

Education and Primary Healthcare Report

Land off Barkby Road,
Queniborough, Leicestershire

David Wilson Homes

BEN HUNTER
BA DipMS

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1.0 Introduction

1.1 This Education and Primary Healthcare Report is in relation to an outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access (as amended to include proposed junction improvement works at Barkby Road cross roads, received 20/05/2022).

1.2 This development is a submitted planning application under reference number P/20/2380/2. The development was considered by Charnwood Borough Council's ("CBC's") Planning Committee on 24th November 2022, and Refused. The purpose of this Education and Healthcare Report is to establish whether the planning obligations requested by Leicestershire County Council ("LCC") and the Leicester, Leicestershire, and Rutland Integrated Care Board ("ICB") are Community Infrastructure Levy ("CIL") Regulation 122 (2) compliant.

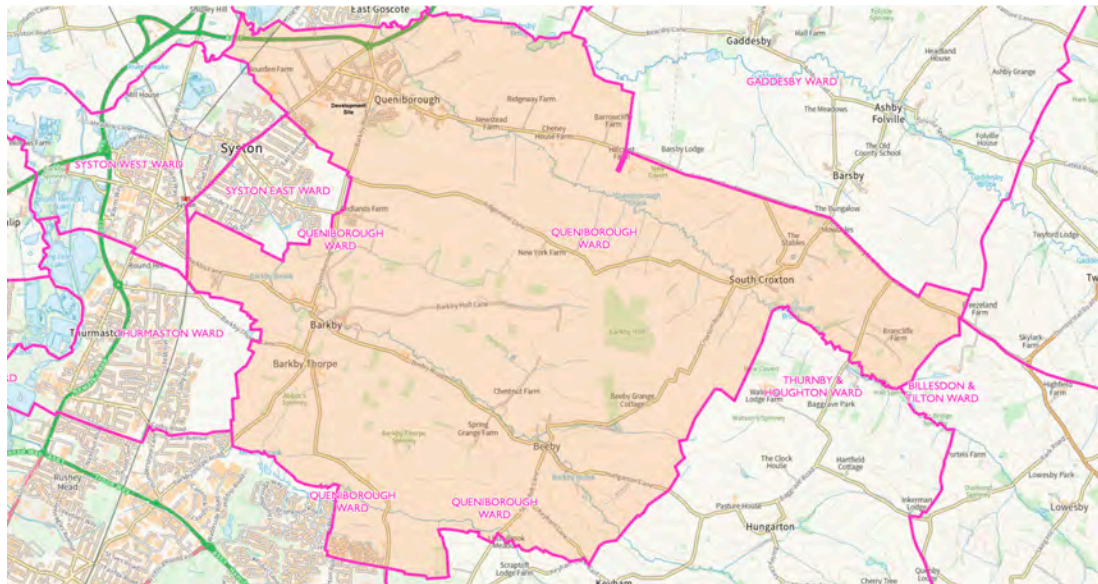
1.3 The approximate development outline for the development can be seen below in Map 1:



Map 1: Approximate Development Outline

1.4 The development is located entirely within the Queniborough Ward ("the Ward") within the CBC Planning Area. The Education Authority for the area is LCC, and the Healthcare Authority for the area is the Leicester, Leicestershire & Rutland ICB.

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 of Evidence 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 and GP Practices 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 2022 (the previous academic year). GP data is included in Section 12 of this Report. The population data discussed above applies equally to the Primary Healthcare evaluation as it does the Education landscape review.

1.7 CBC discuss the Community Infrastructure Levy (“CIL”) in the Charnwood Local Plan Local Development Scheme April 2020 to March 2023¹, 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 of Evidence will commence on the basis that should Education and Primary Healthcare development mitigation be required, that it will be secured via Section 106 planning obligations, rather than via CIL.

1.9 This Report will explore the existing Education and Primary Healthcare landscape, but first will 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:

