

Leanne Palmer
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Date: 7 March 2021
My Ref: 2021/0491/02
Your Ref: APP/X2410/W/21/3827864
Contact: Mark Johnson
Phone: 0116 305 3277
Fax:
Email: mark.johnson@leics.gov.uk

Dear Leanne,

**APPEAL BY: DAVID WILSON HOMES EAST MIDLANDS
AND ANTHONY RAYMOND SHUTTLEWOOD**

REF: APP/X2410/W/21/3827864

**SITE: LAND OFF COSSINGTON ROAD, SILEBY,
LEICESTERSHIRE, LE12 7SL**

I write on behalf of Leicestershire County Council in relation to the above planning appeal. This response sets out the County Council's justification for the developer contributions and how the requests accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (As Amended).

Regulation 122(2) outlines that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The planning obligations requested by Leicestershire County Council are agreed to be proportionate and necessary to make the development acceptable in planning terms.

The County Council considers that the particular planning obligations have been justified in the submitted evidence and are in accordance with the CIL regulations.

The paragraphs on the following pages explain why the planning obligations have been requested, and why they are in accordance with the Regulations. For ease, a summary of financial contributions requested is set out in the table below.

Contribution Summary	£ Requested
Early Years Education	£89,070
Primary Education	£936,156
+ Primary Education Transport	£220,400
Secondary Education	£507,499.64
SEND Education	£95,962.33
Libraries	£5,130
Civic Amenities	£8,784
Highways	£172,974.50
Total	£2,035,976.47

Education Contributions – An Overview

For proposed developments of under 10 dwellings of 2 bedrooms or more, Leicestershire County Council seeks contributions towards Primary, Secondary and Post 16 Education provision.

For proposed developments more than 100 dwellings of 2 bedrooms or more, Leicestershire County Council also seeks contributions 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, Leicestershire County Council apply calculations on the basis that all of the dwellings proposed have 2 or more bedrooms.

The methodology for calculating financial contributions for those sectors is explained below, and then following this explanation, how the methodology has been applied for this development in compliance with the appropriate CIL Regulations.

Early Years Education

Leicestershire County Council conduct a review of the capacity of Early Years providers during the Summer Term, when Early Years provision is most in demand. This capacity review does not include babies, 1-year olds, or 2-year-olds where they are not in receipt of the Free Early Education Entitlement (FEEE) place.

Upon receipt of a consultation relating to a development of 100+ 2 bed+ dwellings, a desktop review of providers in a one-mile radius of the proposed development 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 2+ bedroomed dwelling).

A cost multiplier of £8,907 per place is then applied to the number of children likely to require Early Years education; this is an average cost per Early Years place, and is based on assessments of new build projects, extensions and modular buildings built across the county since 2012.

Primary, Secondary and Post 16 Education

When calculating an education contribution for Primary, Secondary and Post 16 pupil places, Leicestershire County Council use the average cost per pupil place for extensions and re-build projects set out in the National School Delivery Cost Benchmarking Report (NSDCBR), which is published annually (the latest figures were published in May 2021). We then adjust this to account for local factors, and for the July 2021 figures, have applied an uplift of 1.04%. The NSDCBR is commissioned by the Department for Education.

The figures from the NSDCBR are calculated against the pupil yield rates set out in the County Councils Planning Obligations Policy as set out as follows.

Education Sector	DFE Amount per Pupil	Pupil Yield Rate (Per House)	Pupil Yield Rate (Per Flat)
Primary	£18,356	0.3	0.043
High School (11-14)	£17,876	0.1	0.016
Upper School (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

Special Educational Needs and Disabilities (SEND) Provision

In a similar way to Primary, Secondary and Post 16 Education, Leicestershire County Council use the average cost per pupil place for extensions and re-build projects set out in the National School Delivery Cost Benchmarking Report (NSDCBR), which is published annually (the latest figures were published in May 2021). We then adjust this to account for local factors, and for the July 2021 figures, have applied an uplift of 1.04%.

The figures from the NSDCBR are calculated against the pupil yield rates set out in the County Councils Planning Obligations Policy, for developments of more than 100 dwellings, as set out as follows.

