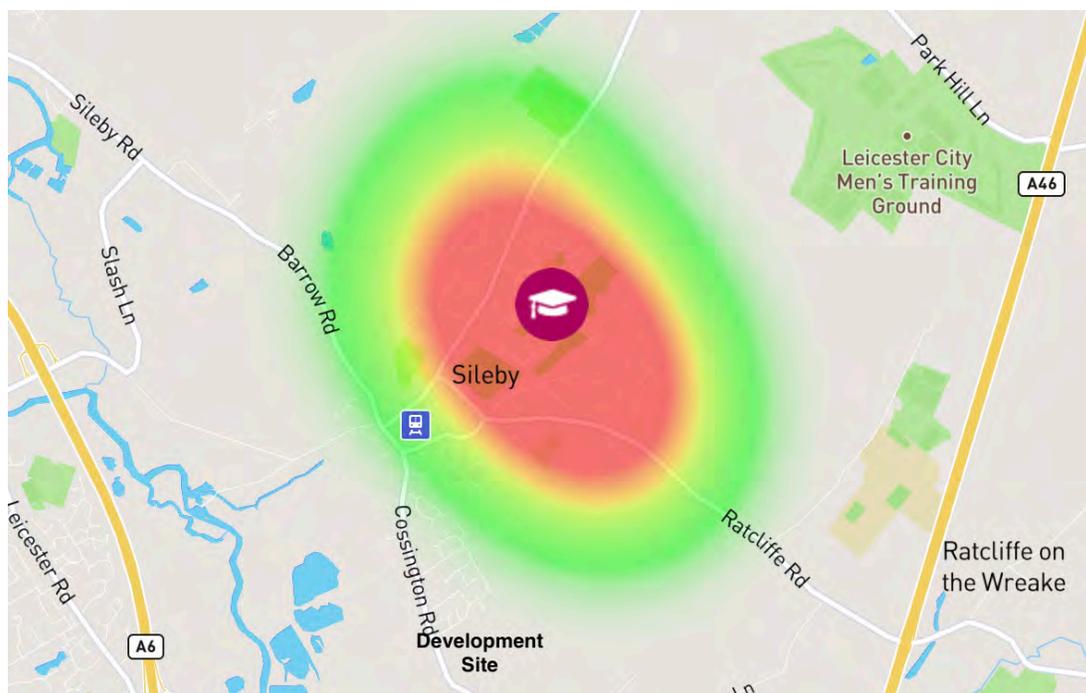
8.9 The school draws pupils from across Sileby, as shown below:



Map 7: Sileby Redlands Community Primary School Catchment Area Heat Map

8.10 The third and final school evaluated for capacity data is Highgate Community Primary School. This is a 1.5FE Primary School approximately 1.5 miles walking distance from the development site. As of the previous academic year, the school was operating at 70% of its available capacity with 93 spare places.

8.11 This school draws pupils from across the north of Sileby, as shown below:



Map 8: Highgate Community Primary School Catchment Area Heat Map

8.12 To summarise: in the previous academic year, the three schools that directly serve this development had a roll of 693 against a capacity of 840, which is 147 spare places. That is almost three times the total child yield of this development in spare capacity. Once Cossington CofE Primary School is expanded, the spare capacity in the area will be greater.

8.13 Turning now to the school projections in the public domain: the three schools form the Group 5b Barrow Primary Planning Area, and have a combined capacity of 840 places:

LA Name	School Name	May 19 NOR	Net Capacity	Primary Capacity	Secondary Capacity	NOR Total	Net Cap Total
Leicestershire	Highgate Community Primary School	208	315	315	0	673	840
Leicestershire	Sileby Redlands Community Primary School	363	420	420	0	673	840
Leicestershire	Cossington Church of England Primary School	102	105	105	0	673	840

Table 13: Group 5b Barrow Primary Planning Area Schools

8.14 LCC forecast that the three schools would have a combined roll of 727 in the 2020/21 academic year, whereas it was actually 693 (an over-projection of 34 pupil places). By 2023/24, the roll was forecast to be 790 pupils, which is spare capacity of 50 places:

**LA 855** **Area Code 8550205**  
**LA Name Leicestershire** **Area Name Group 5b Barrow Primary**  
**Primary Change 116**

Year Group	R		
Actual 1819	98	Sum 1819	674
Forecast 19-20	113	Sum 1920	696
Forecast 20-21	112	Sum 2021	727
Forecast 21-22	110	Sum 2122	765
Forecast 22-23	114	Sum 2223	787
Forecast 23-24	114	Sum 2324	790

Table 14: LCC SCAP Projections

8.15 The 7<sup>th</sup> December Consultation Response from LCC discusses spare capacity in Sileby Redlands Community Primary School, but Cossington and Highgate Primary Schools being 35 and 240 places over-capacity respectively.

8.16 There are two points here: the first is that LCC has not detailed which developments are likely to take Highgate Primary School over capacity, especially as it is currently operating with a lot of surplus. 93 spare places currently, plus a deficit of 240 places, is 333 more pupils than are currently on roll. This is the equivalent of over 1,100 new dwellings in Sileby to achieve this.

8.17 The Policies Map for Sileby in the emerging Local Plan details six allocations (Policies HA53 to HA59) and one for Cossington (HA58) which collectively generate 469 dwellings. Plus, with the impact of this site, you have 639 dwellings, which is nowhere close to the deficit highlighted in the consultation response. On that basis, it is not clear where they are getting their figures from.

8.18 The second point is that the 0.5FE expansion of the closest school to this development should be funded by both this site and the consented scheme in Cossington. There is forecast to be spare capacity when this expansion is undertaken. On that basis, how are School Transport costs justified? There is a significant lack of detail to justify the obligation.

8.19 In the April 2021 consultation response, Cossington CofE Primary was forecast to have a surplus of 4 places. Eight months later this had changed to a 35-place deficit. Similarly, the deficit at Highgate increased from 120 in April, to 240 in December, with no details of how this doubled.