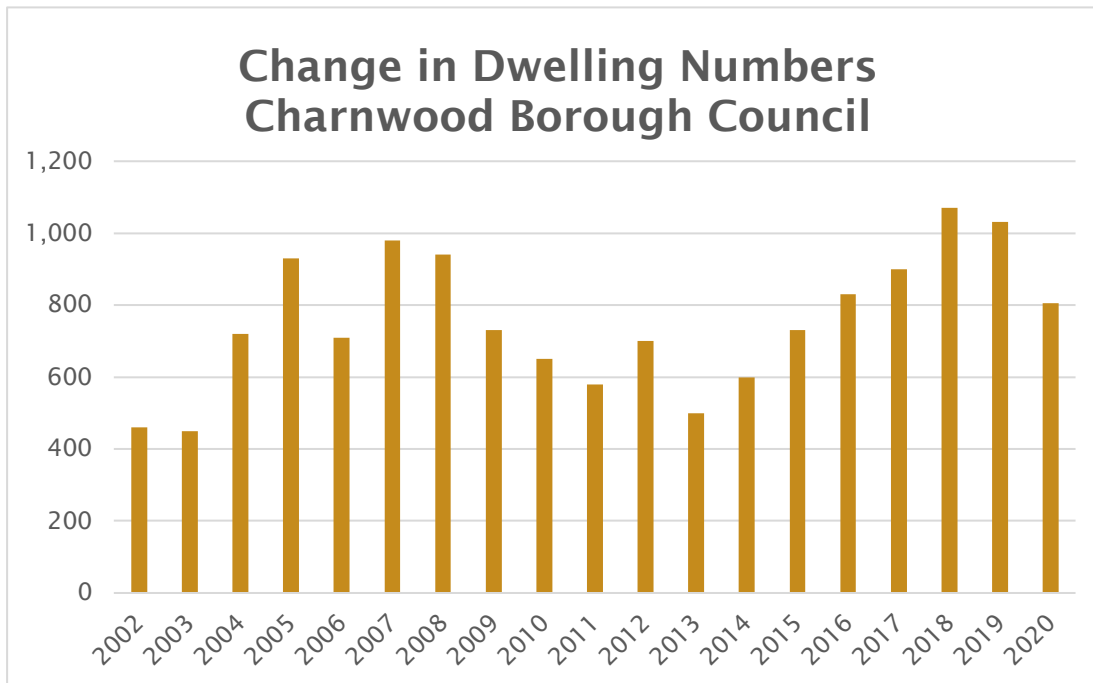
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
62,070	62,530	62,980	63,700	64,630	65,340	66,320	67,260	67,990	68,640	69,220	69,920	70,420	71,020	71,750	72,580	73,480	74,550	75,581	76,386

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:

¹

<https://charnwood.moderngov.co.uk/documents/s4642/Draft%20Local%20Development%20Scheme%202020.pdf>



Graph 1: Change in Dwelling Numbers per Annum - CBC Area

2.3 Comparatively, the Ward consisted of 1,272 dwellings at the end of 2001. By mid-2022, according to data from the Royal Mail, this increased to 1,879 dwellings. This is an additional 607 dwellings in the 21-year review period (48% increase) or an average of 29 new dwellings per annum.

3.0 Births

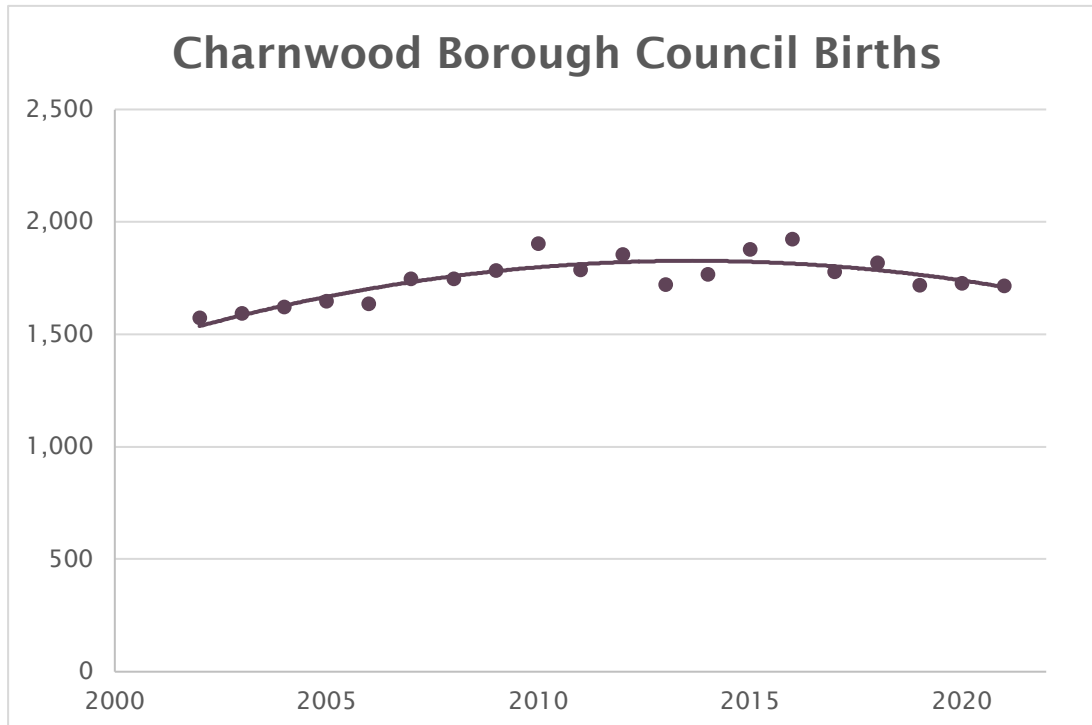
3.1 Births in the CBC administrative area averaged 1,737 in the review period of 2001-2021, as shown below in Table 2. Births peaked in 2016 at 1,922, and were at their lowest in 2001 at 1,558:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
1,558	1,571	1,592	1,621	1,645	1,635	1,746	1,745	1,784	1,502	1,786	1,854	1,719	1,766	1,876	1,922	1,778	1,818	1,718	1,726	1,713

