

Liam Ward
Charnwood Borough Council

Date: 05 April 2023
My Ref: 2020/2380/02
Your Ref: P/20/2380/2
Contact: Clare Milner
Phone: 01163057073
Email: planningobligations@leics.gov.uk

Dear Liam,

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.

Thank you for notifying me of the Planning Appeal related to the above application (appeal reference APP/X2410/W/23/3316574). As previously agreed with all Leicestershire Local Planning Authorities, at the point of receiving notification of a Planning Appeal, Leicestershire County Council conduct a further review of its infrastructure requirements.

This response supersedes any previous response provided, and the table below sets out our new requirements. The requests listed in the table below will also be submitted to the Planning Inspectorate with our CIL Compliance Statement.

A further assessment of highways and transport issues may also be carried out where applicable. Where this is the case, the Local Highway Authority will provide comments separately to this response, but will be summarised as part of the County Councils CIL Compliance Statement.

Summary of Infrastructure Requirements

Infrastructure Category	Location / Description	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	£532,324.00
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
Total		£629,288.55

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.

To ensure that the contributions requested are not devalued because of rising construction costs (e.g. materials or labour), the point at which indexation applies will be 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. Indexation applies to all contributions requested including primary, secondary, early years and special education.

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 **45** primary aged children. **Queniborough Church of England Primary School** has a net capacity of **210** and there will be a deficit of **74** 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 **29** places. Therefore a **part** request for contributions in respect of the primary education sector of **£532,324.00** is justified.

No Request for Contributions towards Secondary Education

This development will yield **26** secondary aged children. **Wreake Valley Academy** has a net capacity of **1050** and there will be a surplus of **20** 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 **9** places.

However, whilst there is an indicative 11-16 claim for Wreake Valley there is a significant surplus forecast for Post 16 therefore a contribution in respect of secondary education **will not be required for this sector.**

Request for Contributions towards Post 16 Education

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

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 **0.5445** 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:

£616,996.65.

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 £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.

Having investigated the impact on Early Years childcare on the proposed development, it has been determined that this development will likely yield an increase of 12.75 children of Early Years age to the area. However, there are currently sufficient places in the area, so no claim will be made.

The average cost to provide an Early Years place is £8,907, and therefore the total contribution requested from this development in respect of Early Years Education is: NIL

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 (450)

x 1.157 (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 materials such as books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.

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 150 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 - 150

Multiplied by

Waste Site Rate for Mountsorrel HWRC of £51.67

Equals £7,750.50

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.

Kind regards,

Clare Milner

Planning Obligations Team
Leicestershire County Council