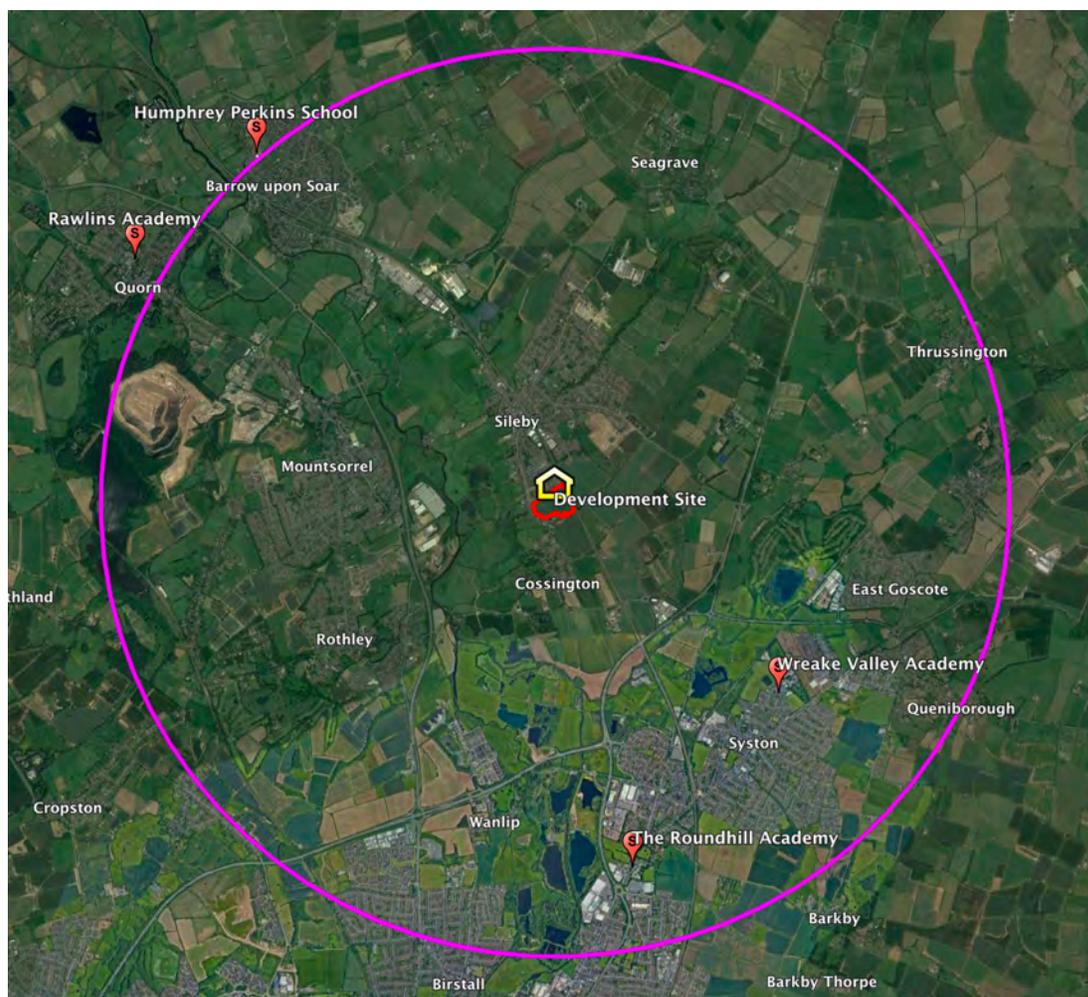
8.20 At the very least, more evidence is required to justify the request because it seems like expanding the closest school with funding from this development is an ideal mitigation solution. Accordingly, LCC were approached in a letter of 8<sup>th</sup> February

2022 (see Appendix 1) for more detail on these requests. There was no response by the requested deadline of 18<sup>th</sup> February 2022 (which was requested so that any update could be included in the Proof submitted to support this Appeal). On that basis, there is no clear audit trail for contributions as LCC has not provided sufficient evidence to justify a) their projections, and b) the need for Transport costs. I will welcome discussing these matters in more detail at the Round Table session on Section 106 matters.

## 9.0 Secondary Schools

9.1 There are two independent, non-selective, state-funded schools accommodating Secondary School aged children within a three-mile radius of the development site. There are a further two on the periphery of this parameter. The schools are all in the LCC administrative area, and are organised across two Secondary Planning Areas.

9.2 The location of the schools in relation to the development site can be seen below in Map 9:



Map 9: Schools in relation to the Development Site

9.3 The latest school roll data in the public domain (2020/21 academic year) can be seen below in Table 15:

Secondary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR 7-11	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Post 16
Humphrey Perkins School	LE12 8JU	Leicestershire	3.4	995	180	766	155	164	163	139	145	0
Wreake Valley Academy	LE7 1LY	Leicestershire	3.4	1,482	240	645	143	116	133	131	122	129
The Roundhill Academy	LE4 8GQ	Leicestershire	3.5	750	150	811	147	176	169	154	165	0
Rawlins Academy	LE12 8DY	Leicestershire	4.1	1,522	240	1217	246	251	241	242	237	339
<b>TOTAL</b>				<b>4,749</b>	<b>810</b>	<b>3,439</b>	<b>691</b>	<b>707</b>	<b>706</b>	<b>666</b>	<b>669</b>	<b>468</b>
Surplus							119	103	104	144	141	
Available Surplus %							15%	13%	13%	18%	17%	

Table 15: Pupil Numbers - January 2021

NoR = Number on Roll; PAN = Planned Admission Number

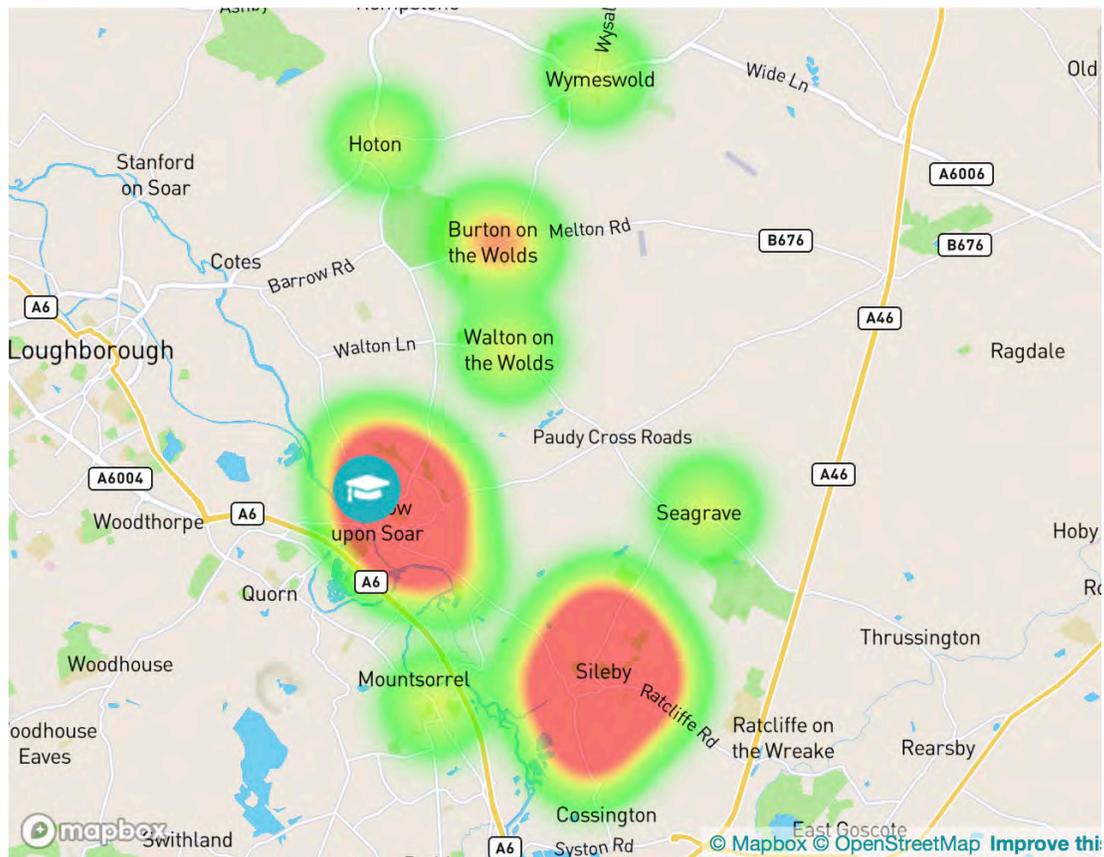
9.4 There are two schools that are 3.4 miles walking distance from the development site. The first is the catchment area school – Humphrey Perkins School. This is a 6FE Secondary School that, as of the previous academic year, was operating at 85% of its available capacity with 134 spare places in Years 7-11.

9.5 Details of where the school draws pupils from can be seen below:

### **OUR CATCHMENT AREA COVERS THE CATCHMENT AREAS OF:**

- ▶ Barrow Hall Orchard Church of England Primary School
- ▶ Burton on the Wolds Primary School
- ▶ Seagrave Primary School
- ▶ Sileby Highgate Primary School
- ▶ Sileby Redlands Primary School
- ▶ Wymeswold Primary School
- ▶ Cossington Primary School
- ▶ We very much look forward to receiving your application.