Table 2: Births in the Administrative Area

3.2 The trend over the review period can be seen below in Graph 2. It demonstrates that births have been falling since the peak in 2016, with 2021 seeing the lowest number of births in the Borough since 2006. This falling trend in births is consistent with the wider population of the UK, where births were at their lowest in

over two decades² in 2019. Births continued to fall in 2020, where they were 4.1% on 2019 numbers³. Birth numbers in 2021 rose marginally nationwide but were still lower than 2019 numbers⁴. CBC bucked this trend by seeing births fall further in 2021:



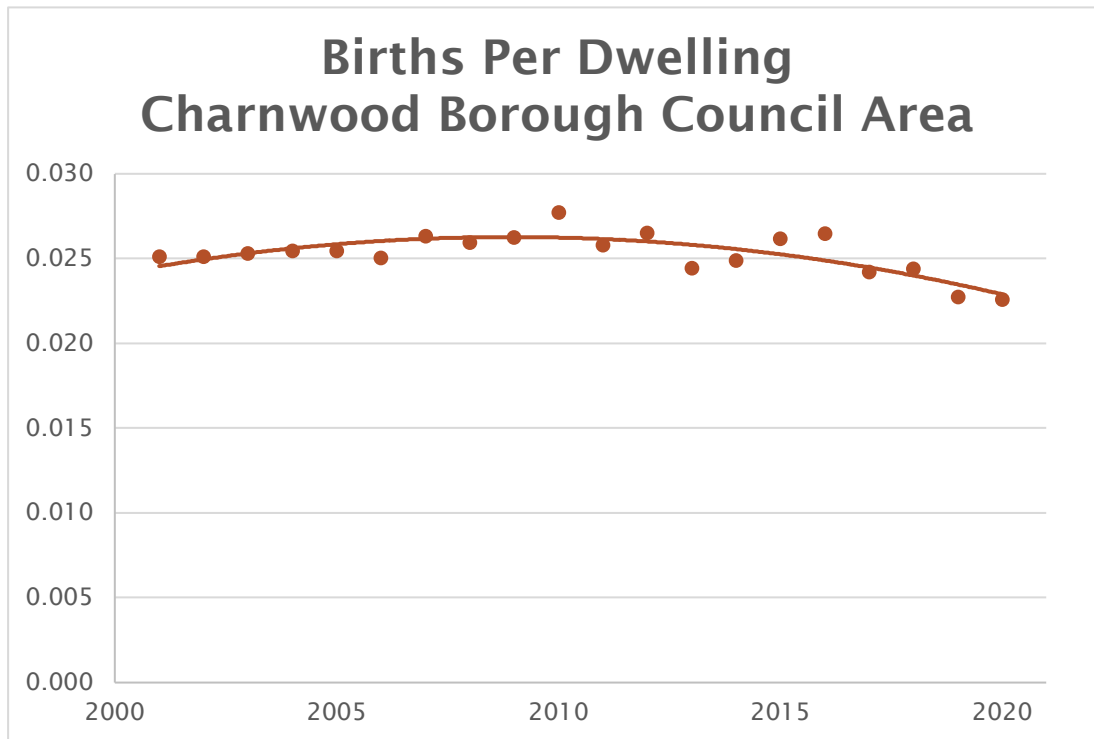
Graph 2: CBC Area Births per Annum

3.3 When looking at births per dwelling in the CBC area, they have been falling considerably, with 2020 seeing the lowest number of births per dwelling in well over two decades. This indicates that birth numbers are not keeping pace with dwelling delivery:

² <https://www.independent.co.uk/news/uk/home-news/birth-rate-england-wales-low-uk-ons-fertility-brexite-climate-a9031641.html>

³ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/birthsummarytablesenglandandwales/2020>

⁴ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/birthsummarytablesenglandandwales/2021>