Education Sector	DFE Amount per Pupil	Pupil Yield Rate (Per House)	Pupil Yield Rate (Per Flat)
Primary (SEND)	£65,664	0.00363	0.00052
Secondary 11–19 (SEND)	£81,531	0.004	0.00064

To assess whether there is a request for an education contribution towards Primary, Secondary, Post 16 and SEND education, the County Council 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 housing 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.

Education Contributions for this Development

Early Years Education

Based on the above methodology, the proposed development is likely to generate 14 children requiring early years education:

$$0.085 \times 170 = 14.45 \text{ (rounded down to 14)} \times \text{£}8,907 = \text{£}124,698$$

However, there are currently 5 childcare providers in Sileby providing 189 childcare places. There were 171 children aged 2, 3 and 4 who claimed the Free Early Education in the Summer term 2021 headcount. As mentioned in the methodology explanation above, 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. These developments create an additional 33 places that are required: a total of 204 places:

- 171 children claiming the Free Early Education at Summer term 2021
- + 33 places created by the other developments in Sileby
- = 204 places

One of these developments, creating 19 places, needs to be discounted:

- 204 places
- - 19 places created by one of the developments
- = 185 places

This leaves a surplus of 4 places; the 189 places provided by the 5 childcare providers in the area minus 185 places required overall.

The formula above indicates that this development is likely to generate 14 additional places. Taking the 4 surplus places into account, these leaves a deficit of 10 places, meaning that a contribution is required as follows:

- $0.085 \times 170 = 14.45$ places (rounded down to 14) $\times \text{£}8,907 = \text{£}124,698$
- - 4 surplus places totalling $\text{£}35,628$
- $\text{£}124,698 - \text{£}35,628 = \text{£}89,070$

Total contribution sought: £89,070

This contribution would be used to accommodate the early learning capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at Cossington Primary school or at other schools or other early learning provision within the locality of the development.

This request is compliant with Regulation 122 as it is necessary to increase Early Years provision to accommodate the demand created by the proposed development; it is directly related to the planning application being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

Primary Education

This request for an education contribution is based on up to 170 houses and 0 flats/apartments with two or more bedrooms. Based on the above pupil yield methodology, this site generates:

Education Sector	Number of Pupils Generated	Number Used for Forecasting	Number of S106 Funded Places in Area Deducted	Contribution Requested
Primary	51	51	0	£936,156
Secondary (11-16)	28.39	29	44	£507,499.64
Post 16	5.61	6	9	£0
Primary (SEND)	0.62	0.61710	17	£95,962.33
Secondary (11-19) SEND	0.68	0.6800		
Total	86.3	86	70	£1,593,617.97

Primary Education

The site falls within the catchment area of Sibley Redlands Community Primary School. The school has a net capacity of 420 and 392 pupils are projected on the roll should this development proceed: a surplus of 28 pupil places.

There are 2 other primary schools within a two-mile walking distance of the development.

- Cossington Church of England Primary School (a deficit of 35 places)
- Highgate Community Primary School (a deficit of 240 places)

There are currently 153 pupil places in this sector being funded by S106 agreements from other developments in the area to be deducted.

The overall deficit including all schools within a two-mile walking distance of the development is 94 pupil places. The 51 deficit places created by this development can therefore not be accommodated at nearby schools and a financial contribution towards these 51 primary education pupil places is justified.

To provide the additional primary school places anticipated by the proposed development, the County Council would request a contribution for the Primary Education sector of £936,156.00.

This is calculated based on the table above, with the number of deficit places created by the development (51) multiplied by the DFE cost multiplier (£18,356.00) which equals £936,156.00.

Home to School Transport Costs

A number of developments in the area have recently been granted planning permission, and these developments will contribute to the expansion of Highgate and Cossington Primary Schools to the maximum capacity on their respective sites. Redlands Primary School is not suitable for expansion for a development of this size. Therefore, the only solution would be to transport pupils outside the area.

Transport costs will be required to meet the cost of transporting pupils to the nearest school with places. The County Council requests the developer to meet the cost of the additional school transport, and the cost of expanding the school to which transport is provided.