9.6 The catchment area map suggests that the school is taking pupils exclusively from within catchment, as shown below:



Map 10: Humphrey Perkins School Catchment Area Heat Map

9.7 However, the second school that is also the same distance from this development site is Wreake Valley Academy. This is a school that LCC considered for Sixth Form capacity (noting its considerable spare capacity) but have not considered for Secondary School provision. However, they should have done, as the school has a significant number of spare places. As of the previous academic year, the school was operating at 54% of its available capacity with 555 spare places in Years 7-11.

9.8 Where this gets somewhat more complicated is that the planned admission number for the school changes dependent on the Year Group, as shown below:

Year Group	Admission number for Academic year 2021 -2022	Comments
Year 7	PAN 240	Likely to be capped at 210 at the October census based on 7 form groups of upto 30 pupils.
Year 8	150	
Year 9	120	
Year 10	140	
Year 11	135	
Year 12 &13	130	

Table 16: Wreake Valley Academy Admissions

9.9 However, it looks like this is a cost saving measure rather than based on actual capacity, as the school has been historically severely undersubscribed. By lowering the admissions number, the school a) looks less empty than it actually is, and b) keeps the staff costs lower. The school, however, has an actual capacity of 1,482 places, which equates to an available 240 pupil places per Year Group, hence the possible Year 7 admissions number shown in Table 16.

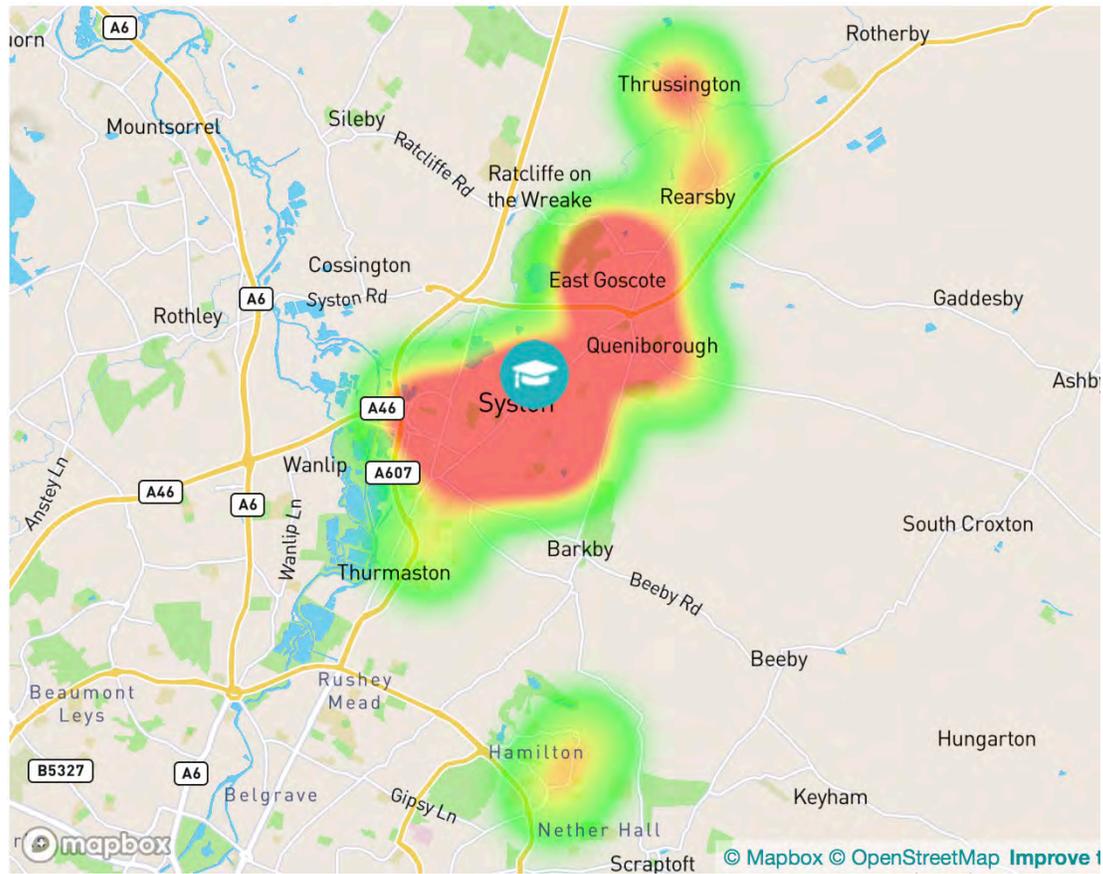
9.10 This exact issue was raised at an Inquiry<sup>10</sup> in Birmingham in 2019, where the Inspector stated (paragraph 12.14):

*I agree that that the assessment of capacity in local secondary schools should be based on the **physical capacity** of the local schools rather than their PAN. This is preferable as physical capacity can be measured and agreed by reference to a standard formula. It is also an important distinction given that planning obligations should not be requested or used other than for capital work to increase the physical capacity of a local school or schools to provide any additional places that are required.*

9.11 In other words, as admissions numbers can be manipulated, actual capacity should take precedent. In which case, there is a significant amount of spare capacity within a three-mile radius of this development which has not been taken in to account by LCC.

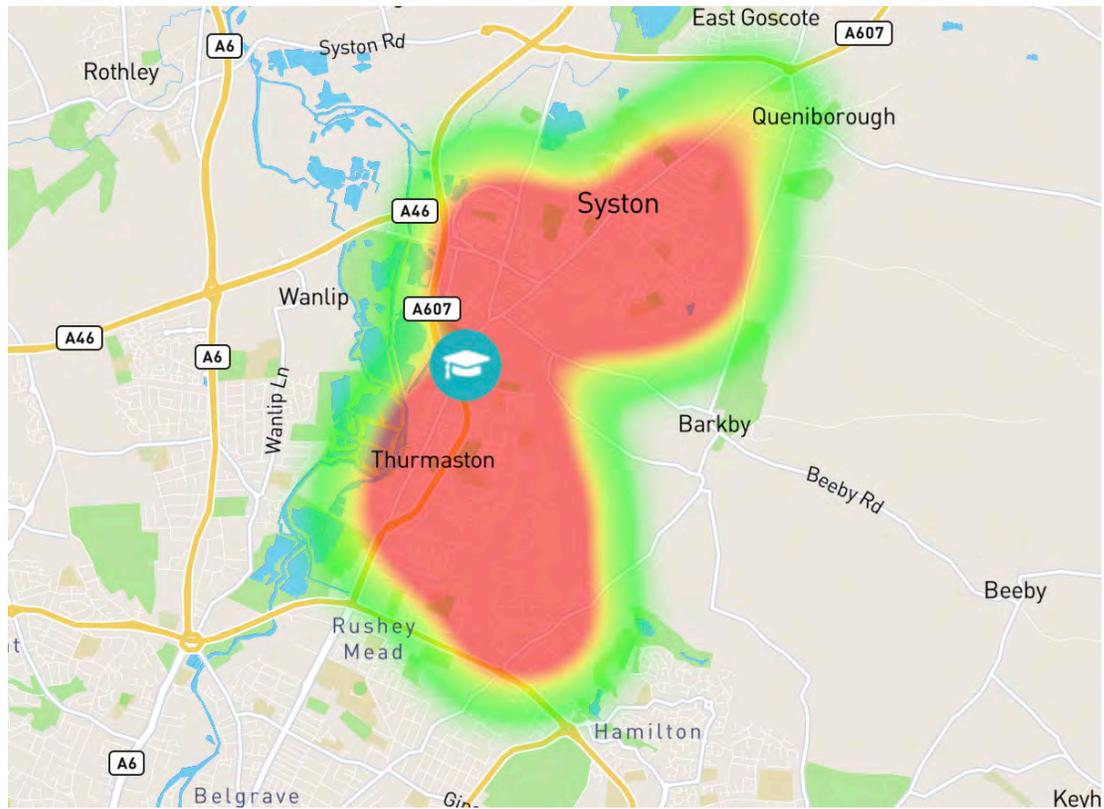
<sup>10</sup> APP/P4605/W/18/3192918

9.12 This development will also have children closer to the school than areas it currently draws from, such as Thrussington and Hamilton, as shown below:



9.13 The third closest school to the development, at 3.5 miles walking distance, is The Roundhill Academy. This is a 5FE Secondary School that is currently oversubscribed.