Graph 3: Births per Dwelling – CBC Area

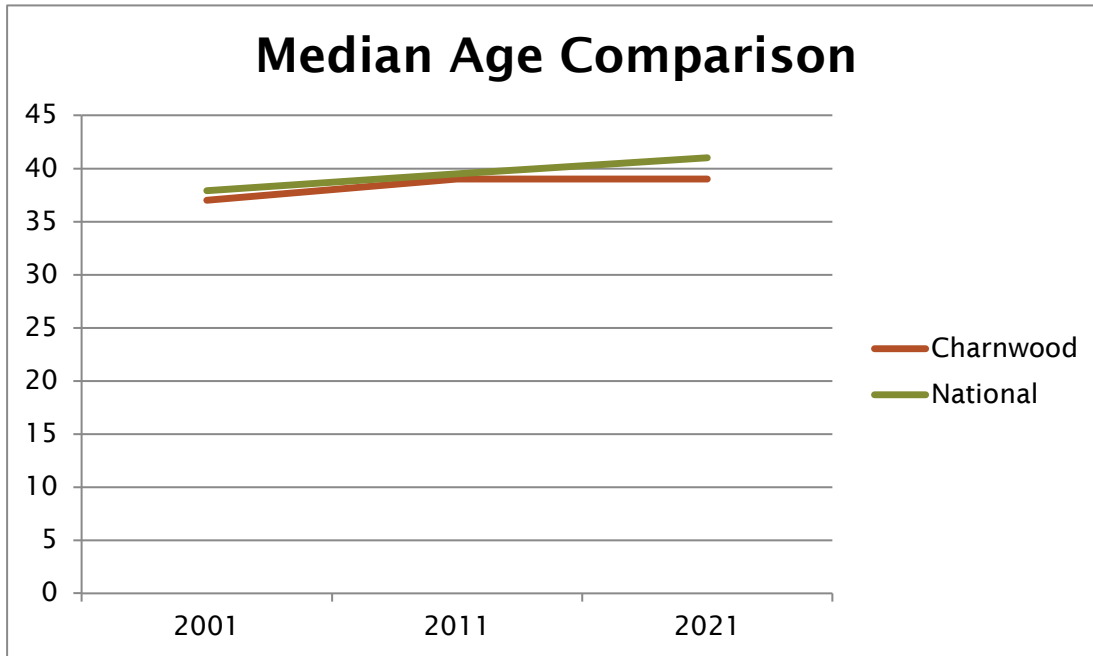
4.0 Age

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 wider UK and CBC’s population was one year, with Charnwood’s population being younger. By 2021, the difference had increased to 2 years, with CBC’s population ageing slower than the wider population.

Year	2001	2011	2021
Charnwood	37	39	39
National	38	40	41
Difference	1	1	2

Table 3: Median Age Comparison

4.2 The trend over the review period can be seen in Graph 4. It shows that the difference between age profiles is relatively low but the CBC area is ageing slower, demonstrating a younger population.



Graph 4: Median Age Comparison

4.3 Comparatively, the Ward, as of 2020, had a median age of 51 years of age. This is significantly older than the wider CBC population, and the UK as a whole. An older population is usually consistent with a lower rate of fertility.

4.4 To summarise the demographic data of the administrative area: new dwelling delivery has been consistent across the CBC area, with the two most active years being 2018 and 2019; births have been falling as a trend since the peak in 2016, with 2021 seeing the lowest birth numbers in 15 years; and the median age of the population is slightly lower than the wider UK, and ageing slower.

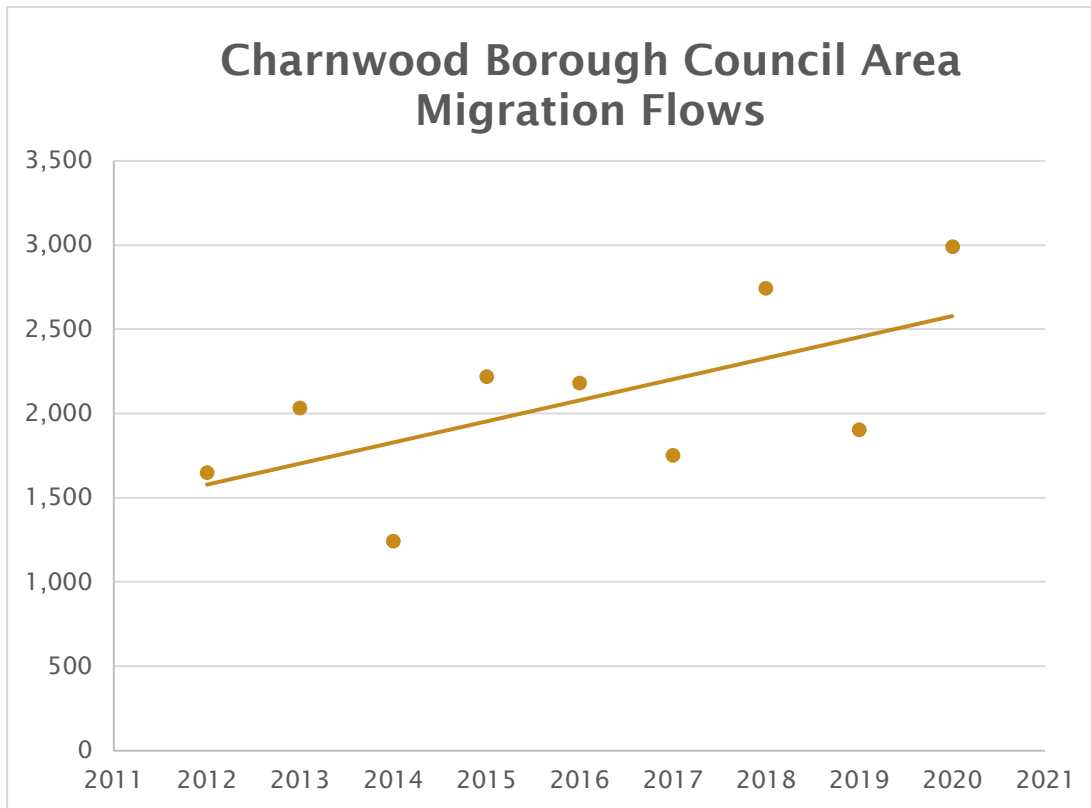
5.0 Migration

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 Estimate	Long-Term International Migration		Internal Migration (within UK)		Change	
		Inflow	Outflow	Inflow	Outflow		
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%