The requested sum for home to school transport costs is £220,400, to be paid over 7 years; the time that a primary age pupil would be educated through the Primary Education sector. These costs break down as follows:

Year	No Pupils	Cost	Transport
1st Year	10 pupils	£15,200	Minibus
2nd Year	20 pupils	£22,800	Minibus & Taxi
3rd Year	30 pupils	£30,400	2 minibuses
4th Year	40 pupils	£38,000	Bus
5th Year	51 pupils	£38,000	Bus
6th Year	51 pupils	£38,000	Bus
7th Year	51 pupils	£38,000	Bus
Total Cost		£220,400	

This request for Primary Education pupil places and associated transport are compliant with Regulation 122 as it is necessary to increase school place capacity to accommodate the demand for primary school places created by the development, and to provide appropriate transport provision for these pupils; it is directly related to the planning application being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

Secondary Education

The site falls within the catchment area of Humphrey Perkins School. The school has a net capacity of 900 and 1021 pupils are projected on the roll should this development proceed: a deficit of 121 pupil places.

A total of 44 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and must be deducted.

This reduces the total deficit for this school to 77 pupil places, of which 48 are existing and 29 are created by this development. There are no other schools within a three-mile walking distance of the site, and therefore a financial contribution towards these 77 secondary education pupil places is justified.

To provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £507,499.64.

This is calculated based on the table above with the number of deficit places created by the development, rounded to 2 decimal places (28.39) multiplied by the DFE cost multiplier (£17,876) which equals £507,499.64.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Humphrey Perkins School or any other school within the locality of the development.

This request is compliant with Regulation 122 as it is necessary to increase school place capacity to accommodate the demand for secondary school places created by the development; it is directly related to the planning application being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

Post 16 Education

This nearest Post 16 provision to the site is Wreake Valley Academy.

The Post 16 provision has a net capacity of 607, and 296 pupils are projected on roll should this development proceed: a surplus of 311 pupil places.

A total of 156 pupil places are also being funded at this school from S106 agreements for other developments in this area. If these places are deducted it increases the surplus to 467 pupil places.

An education contribution will not be requested for this sector.

Special Educational Needs and Disabilities (SEND) Provision

The prevalence of pupils with SEND needs and having an Education Health and Care Plan (EHCP) when compared to the “mainstream” education population is quite low (those not having an EHCP and receiving SEND support in mainstream schools are discounted). Nevertheless, the cost of making provision for these pupils particularly where their needs require they attend independent specialist provisions is quite high.

Based on the above methodology, the proposed development is likely to generate 0.61710 pupils of primary age, and 0.68 pupils of secondary age (11 – 19) requiring SEND provision.

Contributions for each sector have therefore been calculated as follows:

- Primary
0.61710 pupils x £65,664 = £40,521.25
- Secondary
0.6800 pupils x £81,531 = £55,441.08

Total requested = £95,962.33

There are five area Special Schools in Leicestershire. The closest school to this development is the Ashmount School in Loughborough which accommodates SEND pupils of both a primary and secondary age. The school currently has capacity for 192 pupils and 229 pupils are projected on roll should this development proceed, a deficit of 37 pupil places.

A total of 17 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and must be deducted. This reduces the total deficit for this school to 20 pupil places.

This request is compliant with Regulation 122 as it is necessary to increase SEND provision to accommodate the demand for SEND school places created by the development; it is directly related to the planning application being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

Library Contributions – An Overview

The County Council has a statutory responsibility under the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service. When calculating a contribution towards improvements to Libraries, 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).

Leicestershire County Council also refers to guidance set by the Department of Culture Media and Sport (DCMS) and their Public Library Standards guidance of 2001.

Developer Contributions for 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. The average price per item added to stock in Leicestershire libraries as of June 2017 is £8.70.

On that basis, it is therefore calculated that the cost per 1,000 population for library stock is £10,063.56, or £10.06 per individual.

In a similar way to how education contributions are calculated based on population increases, 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 persons

Library Contributions for this Development

The proposed development on is within 0.87km of Sileby Library on Cossington Road, being the nearest local library facility, which would serve the development site.

Using both calculations/methodologies set out above, contributions have been requested as follows:

Dwelling Type	Number Proposed	Total Assumed Occupancy	Contribution
1 bed	0	0 persons	£-
2+ bedroom	170	510 persons	£5,130.60
Total	170	510	£5,130.60

The total library contribution of £5,130.60 is then rounded to the nearest £10, making the total contribution requested £5,130.

