

Liam Ward
Charnwood Borough Council

Date: 20 July 2023
My Ref: 2021/2639/02
Your Ref: P/21/2639/2
Contact: Amar Solanki
Phone: 01163051302
Email: planningobligations@leics.gov.uk

Dear Liam Ward,

12 month Review of Leicestershire County Council Consultation Response

Proposal

Outline application for up to 195 dwellings with all matters reserved except access.

At

Location

Land North of Barkby Road, Syston, Leicestershire

This is to inform you that our records indicate that this planning application remains undetermined. As it has been over 12 months since Leicestershire County Council submitted a consultation response, our requests towards infrastructure requirement have now been reviewed.

The table below sets out our new requirements.

Revised Summary of Infrastructure Requirements

Infrastructure Category	Location / Description	Amount
Early Years Education	Early Years Education	£304,250.70
Primary Education	The Merton Primary School	£679,172.00
Secondary Education (11-16)	Wreake Valley Academy	£0.00
Post 16 Education	Wreake Valley Academy	£0.00
SEND Education	Ashmount School	£110,074.44
Waste	Mountsorrel HWRC	£10,075.65
Libraries	Syston Library	£5,888.55
Total		£1,109,461.34

Please note that there has been an increase in the contributions sought in respect of Early Years Education, primarily because of the increase in the cost multiplier, but also because of a change in the capacity across the providers in the locality of the development.

There has also been an increase in the Primary Education request, which is due to a reduction in the capacities of the schools in the locality of the development.

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	0.043
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.

When the County Council has increased the capacity of a school using S106 funding, it will include the pupils from the development the S106 funding relates to in the forecast pupil numbers for that school/s. Where this applies, no S106 funded places are deducted from calculation.

Where the County Council has not increased the capacity of a school but are holding S106 funds to do so, the places that funding is intended to provide will not be included in the forecast numbers for that school/s. Where this applies, S106 funded places are deducted from the calculation.

Where the County Council has used S106 funds, but the capacity of the school has not been increased (e.g., improvement or enhancement of facilities), the pupils from the developments the S106 refers to will not be included in the forecast numbers for that school. Where this applies, S106 funded places are deducted from the calculation.

The table below sets out the calculations for both pupil yields and cost multipliers at the relevant schools likely to be affected by this development, along with the requested contributions broken down for each education sector, and the overall contribution required. Further information in support of our request may be included after the table.

Request for Contributions towards Primary Education

This development will yield 59 primary aged children. The Merton Primary School has a net capacity of 420 and there will be a deficit of 52 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 deficit of 37 places. Therefore a part request for contributions in respect of the primary education sector of £679,172 is necessary.

No Request for Contributions towards Secondary or Post 16 Education

This development will yield 33 secondary aged children. Wreake Valley Academy has a net capacity of 1050 and there will be a surplus of 15 places if this development goes ahead. When taking into consideration the other secondary schools within a three-mile walking distance from the development there is an overall deficit of 14 places.

However, whilst there is an indicative 11-16 claim there is significant forecast surplus at Post 16 therefore a contribution in respect of secondary education is not necessary.

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 0.70785 primary aged children with SEND, and 0.78 secondary aged children with SEND, and therefore a request of £110,074.44 is necessary.

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 £789,246.44.

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.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.

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 £18,356 per place is applied to the likely number of children generated. This cost multiplier was implemented from 1 June 2023 and brings the cost multiplier for Early Years Education in line with the Primary Education cost multiplier, as recommended by the [Department for Education's guide to Securing Developer Contributions](#) (point 19).

How we calculate a contribution

When calculating an Early Years provision contribution, a yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more is applied. The table below explains how the total yield of 8.5 Early Years children per 100 dwellings is broken down into age groups. Based on information and data provided by Early Years providers, the County Council will not require a contribution to fund 100% places for all age groups. There is not a significant demand for children up to the age of one. The government offer a Free Early Education Entitlement (FEEE) for 40% of 2-year-olds and due to the volume of parents returning to work, take up is quite high. 100% of three-year-olds in Leicestershire take up their FEEE place, but this figure reduces to 50% for take up by four year olds as they enter school.

	Yield rates per 100 homes of 2 or more bedrooms	
Early years age group	3.4 children per year group	
1 year olds	25%	
2 year olds	75%	
3 year olds	100%	
4 year olds	50%	
	Total	

This request for an education contribution is based on 195 houses and 0 flats/apartments with two or more bedrooms. No claim is made on one bedroom dwellings. Based on the table above, this site generates:

Age Group	Number of Early Years children generated by the development
1 year olds	1.6575
2 year olds	4.9725
3 year olds	6.63
4 year olds	3.315
Total	16.575

To assess whether there is a claim for an Early Years contribution, we compare the number of children generated by the development, with the number of existing Early Years providers within a one mile radius of the development.

Having taken the above factors into account, where it can be demonstrated that the number of Early Years children generated by the development is greater than the space capacity in current or planned Early Years provision, the County Council will require a contribution to fund the provision of the additional Early Years places required.

The cost multiplier for the provision of Early Years places is based on the assessment of a number of new build projects, extensions and modular buildings which have been provided across the county since 2012.

The average cost per place provided is £18,356.00. The cost multiplier will be reviewed annually and adjustment made where necessary. The calculation will only be applied where it is determined that there is insufficient Early Years Provision within a mile radius of the development. Based on the above information, please see below for the total contributions sought by Leicestershire County Council.

Total Requirement: £304,250.70

Please note that we request some flexibility in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of current facilities at Early Years providers or schools in the locality of the development which the residents of the development would usually be expected to attend, or the creation of new premises.

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 1.157 items of stock per 1,000 population. 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 (585)
x 1.157 (items of stock per 1,000)

The nearest library to this development is Syston Library and it is estimated that the total assumed occupancy of 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.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.

Waste 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 Household Waste Recycling Centre (HWRC) to their home to deposit their waste.

Each HWRC 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 HWRC site*

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

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

* A is based on a recently constructed HWRC

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

Waste Contributions

The nearest HWRC to this development is Mountsorrel HWRC and the proposed development of 195 dwellings would create additional pressures on the site.

The formulae used to calculate contributions for civic amenities pertaining to this development is;

Number of dwellings - 195

Multiplied by

Waste Site Rate for Mountsorrel HWRC of £51.67

Equals £10,075.65

This contribution would contribute towards site reconfiguration and/or development of waste infrastructure to increase the capacity for this Household Waste and Recycling Centre, or any other HWRC likely to be directly impacted by this development.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.

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,

Mark Johnson

Planning Obligations Team
Leicestershire County Council