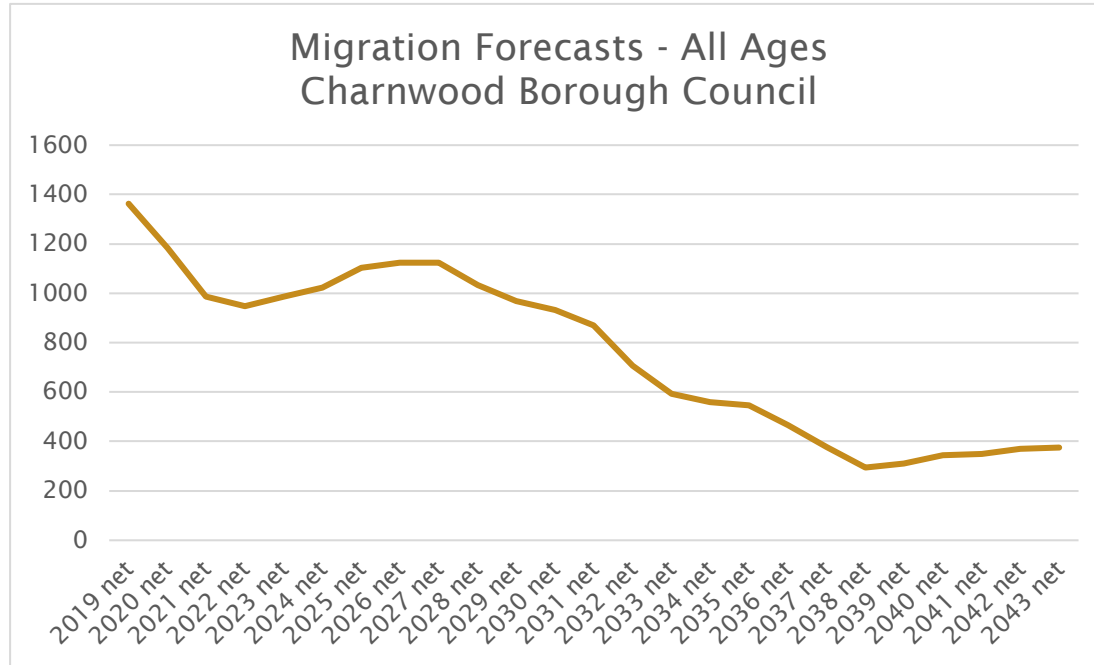
Table 4: Migration Flows in the Administrative Area

5.2 When plotting these numbers on a graph, it is evident that the trend is a rising one, suggesting that the CBC area is a popular one for people to move to from a different authority area:



Graph 5: Migration Flows in the CBC 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 6: ONS Migration Projections

5.4 ONS produced projections for the migration of individual age groups, which is shown below in Table 5. This suggests that the inward migration of children of all age groups will be a net positive to at least 2043, although in small numbers when looking at individual age groups. For example, there are only four 4-year-old children as an average moving to the whole Borough from a different one per annum:

Age Group	2019 net	2020 net	2021 net	2022 net	2023 net	2024 net	2025 net	2026 net	2027 net	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	Average	
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	3	
1	13	15	12	11	11	9	9	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	9
2	31	26	27	26	25	24	23	23	23	22	22	22	22	22	22	23	23	23	23	24	24	24	24	24	24	24	24
3	24	25	21	21	19	19	18	17	17	17	17	16	16	16	16	16	17	17	17	17	17	17	17	17	17	18	18
4	17	16	17	13	14	12	12	11	10	10	10	10	9	9	9	9	9	9	10	10	10	10	10	10	10	10	11
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	12	13
6	25	27	23	23	23	21	21	20	20	19	19	19	19	19	18	18	18	18	18	19	19	19	19	19	19	19	20
7	28	27	29	25	25	25	22	22	22	21	21	20	20	20	20	20	20	20	20	20	20	20	20	21	21	21	22
8	19	25	24	25	22	22	22	20	20	19	19	18	18	17	17	17	17	17	17	17	17	17	17	17	18	18	19
9	9	6	11	11	13	9	8	9	7	7	7	6	6	5	5	5	4	4	4	4	4	4	4	4	4	4	6
10	20	14	11	18	17	19	15	15	15	13	13	12	12	11	11	11	10	10	10	10	10	10	10	10	10	10	13
11	15	16	12	9	14	13	15	12	12	12	12	10	10	9	9	8	8	8	8	8	8	8	8	8	8	8	10
12	14	17	17	13	11	16	15	17	14	13	13	12	12	11	11	11	10	10	10	10	10	10	10	10	10	10	12
13	26	24	27	27	24	23	27	26	27	25	25	24	23	22	22	22	21	21	21	21	21	21	21	21	21	21	23
14	26	29	28	30	30	28	26	30	29	30	30	28	28	26	26	25	25	25	24	24	24	24	24	24	24	24	27
15	35	34	38	37	40	40	37	36	40	39	39	38	38	37	35	35	34	34	33	33	33	33	33	33	33	33	36
16	36	35	35	38	37	40	40	38	37	41	41	41	41	38	38	36	35	35	34	34	34	34	34	34	34	34	37
0-3	75	71	65	62	59	56	53	51	51	50	50	49	49	49	49	50	51	51	51	52	52	52	52	53	53	54	
4-10	140	132	131	132	128	123	114	110	107	101	101	97	96	92	92	92	90	90	92	92	92	92	93	94	94	105	
11-15	116	120	122	116	119	120	120	121	122	119	119	112	111	105	103	101	98	98	96	96	96	96	96	96	96	96	109

Table 5: ONS Individual Age Group Migration Projections

5.5 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 period⁵.