It is estimated that the proposed development will add 510 people to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities.

The contribution is sought to provide materials e.g., 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.

This request is compliant with Regulation 122 as it is necessary to provide increased materials at Sileby Library to accommodate the demand created by the development; it is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Civic Amenity Contributions – An Overview

The County Council's 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 particular development which would use the local waste facilities. In general, residents 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:

$D = (A \times B) / C$; 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*

Certain uses are exempt from RHWS contributions for example student halls, nursing homes and retirement homes.

Civic Amenity Contributions for this Development

In 2017/18, an average of approximately 0.211 tonnes per household was deposited in RHWS sites. On this basis, the proposed 170 dwelling development would generate over 35 tonnes of additional waste at the nearest RHWS site, which would be Mountsorrel.

Clearly, the proposed development would place additional demand on the Mountsorrel site and a contribution of £8,784 would be used to fund improvements to meet the additional demands the site would face from the proposed development.

The contribution is determined by multiplying the 170 proposed dwellings by the current rate for the Mountsorrel RHWS site, which is £51.67, and then the total is rounded to the nearest whole £1.

This request is compliant with Regulation 122 as it is necessary to increase capacity at the Mountsorrel RHWS facility (which is the nearest to this development) to accommodate the increased demand and pressure created by the development; it is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Contributions on behalf of the Local Highways Authority

The Local Highways Authority (LHA) has also asked for contributions from the proposed development, as follows.

Travel Packs Contribution

To inform new residents what sustainable travel choices there are in the surrounding area, the County Council can provide residents with a Travel Pack on the developers' behalf at a cost of £52.85 per Travel Pack (multiplied by 170 dwellings = £8,984.50).

This request is compliant with Regulation 122 as the contribution is specific to funding travel packs for this particular proposed development there are no other S106 agreements funding travel packs for this development. The packs would be unique to this particular development site.

The developer can also elect to provide the Travel Packs if they so wish.

Bus Passes Contribution

To encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car, residents can apply for up to 2 bus passes per dwelling for use for up to 6 months. These can be supplied by the County Council and cost an average of £430 per pass.

£430 per pass x 2 passes per household x 170 dwellings = £146,200

This request is compliant with Regulation 122 as the contribution is specific to funding bus passes for residents of the particular development only and there would be no other S106 agreements funding bus pass contributions for residents of this particular proposed development.

Travel Plan Monitoring

A contribution of £6,000 is sought towards STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring.

STARS contributions are sought in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use, and to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator. The Travel Plan Co-ordinator will audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement and also to ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

This request is compliant with Regulation 122 as the contribution is specific to funding travel plan monitoring for this particular proposed development. There are no other S106 agreements funding travel plan monitoring for this development.

Bus Stop Improvements

Contributions are sought towards the following bus stop improvement works to bus stop ID's 260008534 and 260008504 located on Cossington Road:

- New bus shelter at bus stop ID 260008504 at a cost of £4,500
- Raised kerbs to allow level access; to support modern bus fleets with low floor capabilities at £3,500 per stop at both bus stop ID 260008534 and ID 260008504
- Information display case at Bus Stop ID 260008534 at a cost of £120
- Flag & Pole at Bus Stop ID 260008534 at a cost of £170

Total bus stop contributions sought = £11,790

This request is compliant with Regulation 122 as the contribution is specific to funding bus stop improvements for the nearest bus stops to the proposed development. There are no other S106 agreements funding bus stop improvements where the stops are near to the proposed development.

The County Council is aware that a Proof of Evidence has been prepared on behalf of the appellant by Ben James Hunter of EFM Education Healthcare. This Proof has sought to dispute the request for developer contributions that has been provided by the Local Education Authority. A statement has been prepared in response to this Proof and is attached to this CIL compliance statement. A representative from the Local Education Authority will be happy to attend the Public Inquiry to answer any questions that the Inspector has regarding this matter.

If the Inspector is mindful to uphold the appeal, the County Council would request adequate provision is made through a Section 106 Agreement (or a unilateral undertaking) to ensure that provision is made for the County Council's developer contributions requirements. I would be obliged if the Planning Inspectorate can send a copy of the decision letter to me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Johnson', written in a cursive style.

Mark Johnson
Team Manager – Planning Obligations and Systems