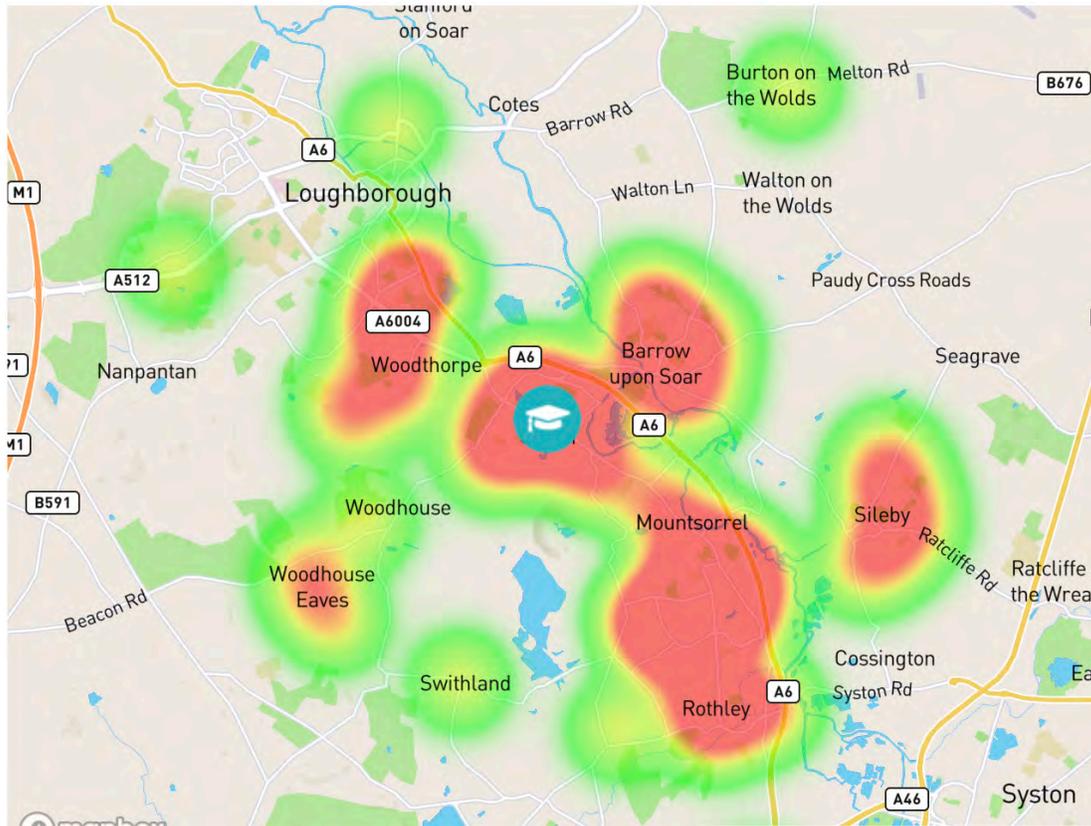
9.14 This school draws pupils from Syston and Thurmaston, as shown below:



Map 12: The Roundhill Academy Catchment Area Heat Map

9.15 The final school is Rawlins Academy. This is an 8FE school approximately 4.1 miles walking distance from the development site that is full.

9.16 The area that the school draws from can be seen below in Map 13:



Map 13: Rawlins Academy Catchment Area Heat Map

9.17 To summarise: in the previous academic year, there were 611 spare places in Years 7-11, with the vast majority of these being in the closest school (by a straight line) to this development. Wreake Valley Academy has more than enough capacity to accommodate the entirety of this development’s child yield, making planning obligations towards expanding capacity inappropriate.

9.18 Turning now to the projections produced by LCC: Humphrey Perkins and Rawlins Academy are grouped together to form Group 5 Barrow Secondary Planning Area. The schools have a combined capacity of 2,517 places:

LA Name	School Name	May 19 NOR	Net Capacity	Primary Capacity	Secondary Capacity	NOR Total	Net Cap Total
Leicestershire	Humphrey Perkins School	783	995	0	995	2342	2517
Leicestershire	Rawlins Academy	1559	1522	0	1522	2342	2517

Table 17: Group 5 Barrow Secondary Planning Area Schools

9.19 LCC forecast that these schools would have a combined roll of 2,453 pupils in 2020/21, whereas they actually had a roll of 2,322. This is an over-projection of 131

pupils. By 2025/26, the school spare forecast to be over capacity, although this may need to be reassessed due to the previous over-forecast.

**LA 855**

**Area Code 8551005**

**LA Name Leicestershire**

**Area Name Group 5 Barrow Secondary**

**Secondary Change 310**

Year Group	7		
Actual 1819	415	Sum 1819	2354
Forecast 19-20	415	Sum 1920	2383
Forecast 20-21	432	Sum 2021	2453
Forecast 21-22	429	Sum 2122	2519
Forecast 22-23	469	Sum 2223	2614
Forecast 23-24	462	Sum 2324	2668
Forecast 24-25	446	Sum 2425	2675
Forecast 25-26	436	Sum 2526	2664

Table 18: LCC SCAP Projections

9.20 The Roundhill Academy and Wreake Valley Academy Schools form the Group 4 Syston Secondary Planning Area, and have a combined capacity of 2,232 places:

LA Name	School Name	May 19 NOR	Net Capacity	Primary Capacity	Secondary Capacity	NOR Total	Net Cap Total
Leicestershire	The Roundhill Academy	827	750	0	750	1611	2232
Leicestershire	Wreake Valley Academy	784	1482	0	1482	1611	2232

Table 19: Group 4 Syston Secondary Planning Area Schools

9.21 In the 2020/21 academic year, the schools had a combined roll of 1,585 pupils. The forecast was that they'd have a roll of 1,668 pupils. This is an over-forecast of 83 pupil places. By 2025/26, the schools are expected to have 336 spare places, which is over eleven times the child yield of this development:

**LA 855**

**Area Code 8551004**

**LA Name Leicestershire**

**Area Name Group 4 Syston Secondary**

**Secondary Change 281**

Year Group	7		
Actual 1819	317	Sum 1819	1613
Forecast 19-20	295	Sum 1920	1608
Forecast 20-21	301	Sum 2021	1668
Forecast 21-22	350	Sum 2122	1757
Forecast 22-23	363	Sum 2223	1852
Forecast 23-24	361	Sum 2324	1891
Forecast 24-25	360	Sum 2425	1904
Forecast 25-26	338	Sum 2526	1894

Table 20: LCC SCAP Projections

9.22 This Report suggests that the only way that planning obligations can be justified is to ignore Wreake Valley Academy. This school is considered to be appropriate capacity for Sixth Form, and as a result, no planning obligation is being requested. The same should be true of Secondary.

9.23 Again, this question was put to LCC in a letter of 8<sup>th</sup> February (Appendix 1) but no response was provided. I would welcome discussing this further in the Round Table session on Section 106 obligations at the Appeal, as planning obligations are clearly excessive.

