

Mark Pickrell  
Charnwood Borough Council

Date: 23 September 2022  
My Ref: 2021/2380/02  
Your Ref: P/20/2380/2  
Contact: Clare Milner  
Phone: 01163057073  
Email: [planningobligations@leics.gov.uk](mailto:planningobligations@leics.gov.uk)

Dear Mark,

## Leicestershire County Council Consultation Response – Planning Obligations

### Proposal

Outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access.

At

### Location

Barkby Road, Queniborough. Leicestershire.

### Summary of Infrastructure Requirements

Infrastructure Category	Location	Amount
Early Years Education	No request	£0.00
Libraries	East Goscote Library	£4,541.40
Waste	Mountsorrel RHWS	£7,750.50
Primary Education	Queniborough Church of England Primary School	£642,460.00
Secondary Education (11-16)	Wreake Valley Academy	£0.00
Post 16 Education	Wreake Valley Academy	£0.00
SEND Education	Birch Wood (Melton Area Special School)	£84,672.65
<b>Total</b>		<b>£739,424.55</b>

### Please Note

- An assessment of highways and transport issues will be carried out as part of the planning application. The Local Highway Authority will provide comments separately to this response and will set out any requirements for planning conditions or obligations to mitigate the impact of the development, in accordance with paragraph 55 of the NPPF.
- In the event that the requested developer contributions are not supported by the local planning authority or in circumstances where the applicant is disputing the requests that have been made, please inform the LCC case officer as a matter of urgency.
- To ensure that the contributions requested are not devalued because of rising construction costs (e.g. materials or labour), we request that where appropriate, the point at which indexation applies will be calculated from the date any subsequent legal agreement is completed.

However, for contributions relating to Education (including primary, secondary, early years and special education), indexation will be calculated at the date of the latest costs review (1 July 2021). Where a costs review is carried out after a consultation response has been provided, but before planning permission is granted, indexation will apply from the date of the latest costs review.

## **Background**

This response has been prepared on behalf of Leicestershire County Council. It sets out all requirements except those from the Local Highway Authority, which will be provided separately.

The response has regard to the National Planning Policy Framework (NPPF) 2021. This includes the requirement that development can be made acceptable through the use of conditions or planning obligations and the need to only include planning obligations where it is not possible to address unacceptable impacts through a planning condition. The request for planning obligations has regard to paragraph 57 of the NPPF, which states that planning obligations must only be sought where they meet the three tests.

An explanation of how each obligation request meets these tests can be found in the individual responses below.

The County Council's approach to requesting developer contributions as part of the planning application process is set out in its [Planning Obligations policy \(July 2019\)](#). This document was produced following stakeholder consultation and should be treated as a material consideration when dealing with planning applications.

The County Council's response has been prepared having regard to the Local Planning Authority's development plan and other material planning considerations.

Please contact the case officer, whose details are at the top of this letter, if any further information is required in support of this request.

## Education Contributions – An Overview

For developments of 10 dwellings or more (two bedrooms or larger), contributions are sought towards Primary, Secondary and Post 16 education provision. For developments 100 dwellings or more (two bedrooms or larger), contributions are sought towards Early Years Education and to support children with Special Educational Needs and Disabilities (SEND).

Where the number and type of dwellings has yet to be established, calculations are applied on the basis that all of the dwellings proposed have two or more bedrooms. The methodology for calculating contributions is set out below.

### Primary, Secondary, Post 16 Education and SEND

When calculating a contribution, LCC takes account of the average cost per pupil place for extensions and re-build projects set out in the Department for Education's annual National School Delivery Cost Benchmarking Report (NSDCBR). The costs set out in this response take account of the latest costs data provided within the National School Delivery Cost Benchmarking Report. The latest costs review was carried out on 1 July 2021.

The figures are calculated against the pupil yield rates set out below.