CHARWOOD												
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Population	173500	179000	176300	180300	182200	183900	185600	187200	188900	190700	192600	194600
Households	69602	70646	71708	72831	73534	74461	75358	76252	77089	77944	78852	79765
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
Age 0-4	9500	9500	9400	9400	9500	9800	9900	10000	10100	10200	10300	10300
Age 5-9	9100	9400	9800	10000	10100	10100	10100	10000	10000	10100	10300	10400
Age 10-14	8700	8700	8900	9200	9500	9700	9900	10300	10500	10600	10600	10500
Natural Household Growth	1044	1062	923	903	927	897	894	837	855	908	913	925
Local Plan												

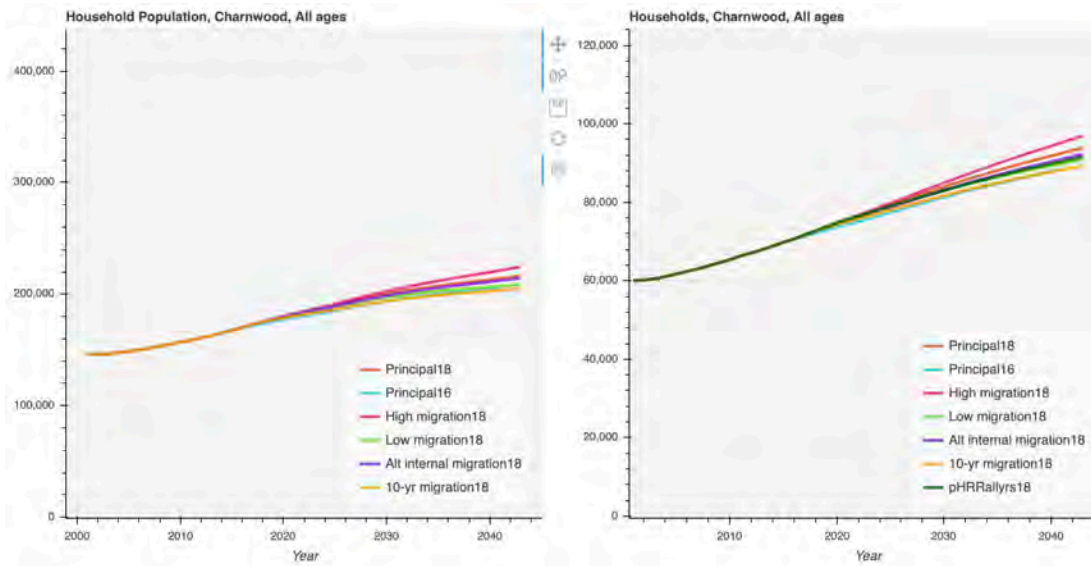
	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
Population	198600	200400	202200	203900	205600	207100	208400	209700	211000	212300	213600	215000	216200
Households	81618	82556	83464	84366	85282	86151	86968	87728	88474	89236	90002	90748	91470
Av Household Size	2.43	2.43	2.42	2.42	2.41	2.4	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 6: 2014 Population Forecasts

5.6 Comparing the 2016 population projections to the 2014 version shown above, they are lower, with the 2016 version projecting a population of 128,228 in 2039, compared to 215,000 in the 2014 projection. The Government has adopted the 2014 projection for the planning system as a safeguard.

5.7 ONS show a number of different scenarios below in Graphs 7 and 8 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:

⁵ 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 7 and 8: ONS Household Projections Analysis Tool

6.0 Child Yield

6.1 LCC Planning Obligations Policy⁶ (July 2019) includes the following child yields for new developments:

	Yield Rate per 100 homes of 2 or more bedrooms
Primary Age Pupils	30.0
Either 11 -16 years and Post 16 years	16.7
Or 11 - 14 years and 14 – 19 years	3.3
Or 11 – 19 years	10.0
	10.0
	20
	Yield Rate per 100 flats or apartments with 2 or more bedrooms
Primary Age Pupils	4.3
Either 11 – 16 years and Post 16 years	2.67
	0.53

Table 7: Child Yield Multipliers (Primary, Secondary, and Sixth Form)

⁶ <https://www.leicestershire.gov.uk/environment-and-planning/planning/developer-contributions>

	Yield rates per 100 homes of 2 or more bedrooms	
1 year olds	25%	0.85 child
2 year olds	75%	2.55 children
3 year olds	100%	3.4 children
4 year olds	50%	1.7 children
	Total	8.5 children

Table 8: Child Yield Multipliers (Early Years)

6.2 When applying the child yield shown in the Tables above to new development of circa 150 dwellings, you get the following:

- $0.085 \times 150 =$ 13 Early Years aged children;
- $0.3 \times 150 =$ 45 Primary School aged children (6-7 per Year Group);
- $0.167 \times 150 =$ 26 Secondary School aged children (5 per Year Group);
- $0.033 \times 150 =$ 5 Sixth Form aged children.