## 10.0 Early Years

10.1 Under the Childcare Act 2006, local authorities have specific duties to secure:

- Sufficient and suitable childcare places to enable parents to work, or to undertake education or training which could lead to employment
- Sufficient and suitable early years places to meet predicted demand
- Free early years provision for all 3 and 4-year olds (and more recently the 40% most vulnerable 2-year olds) of 15 hours per week 38 weeks per year.

10.2 The Childcare Act 2016 includes an extension to the current entitlement and, from September 2017, provides an additional 15 hours (per week 38 weeks per year) of free childcare for 3 and 4-year old children from working families who meet the following criteria:

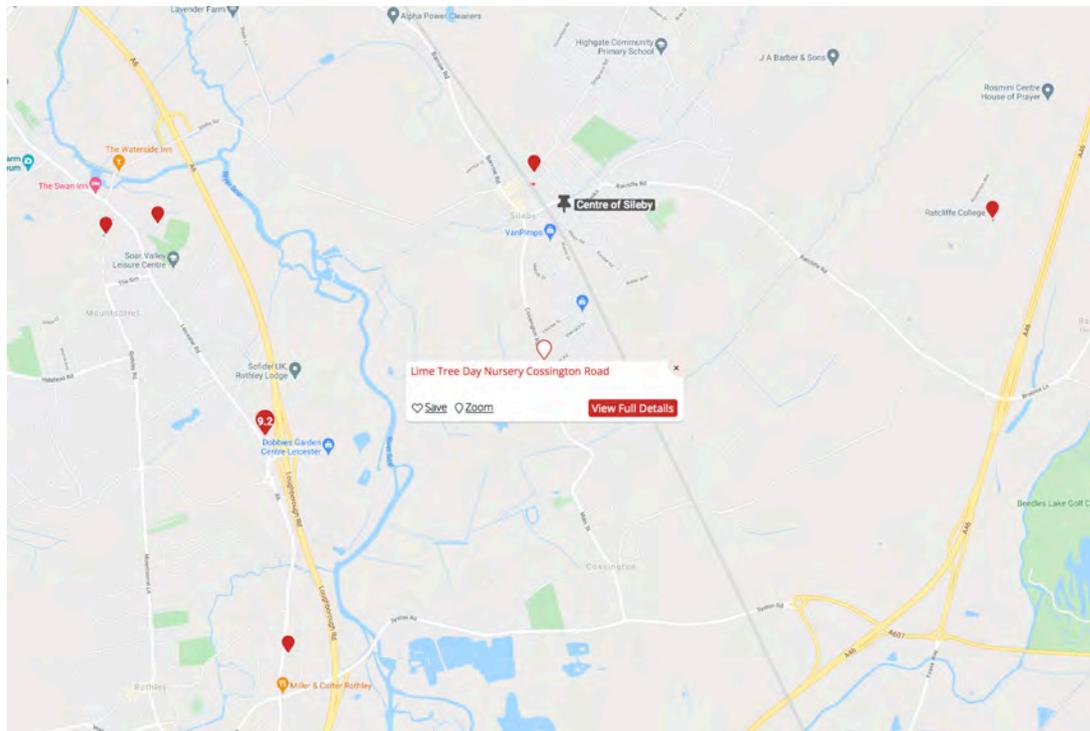
- Both parents are working (or the sole parent is working in a lone parent family)
- Each parent earns, on average, a weekly minimum equivalent to 16 hours at national minimum wage and less than £100,000 per year.

10.3 A development of this size is expected to generate 14-15 Early Years aged pupils. The current request is for £124,698, which is the equivalent of approximately £8,313 per pupil place. This is not excessive. The question is whether there is already capacity available for this development in existing facilities. There is at least one private facility very close to this development, and another six within 1.5 miles of Sileby:

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<p><b>Lime Tree Day Nursery Sileby</b> 0.2 miles away 42-46 King Street, Sileby, Loughborough LE12 7NA</p> <p><b>Type of Nursery</b> Day Nursery <b>48 Places</b></p>	<p>17 reviews <b>9.1</b></p> <p>Save View Full Details</p>
<p><b>Lime Tree Day Nursery Cossington Road</b> 0.4 miles away 231 Cossington Road, Sileby, Loughborough LE12 7RR</p> <p><b>Type of Nursery</b> Day Nursery <b>45 Places</b></p>	<p>1 review</p> <p>Save View Full Details</p>
<p><b>Rothley Park Kindergarten Ltd</b> 1.1 miles away Loughborough Road, Rothley, Leicester LE7 7NL</p>  <p>Rothley Park Kindergarten Ltd is a bright and spacious Leicestershire facility, employing qualified professionals to make the most of the resources on offer and inspire pre-school development. There is a key worker system in place to ensure each child's...</p> <p><a href="#">Read more about Rothley Park Kindergarten Ltd &gt;</a></p> <p><b>Type of Nursery</b> Day Nursery <b>113 Places</b></p>	<p>52 reviews <b>9.2</b></p> <p><i>"What a fantastic nursery! The care, love and support all the staff have shown my daughter and us as a family throughout the time she has..."</i></p> <p>Save View Full Details</p>
<p><b>Charnwood Pre-School (Mountsorrel)</b> 1.2 miles away Little Lane, Mountsorrel, Loughborough LE12 7BH</p> <p><b>Type of Nursery</b> Day Nursery <b>32 Places</b></p>	<p>2 reviews <b>8.3</b></p> <p>Save View Full Details</p>
<p><b>Ratcliffe College Nursery</b> 1.3 miles away Ratcliffe College, Fosse Way, Ratcliffe on the Wreake, Leicester LE7 4SG</p> <p><b>Type of Nursery</b> Nursery School <b>36 Places</b></p>	<p>Save View Full Details</p>
<p><b>Castle View Day Nursery</b> 1.4 miles away Watling Street, Mountsorrel, Loughborough LE12 7BD</p> <p><b>Type of Nursery</b> Day Nursery <b>45 Places</b></p>	<p>1 review</p> <p>Save View Full Details</p>
<p><b>Charnwood Nursery &amp; Pre-School (Rothley)</b> 1.5 miles away 933 Loughborough Road, Rothley, Leicester LE7 7NJ</p> <p><b>Type of Nursery</b> Day Nursery <b>50 Places</b></p>	<p>Save View Full Details</p>

Table 21: Nurseries near Sileby



Map 14: Nurseries near Sileby

10.4 I have not seen the evidence that justifies the planning obligations for Early Years. The falling birth numbers in Charnwood should suggest that spare capacity will grow and not fall. It may be that a question is put to the Inspector as to whether these contributions have been fully justified, as at present that is not clear.

10.5 Early Years claimed, in their consultation response of 8<sup>th</sup> April 2021, that:

*There are currently 5 childcare providers in Sileby providing 189 childcare places. There were 171 children aged 2, 3 and 4 year olds who claimed the Free Early Education in the Summer term 2021 headcount. This does not take into account babies, 1 year olds and non FEEE 2 year olds.*

*There are 2 other developments within Sileby with a planned housing total of 395 dwellings. This creates 33 places that are required. A total of 204 places required. Therefore, a full claim of 14 places is justified.*

10.6 A request was sent to LCC Early Years on 9<sup>th</sup> February 2022 (see Appendix 2) for additional information related to the specific facilities that will serve this site, and the impact of the birth numbers on said facilities. LCC Early Years, to their credit,

responded on 10<sup>th</sup> February. However, what they have managed to demonstrate is that there will be capacity for this development.