Education Sector	DfE Amount per Pupil	Pupil Yield Rate (Per House)	Pupil Yield Rate (Per Flat)
Primary	£18,356	0.3	0.43
Primary (SEND)	£65,664	0.00363	0.00052
High School (11-14)	£17,876	0.1	0.016
Upper School (14-18)	£18,355	0.3	0.016
Secondary (11-16)	£17,876	0.167	0.0267
Secondary (11-18)	£19,327	0.033	0.0053
Secondary (11-19) (SEND)	£81,531	0.004	0.00064
Post 16	£19,327	0.033	0.0053

To assess whether a financial contribution is justified, LCC looks at the current net capacity figure against the average of the two-year and four-year forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

#### Please Note

1. This response needs to be read in conjunction with the 'Calculation for Developer Contributions' provided and Appendix 3: Education, of [Leicestershire County Council's Planning Obligations Policy 2019](#).
2. In July 2021 the Primary Sector cost multiplier was increased to £18,356 per pupil place.
3. Where there are places included in a school forecast from existing agreed legal agreements, these have been discounted from the available capacity at the school in the catchment of the proposed development, as highlighted on the table below.

**SECTION 106  
CALCULATION FOR DEVELOPER CONTRIBUTIONS**

Date:	09/09/2022
Site of Development:	Land off Barkby Road, Queniborough

Configuration		No. of Pupils		Round up
No. of 2 bed+ flats/apartments:	0	Primary	45.00	45
No. of 2 bed+ houses/bungalows:	150	Secondary 11-18	25.05	26
Total	150	Post 16	4.95	5
		Special	1.14	2
		Total		78

Primary					
Catchment school (top) and schools within 2 miles walking distance of the development	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Queniborough Church of England Primary School	210	271	-61	0	-61
The Merton Primary School	420	402	18	0	18
Broomfield Community Primary School	266	288	-2	36	34
St Peter and St Paul Church of England Academy	450	399	51	0	51
			8	36	42

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£18,356.00	0.00	£0.00

Secondary 11-16					
Catchment school (top) and schools within 3 miles walking distance of the development	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Wreake Valley Academy	1050	925	125	0	125
The Roundhill Academy	750	1,551	-801	756	-45
			-676	756	80

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£17,876.00	0.00	£0.00

Post 16					
Nearest Post 16 Provider (top) and those within 3 miles walking distance of the development	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Wreake Valley Academy	447	376	71	154	225
		0	0		0
			71	154	225

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£19,327.00	0.00	£0.00

Special					
Nearest Area Special School	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Birch Wood (Melton Area Special School)	187	234	-47	3	-44
		0	0		0
			-47	3	-44

Claim:	Per Pupil (Primary)	x No.	Per Pupil (Secondary)	x No.	TOTAL
Pupil No. shown to up to 5 DP	£85,664.00	0.5445	£81,531.00	0.60	£84,672.65

<b>TOTAL REQUIREMENT</b>	<b>£84,672.65</b>
--------------------------	-------------------

### **Request for Contributions towards Primary Education**

This development will yield 45 primary aged children. Queniborough Church of England Primary School has a net capacity of 210 and there will be a deficit of 61 places if this development goes ahead. When taking into consideration the other primary schools within a two-mile walking distance from the development there is an overall surplus of 42 places. However, LCC are aware of another planning application ref: P/21/1224/2 1444,1446,1448 Melton Road, Queniborough for 123 dwellings and should this application be granted planning permission prior to this application being considered then a partial request for contributions in respect of the primary education sector of **£642,460.00** is justified.

### **Request for Contributions towards Secondary Education**

A contribution in respect of secondary education will not be required for this sector.

This development will yield 26 secondary aged children. Wreake Valley Academy has a net capacity of 1050 and there will be a surplus of 80 places if this development goes ahead.

### **Request for Contributions towards Post 16 Education**

A contribution in respect of post 16 education will not be required for this sector.

This development will yield 5 post 16 aged children. Wreake Valley Academy has a net capacity of 447 and there will be a surplus of 225 places if this development goes ahead.

### **Request for Contributions towards Special Education and Disabilities (SEND) Education**

The council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more.

This development yields 2 SEND children. All special schools in Leicestershire are full and have a deficit of available spaces, which is forecast to remain so.

This development will yield 0.54 primary aged children with SEND, and 0.60 secondary aged children with SEND, and therefore a request of **£84,672.65** is justified.

### **Summary**

In order to provide the additional school places anticipated by the proposed development, the county council request a total contribution for education based on the table shown on page 4. This is calculated by the number of pupil places created by the development multiplied by the Department for Education (DfE) cost multiplier for each sector.

The total request for Education across all sectors for the proposed development equals:

**£84,672.65 - or £727,132.65 should ref: P/21/1224/2 1444,1446,1448 Melton Road, Queniborough for 123 dwellings be granted planning permission.**

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at either the named catchment school, within the DfE approved planning area serving the development, or any other school within the locality of the development, including the construction of a new school.