6.3 The figures above are consistent with the consultation response dated 23rd September 2022.

6.4 In each of these cases the child yield numbers shown above can be considered the “worst case scenario”, as this does not factor in any, for example, elderly residential accommodation, or flatted development; the more of any of these types of dwellings that reside on the developments, the lower the child yield will be expected to be. This is confirmed in LCC’s Planning Obligations Policy:

Education and Early Years contributions will not be sought for the following:-

- a. One bedroom dwellings.
- b. Sheltered or elderly housing
- c. Student accommodation
- d. Other specialist housing where it can be demonstrated that the accommodation will not be used by children and there are controls in place to prevent such occupation.

6.5 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.

6.6 The Department for Education (“DfE”) has produced Guidance for education; “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. 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.

6.7 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.

6.8 The EFM demographic model, working at Borough 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.

6.9 Moving on to the costs per pupil place, LCC are utilising the following costs in their consultation response dated 23rd September 2022:

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

Table 9: LCC Costs per Pupil Place

6.10 In the 2021 scorecard (the costs per pupil place database submitted by each Education Authority annually, with the next one published in the public domain in mid-March 2023) LCC is seeing the following expansion costs:

- £18,907 for Primary School expansions; and
- £26,254 for Secondary School expansions.

6.11 In both cases the figures utilised by LCC are lower than this and are therefore acceptable.

6.12 According to national benchmarking⁷ (July 2022) produced by Hampshire County Council et al., the average cost of a Special Education Needs pupil place is £74,920. LCC's Primary School SEN place multiplier is lower than this, while the Secondary SEN place multiplier is higher. Collectively, the average demonstrates that the figures are broadly appropriate.

6.13 The remainder of this Report will look at the Education and Healthcare landscape to establish whether additional school or healthcare infrastructure projects are necessary to mitigate the impact of this development, and whether the requested planning obligations from LCC/the ICB are CIL Reg 122 (2) compliant. To first discuss Education:

⁷ <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 distance⁸, 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 3: 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

⁸ Distances have been calculated based upon coordinates near to the development (52.703496, -1.054160). Once the development is built out, some parts of the site will be further/closer than shown.

NPPF made this plain at paragraph 38. Paragraph 38 has been replaced by paragraph 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 2026/27 and for Secondary School aged pupils 2028/29. 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.

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.⁹

⁹ 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 Academies, Free Schools, the Voluntary Sector (e.g. Church Schools) and Foundation Schools. Academies and Free Schools are funded directly by Central Government, whereas Church Schools and Foundation Schools are maintained by the local authority.

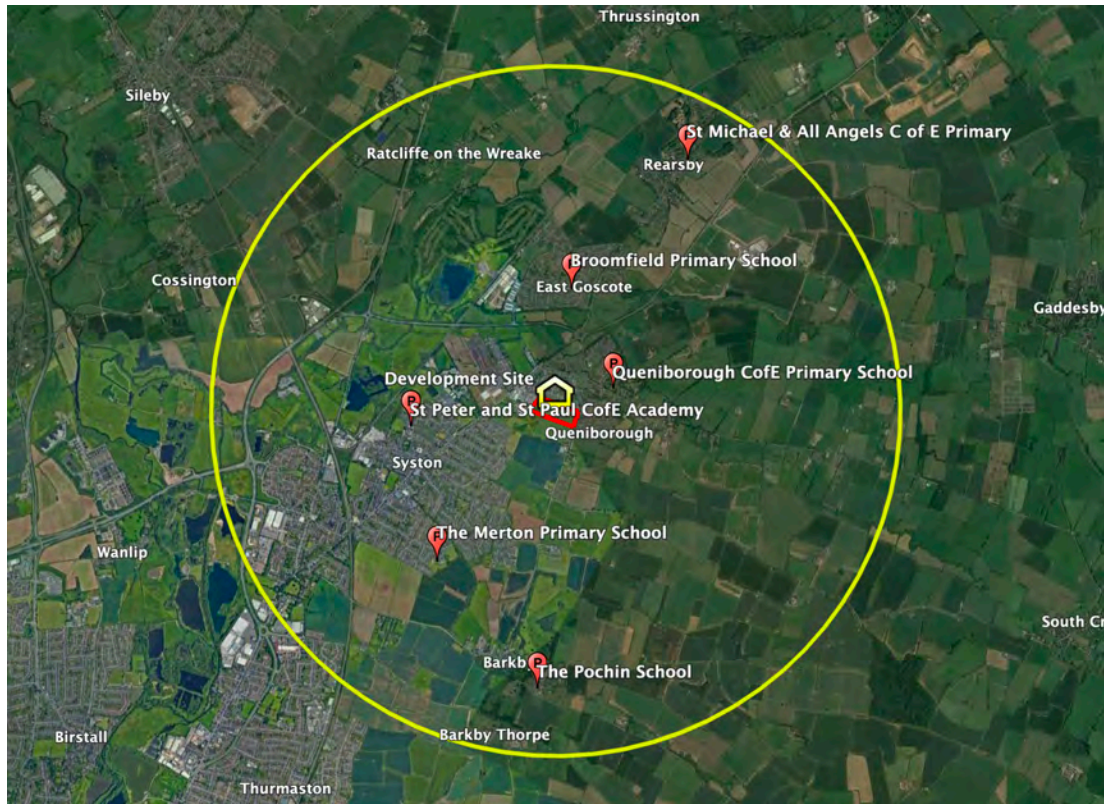
7.9 The provision of school places, where there is a shortfall, is made via a funding stream from the Department for Education (“DfE”) is known as Basic Need. Basic Need funding is allocated as ‘a number of pupil places times a unit cost’, differentiated by school phase and local building costs. Allocations 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.¹⁰ A surplus in one school planning area is not offset against another with a shortfall. In this case, providing housing in the Group 4b Syston Primary Planning Area (for whatever planning reason) will be reflected in the forecasts for the Group 4b Syston Primary Planning Area, and nowhere else.