10.7 To further expound on this point: There are 189 childcare spaces with 171 children on roll (see Appendix 2), which is spare capacity of 18 places. This development is forecast to generate 14 Early Years places. Early Years discuss, in their email of 10<sup>th</sup> February 2022, two developments in Sileby with a planned housing total of 395 dwellings; these are the yet to be determined Barwood application for 175 dwellings, and the Gladman development of 228 dwellings. The latter development has provided full planning obligations for additional Early Years places in Sileby, which will increase the available the capacity of the area by 19 places, making the actual available capacity 208. Therefore, there is spare capacity in the area that has not been discounted from this planning obligation request, making the contribution excessive, and not CIL 122 compliant.

10.8 Additionally, this available provision is provided by the Private Sector. If additional provision is necessary, it is most likely the Private Sector that will create the places to accommodate the children. The proof that harm will arise without planning obligations is lacking. I will welcome discussing this matter further during the round table discussion on Section 106 matters.

## 11.0 Special Education Needs

11.1 The DfE states in their latest PPG on securing education planning obligations (November 2019):

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

11.2 This demonstrates that the best practice guidance supports the requesting of SEN contributions if they are needed.

11.3 However, this development is too small to be likely to have any children with SEN on site. LCC has suggested that the development will generate 0.62 Primary and 0.68 Secondary School children with SEN. Is this sufficient to be considered to be “necessary to make the development acceptable in planning terms”? A fraction of a pupil is not a pupil. Again, this should be put to the Inspector to rule on.

11.4 It may be that during the Appeal process it is ruled that there is a benefit in pooling fractions of pupils from multiple developments. However, my assessment is

that when you consider fractions of children, that this is not sufficient evidence to request planning obligations. The justification simply isn't there. I do not believe you can assess whether there is likely to be any harm derived from not providing planning obligations, and rule that this is anything other than excessive. I will welcome discussing this matter further at the Section 106 Round Table discussion.

## 12.0 Primary Healthcare

12.1 With regards to the provision of Healthcare at Practices that will serve this development, the primary statutory duty rests with the Secretary of State for Health, as per the National Health Service Act 2006, with the mandate for delivery resting with NHS England.

12.2 Responsibility for commissioning primary care services, including general practice, sits formally with NHS England. However, over time clinical commissioning groups (CCGs) have increasingly taken on full or partial delegation of these commissioning powers for primary care. This now means most CCGs have at least some responsibility for commissioning general practice in their local area, while keeping to national guidelines to ensure consistency.

12.3 The Handbook to the NHS Constitution for England (updated 4th February 2021) states the following:

***Right: 'You have the right to choose your GP practice, and to be accepted by that practice unless there are reasonable grounds to refuse, in which case you will be informed of those reasons.'***

*You can choose which GP practice you would like to register with. That GP practice should accept you onto its list of NHS patients unless there are good grounds for not doing so, for instance because you live outside the boundaries that it has agreed with NHS England or because they have approval to close their list to new patients. In rare circumstances, the GP practice may not accept you if there has been a breakdown in the doctor-patient relationship or because you have behaved violently at the practice. If a GP practice does not accept you onto its list, it should tell you why. If for any reason you are unable to register with your preferred GP practice, NHS England will help you to find another one.*

### **Source of the right**

*The right is derived from the duties imposed on the provider of GP services by regulations made under the NHS Act 2006, in particular paragraphs 15 to 17 of Schedule 6 to the National Health Service (General Medical Services Contracts)*

*Regulations 2004 and paragraphs 14 to 16 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004.*

12.4 What is evident from the NHS Constitution is that a Health Contribution via Section 106 planning obligation cannot be necessary under the tests of CIL Regulation 122, as the NHS Constitution prevents it from being necessary. If an NHS Practice is full, there is a statutory process to go through to close it to new patients. In that eventuality, they will recommend an alternative facility to the Patient.

12.5 There are two facilities very close to this development site: The Banks Surgery (LE12 7RD) and Highgate Medical Centre (LE12 7UD), as shown below:



Map 15: GP Surgeries near to the Development Site

12.6 Cossington Road, Sileby is covered by postcodes LE12 7RP to LE12 7RW, and consists of 204 dwellings. To expand that further:

- Postcode LE12 7R = 572 dwellings;
- Postcode LE12 7 = 8,002 dwellings;

- Postcode LE12 7 equates to 17,608 persons registered with a GP;
- That equates to an average household size of 2.2 persons (NHS West Leicestershire CCG are requesting contributions based on 2.42 people per household);
- The 17,608 persons discussed above are registered across 36 GP Practices.

12.7 The first question that must be answered is whether these GP Surgeries are accepting new Patients. The Banks Surgery **has space**<sup>11</sup> and is accepting new Patients:

**New Patient Registration**

The doctors welcome new patients who live within our practice area. To check whether you reside within our boundary, please click [here](#) and enter your postcode.

Registering is easy just call in to the surgery, we have a form you need to fill in and sign, we do the rest.

Anyone in England can register with a GP surgery.

You do not need proof of address or immigration status, ID or an NHS number.

As it often takes sometime for records to be forwarded from your former practice all newly registered patients will be asked to complete a health questionnaire.

Medical treatment is available from the date of registration. Please contact reception for further information.

The Royal College of General Practitioners has produced a useful guide for patients about the services on offer at GP Surgeries and how to access them. You can download the guide below.

 [A Patient Guide to GP Services](#)

Have your say



12.8 The Banks Surgery (C82600) has, at January 2022, 5,840 patients, up from 5,804 in 2015.

12.9 Highgate Medical Centre **has space**<sup>12</sup> and is accepting new Patients:

<sup>11</sup> <https://www.thebankssurgery.co.uk/new-patients.aspx>

<sup>12</sup> <https://www.highgatemedicalcentre.co.uk/new-patients.aspx?t=1>

**Highgate Medical Centre**  
Tel: 01509 816364

5 Storer Close  
Sileby  
Loughborough  
Leicestershire, LE12 7UD  
Tel: 01509 816364

Home Opening Hours Appointments Prescriptions Clinics & Services Policies Practice Staff **New Patients** Contact Details

Registration Registering Online Non-English Speakers Practice Boundary

### New Patient Registration

The doctors welcome new patients who live within our practice area. Our practice area includes Sileby, Barrow upon Soar, Seagrave, Rothley, Ratcliffe on the Wreake and Cossington. We do not discriminate on grounds of race, gender, social class, age, religion, sexual orientation or medical fitness.

As it often takes sometime for records to be forwarded from your former practice, all newly registered patients will be asked to complete a health questionnaire. You can do this online or complete a form at reception.

**We ask for proof of address: this can be a recent utility bill, council tax bill, etc. we also ask for proof of identity: this can be your birth certificate, passport or driving licence.**

To register with the practice please complete and submit the following registration form by email or in person:

**Quick Links**

- Latest News
- Search
- Translate Page
- Have your say**
  - Friends of Highgate Surgery (PPG)
  - Friend & Family Test
  - Friend & Family Results
  - Survey Report
- Further Information**
  - GP Earnings

12.10 Highgate Medical Centre (C82644) has, at January 2022, 4,536 patients up from 3,523 in 2015.

12.11 If both of these facilities are accepting new Patients, they cannot be said to be at capacity.

12.12 As discussed, the balance of people not on roll at these facilities are registered at 34 alternative GP Practices. This may indicate a reluctance of migrant households to change GP, as is common. It is very likely that the population that will be living on this development will in many cases not change GP Practice, or equally in many cases, will select a GP Practice on the basis of the free choice enshrined in the NHS Constitution, and not necessarily proximity (or, for example, Babylon Health which, being online and increasingly popular, has no premise).