## Early Years Education

Leicestershire County Council (LCC) reviews the capacity of Early Years providers during the Summer Term, when demand is highest. This review does not include children aged two or younger where they are not in receipt of the Free Early Education Entitlement (FEEE).

Upon receipt of a consultation, a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling).

A request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £8,907 per place is applied to the likely number of children generated. This is an average cost per place and is based on assessments of new build projects, extensions and modular buildings built across Leicestershire since 2012.

Further rationale will be included below if the proposed development is for 100 or more 2+ bedroomed dwellings.

## Library Contributions – An Overview

LCC has a statutory responsibility under the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service. Calculations are based on figures set by the Museums, Libraries and Archives Council (MLA) in their Public Libraries, Archives and New Development: A Standard Charge Approach paper (May 2010). LCC also refers to guidance set by the Department of Culture Media and Sport (DCMS) and their Public Library Standards guidance (2001).

### Library Stock

The DCMS sets out that the standard provision of library materials (lower threshold) should be 1.157532 items of stock per 1,000 population (which, for ease, we have rounded up to 1.16). The average price per item added to stock in Leicestershire libraries (June 2017) is £8.70.

The MLA's assumed occupancy rates for new dwellings are as follows.

Dwelling Type	Assumed Occupancy
1 bed open market or affordable	1.5 persons
2 bed + open market or affordable	3.0 persons
1 bed student accommodation	1.0 person

The formulae used to calculate contributions for libraries is therefore;

#### **Total Assumed Occupancy (450)**

**x 1.16 (items of stock per 1,000)**  
**x £8.70 (average price per item of stock)**

The nearest library to this development is East Goscote Library and it is estimated that the total assumed occupancy of 450 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby.

The contribution is sought to provide improvements to the library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development.

## **Civic Amenity Contributions – An Overview**

The methodology for calculating the civic amenity contribution per household is based on the cost of maintaining the existing waste service against the number of assessed households proposed by a development which would use the local waste facilities. It is assumed that residents will use the closest Recycling and Household Waste Site (RHWS) to their home to deposit their waste.

Each RHWS has an individual site rate set against it, which is used as the cost multiplier against the number of proposed dwellings. Individual site rates (shown in the calculation below as D) are calculated as follows:

D is  $(A \times B) / C$ ; where

A is the capital cost of providing a new RHWS site\*

B is the percentage size of the RHWS site compared to the site used for A

C is the number of households using the RHWS site at a review date

\* A is based on a recently constructed RHWS

***Uses such as student halls, nursing homes and retirement homes are exempt from RHWS contributions.***

## **Civic Amenity Contributions**

The nearest RHWS to this development is Mountsorrel RHWS and the proposed development of 150 dwellings would create additional pressures on the site.

The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £51.67

## **Highways and Sustainable Transport**

Paragraph 104 of the National Planning Policy Framework (2021) states that transport issues should be considered at the earliest stages. It also states that opportunities to promote walking, cycling and public transport should be identified and pursued and that safe and suitable access shall be achieved for all users. Paragraph 112 states that applications should give priority first to pedestrian and cycle movements and should facilitate access to high quality public transport. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.

An assessment of highways and transport issues will be carried out as part of the planning application. The Local Highway Authority will provide comments separately to this response and will set out any requirements for planning conditions or obligations to mitigate the impact of the development, in accordance with paragraph 55 of the NPPF.

## **Additional Information**

### **Monitoring Fees**

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 allow for a sum to be paid in respect of the cost of monitoring planning obligations. In this respect the county council charges £300.00 or 0.5% depending upon which is the greatest for each planning obligation.

For large scale developments of more than 500 dwellings, a negotiated monitoring fee may be appropriate to reflect the costs and time associated with monitoring. This will be discussed when the S106 is being prepared.

### **Review of Response**

This response reflects LCC's requirements for developer contributions, calculated at the date at the top of this response. In the event that planning permission is not granted (with a signed S106 agreement) within 12 months of the date of this response, the Local Planning Authority is requested to re-consult Leicestershire County Council to check whether there have been any material changes to circumstances that affect the required developer contributions.

Please inform the LCC case officer in the event that the requested developer contributions are not supported by the local planning authority or in circumstances where the applicant is disputing the requests that have been made.

Kind regards,

*Clare Milner*

Planning Obligations Team  
Leicestershire County Council