12.13 It should also be highlighted that the vast majority of NHS Practices have patient rolls that are inflated. As UK Parliament reported, mid 2015 ONS estimates put the population of England at 54.8 million people, whereas there were 57.1 million people registered with GPs. In addition, the impact on local services would only be from a subset of the total population living on the site, as the remainder would have moved from somewhere else in the Borough, and would be unlikely to change GPs (they would already be registered).

12.14 In order for planning obligations to be considered CIL Reg 122 compliant, there must be a deficit in places identified and evidenced, for which planning obligations would be utilised to increase the capacity to accommodate the growth in

population. GP Patients have a free choice of GP Practices to attend, as per the NHS Constitution. Without the Commissioning Board closing a GP Practice to new patients, the chosen Practice must accept the patient. If there is no demonstrable deficit that would be made worse by new development, the contribution is not necessary to make the development acceptable in planning terms.

12.15 Capacity at NHS Practices is not calculated in the same way as, say, Schools. That is because it is not about “capacity” but about “patient utilisation”. If an NHS Practice opens for an hour longer every day, or opens at weekends, its capacity grows. What is evident is that there is a statutory process to go through if an NHS Practice is full. Neither of the NHS Practices have gone through this process.

12.16 It should be noted that these arguments were put to an Inspector recently in an Appeal<sup>13</sup> in Nottinghamshire in 2021. The Inspector said:

#### *Health Contribution*

55. A figure of £316,403.64 is sought from the Nottingham and Nottinghamshire Clinical Commissioning Group (CCG) on the basis that the nearest surgeries to the appeal site are at capacity. The justification for the contribution rests on CCG’s consultation response<sup>20</sup> supplemented by an email<sup>21</sup>. These explain that ‘*at capacity*’ means the practices have no more space available to them either within their building or the ability to convert space internally.
56. As the Council’s planning witness accepted, this does not mean; 1) that the surgeries are unable to accommodate new patients, or 2) that existing or projected appointment wait times would be unacceptably long. There is no dispute that the nearest surgeries are accepting new patients and no evidence of excessive waiting times or any other operational issues was put to the Inquiry.
57. The contribution has been calculated via a standard formula which assumes each unit on the site would be equivalent to the average house size in the Borough. That approach ignores the site-specific housing mix set out above. Based on an average 2.3 people per dwelling, it is then calculated that the appeal scheme would generate an increased patient population of 810. However, in light of the Appellant’s evidence on the likely origin of future residents<sup>22</sup>, that assumption is fundamentally flawed.
58. There is nothing in the responses to demonstrate that the CCG has looked at the specific impact of the proposed development on GP practices in the area. Instead it has relied on a standard, per dwelling, approach which fails to accord with the approach to contributions advocated for in the SPD.
59. Finally, the supplementary email draws attention to the CCG’s intention to relocate one of the four surgeries to a new building with sufficient space to accommodate one of the other practices. However, there is nothing to suggest that the delivery of this programme, which appears at an advanced stage, is dependent on s106 funding from this development or any others.

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<sup>13</sup> APP/B3030/W/20/3260970

12.17 The Health contribution was found not to meet the statutory CIL tests, due to the difficulty in identifying what harm would arise from the failure to provide it, and was removed from the Section 106. Available capacity essentially makes the request fail the tests of CIL.

12.18 It should also be mentioned that GP Practices are funded in the major part per patient using the Carr-Hill formula that uses patient age and sex plus additional needs to determine the core sum. New housing is attractive because new housing is primarily young households. Young households use GP services less than older households. Thus, in GP time consumption terms, new housing subsidises older patients in stock housing.

12.19 GP practice premises are funded via a separate funding stream that is driven by rateable value and rental value. Thus, expanding a GP practice for any reason confirmed by the CCG/Area Team is fully funded by the NHS. Thus, any funds derived from a developer is double funding. Unlike school places there is no clawback mechanism.

12.20 The NHS is a national service funded from taxation. The duty to provide all that is necessary rests with the Secretary of State and NHS England, thus the necessity requirement in CIL Regulation 122 is not met. The impact on local services would be from a subset of the total population living on the site. This is because many of the residents would be expected to have moved from elsewhere in the Borough and would already be accessing local services. However, NHS England is requesting funding from 100% of the expected population of the site. This is excessive, and not CIL Reg 122 Compliant. I will welcome discussing this further at the Section 106 Round Table discussion during the Appeal process.

## 13.0 Conclusion

13.1 To summarise the demographic data of the administrative area: new housing developments have been very consistent, and new dwelling delivery had been increasing year on year since 2014 to 2018, but has subsequently fallen slightly; birth numbers in 2020 were the lowest they'd been since 2013, with the trend a falling one; and the median age of the administrative area is younger than the national picture, and getting younger. CBC is a net importer of people of all ages, including children.

13.2 From a Primary School perspective, the 7<sup>th</sup> December Consultation Response from LCC discusses spare capacity in Sileby Redlands Community Primary School, but Cossington and Highgate Primary Schools being 35 and 240 places over-capacity respectively. There are two points here: the first is that LCC has not detailed which

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developments are likely to take Highgate Primary School over capacity, especially as it is currently operating with a lot of surplus (in spite of this being requested – see Appendix 1). 93 spare places currently, plus a deficit of 240 places, is 333 more pupils than are currently on roll. This is the equivalent of over 1,100 new dwellings in Sileby to achieve this, but no details of which developments that refers to.

13.3 The second point is that the 0.5FE expansion of the closest school to this development should be funded by both this site and the consented scheme in Cossington. There is forecast to be spare capacity when this expansion is undertaken. On that basis, how are School Transport costs justified? There is a significant lack of detail to justify the obligation. In the April 2021 consultation response, Cossington CofE Primary was forecast to have a surplus of 4 places. Eight months later this had changed to a 35-place deficit. Similarly, the deficit at Highgate increased from 120 in April, to 240 in December, with no details of how this doubled. At the very least, more evidence is required to justify the request because it seems like expanding the closest school with funding from this development is an ideal mitigation solution. LCC should be approached for this for clarification.

13.4 From a Secondary School perspective, planning obligations are only justified if you ignore Wreake Valley Academy (which is the closest school as the crow flies) which is operating with a very high number of spare places, which are expected to remain. This makes planning obligations excessive.

13.5 There is more capacity in Early Years facilities than has been reported by LCC, as they have not factored in secured planning obligations from the local development being brought forward by Gladman. The falling birth numbers in Charnwood should suggest that spare capacity will grow and not fall. There are certainly private nurseries within a very close distance of this development, and any additional need will be picked up by the Private Sector, as it is currently.

13.6 From a SEN perspective, this development is too small to be likely to have any children with SEN on site. LCC has suggested that the development will generate 0.62 Primary and 0.68 Secondary School children with SEN. Is this sufficient to be considered to be “necessary to make the development acceptable in planning terms”? A fraction of a pupil is not a pupil. I believe that the burden of proof is on LCC to demonstrate that a) there will be a child with SEN on this development, and b) there is no capacity. This has not been fulfilled.

13.7 From a Health perspective, the main issues are as follows: the existing GP Practices are not full, and are accepting new patients. The monetary request is for 100% of the people that are expected to live on this development site in spite of the fact that most people that move house do not move far, and they do not change GP Practices once habits have been formed, making the request excessive. Most NHS

Practices have inflated rolls, as reported by UK Parliament, meaning that the roll is actually lower than forecast. The request does not fulfil the tests of CIL Reg 122.

13.8 I have approached both LCC Education and Early Years for further clarification and have only received a response from the latter. I do not believe that the burden of proof that harm will arise from these planning obligations has been met. I welcome having the opportunity to discuss this further at the Round Table Section 106 discussion.

13.9 Please let me know if you need anything further, or would like to discuss.



**Ben Hunter**  
Social Infrastructure Consultant  
EFM

21<sup>st</sup> February 2022

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## 14.0 Appendices

### Appendix 1: Letter to Leicestershire County Council Education



Suite 2, Unit 10, Bradburys Court,  
Lyon Road, Harrow, HA1 2BY  
**FROM BEN HUNTER**

Telephone: 020 8125 4081

[Schoolplaceplan@efm-ltd.co.uk](mailto:Schoolplaceplan@efm-ltd.co.uk)

**Direct Line: 07497 338456**  
[ben@efm-ltd.co.uk](mailto:ben@efm-ltd.co.uk)

**Sharon Townsend**  
**Leicestershire County Council ("LCC")**  
**BY EMAIL ONLY**

**8<sup>th</sup> February 2022**

Cc. Clare Milner, LCC

Dear Sharon,

**REF: LAND EAST OF COSSINGTON ROAD, SILEBY, LEICESTERSHIRE (P/21/0491/2)**

I hope you're well.

I am working on behalf of David Wilson Homes ("the developer") reviewing the education planning obligations being requested against the site detailed above, that is currently the subject of an Appeal. You provided an updated consultation response for Education (attached) in relation to the 170-dwelling application, dated 7<sup>th</sup> December 2021. This includes contributions towards:

- Primary School infrastructure and transport costs;
- Secondary School infrastructure; and
- SEN provision.

There is a separate request for Early Years provision from Praksha Bathia dated 8<sup>th</sup> April 2021. However, this letter is specifically in regards to your consultation response.

Due to the status of the development at Appeal, every aspect of the planning obligations needs to be scrutinised to establish whether it is CIL Reg 122 compliant, and can be justified to an Inspector. Furthermore, the developer needs an audit trail to take back to the Land Owners in order to justify everything that is agreed. Accordingly, I would be very grateful if you could clarify some points from the updated consultation response of 7<sup>th</sup> December, which are discussed below:

1. From a Primary School perspective, you are requesting planning obligations for new infrastructure, and transport costs. The closest Primary School to this development is Cossington CofE Primary School. There is a recently consented scheme in Cossington (P/20/2393/2) that is providing expansion land for this Primary School of 1.2ha. The consented scheme generates circa 39 Primary School pupils, meaning that if the school is expanded to a full 1FE (an extra 105 places)



2

there is capacity for this development's children. Would contributions towards this expansion project not be the best use of funding, and if so, are school transport costs no longer required?

2. Highgate Primary School had, as of January 2021 Census, 93 spare places (capacity of 315, roll of 222). You state in the consultation response that this school is forecast to have a deficit of 240 places, which is 333 more pupils than are currently on roll. Which developments are you considering that are forecast to generate these 333 Primary School aged pupils?
3. With regards to Highgate Community Primary School, the deficit increased from 120 pupils in April 2021, to 240 pupils in December 2021. Where are the additional 120 pupils expected to come from?
4. In the April 2021 consultation response, there was no Secondary Education request. By December 2021, there had been the insertion of a request for circa £500k. Geographically, the closest school to this development is Wreake Valley Academy. This school had, as of the previous academic year, 708 spare places (this development is forecast to generate 29). The Group 4 Syston Secondary Planning area is never forecast to go over capacity. Wreake Valley Academy is considered for Sixth Form capacity but not Secondary. If that school can accommodate the entirety of the child yield of this development, and is closest (although not the catchment school) how can planning obligations be said to be appropriate?
5. From a SEND perspective, you are asking contributions based on fractions of a pupil. There is therefore not a clear link between need and the contribution requested. The Inspector will need to ascertain whether harm would come from not providing planning obligations. As the likelihood that one child with SEND will be located on this development is marginal, can this be justified under Appeal conditions?

As the Appeal is imminent, there is a deadline for Proofs of Evidence of **21<sup>st</sup> February 2022**. On that basis, I would be very grateful if you were able to consider the questions raised above and respond no later than **18<sup>th</sup> February 2022** so that we may consider your responses and ensure that the answers are detailed in the work we submit to support the Appeal.

I trust that this is acceptable, but if you had any issues with what is detailed above, or wanted to discuss further, I would be very happy to do so.

I look forward to hearing from you.

Kind regards,

**Ben Hunter**

Education Consultant, EFM (on behalf of David Wilson Homes)

## Appendix 2: Email to LCC Early Years, and response

Ben Hunter

Early Years - P/21/0491/2, Land East of Cossington Road, Sileby

To: Praksha Bathia, Cc: White, Harry, Liberty Stones

9 February 2022 at 16:23

[Details](#)

BH



CD4.12 Early  
Years LCC.pdf

Good afternoon Praksha,

I'm hoping you can assist. I am working for David Wilson Homes, the developers of the above site, on establishing an audit trail of all planning obligations related to the site on Cossington Road, Sileby that is now subject to a Planning Appeal.

Your consultation response (attached) states that there are 5 childcare providers in Sileby providing 189 childcare places. Are you able to provide the names and capacities of these facilities?

Furthermore, could you confirm whether the falling birth numbers in Sileby and the Charnwood area generally have been considered when looking at capacity?

We have to ensure that every aspect of the planning obligations agreed will stand up to the scrutiny of an Inspector in an Appeal scenario, so your assistance with proving that additional information would be kindly received.

Just to let you know that the deadline for Proofs is Monday 21st February, so any information you could provide prior to Friday 18th February would be appreciated.

I look forward to hearing from you.

Kind regards,

**Ben Hunter**  
Education Consultant

Mob: 07497 338456

EFM (Educational Facilities Management Partnership Ltd)  
Suite 2, Unit 10,  
Bradburys Court,  
Lyon Road,  
Harrow,  
HA1 2BY

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Praksha Bathia @

RE: Early Years - P/21/0491/2, Land East of Cossington Road, Sileby

10 February 2022 at 16:34

[Details](#)

PB

To: Ben Hunter, Cc: White, Harry, Liberty Stones, Neil Aldridge-Clyne, Planning Obligations, Jo M Fisher

Dear Ben

Thank you for your email. Please find below the response to your query.

The five early years providers and their capacity are:

Provider name	Capacity
Lime Tree Cossington Road	45
Lime Tree Day Nursery Sileby	54
Peter Pan Playgroup	44
Sileby Little Stars Pre School	26
Sileby Redlands Pre-school & Out of School Club	20

Please bear in mind that the amount of places taken at the two day nursery providers does not take into account 1 year olds and non-funded 2 year olds.

The analysis of the Sileby area (see table below) and how the feeder births affect the local schools shows an average of 108 births over the 5 year period, although there is a fluctuation in 2018 and 2019. There doesn't appear to be a significant decrease in the number of births in 2017 and 2021.

Feeder births in Jan	No of births
2017	108
2018	100
2019	116
2020	108
2021	108
	Average 108

Furthermore we would expect, as with any new housing and the general age range of families buying properties, that this would contribute to increasing births in an area.

Kind Regards

*Praksha*

Praksha Bathia  
Business Development Adviser  
Early Learning Childcare and Inclusion Service  
Leicestershire County Council

Tel: 0116 305 8048

SFEDI qualified Adviser

If you have positive COVID cases of **staff and/or children** in your setting please notify [Ofsted](#)

If you have an outbreak of several confirmed cases within 10 days, contact DfE coronavirus helpline. 0800 046 8687 option 1 (DfE will notify Public Health England, who may call you to risk assess your situation)

If you need to close your provision please inform [childcare@leics.gov.uk](mailto:childcare@leics.gov.uk)