8.0 Primary Schools

8.1 There are at least six independent, state funded, non-selective, non-fee-paying schools accommodating Primary School aged children within a two-mile radius of the development site. All of the schools are within the LCC administrative area, and are organised across two Primary Planning Areas.

8.2 The schools, in relation to the development site, can be seen below in Map 4:

¹⁰ Capital Funding for School Places by 2021 – explanatory note on methodology



Map 4: Schools within a two-mile radius of the development site

8.3 The latest school roll data (2021/22 academic year) in the public domain for the schools can be seen below in Table 10:

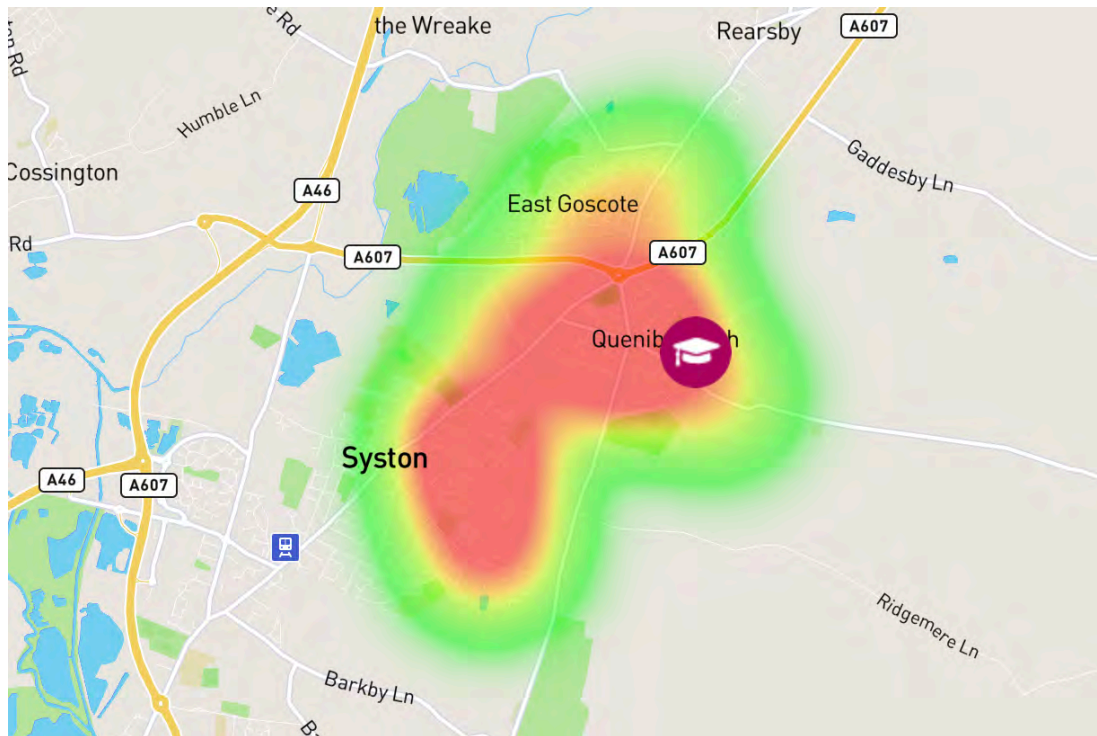
Primary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
Queniborough CofE Primary	LE7 3DR	Leicestershire	0.6	210	30	206	28	30	30	28	30	30	30
Broomfield Primary School	LE7 3ZQ	Leicestershire	1	266	30	192	23	29	31	19	26	31	33
St Peter and St Paul CofE Academy	LE7 1HR	Leicestershire	1	420	60	402	51	59	55	57	60	60	60
The Merton Primary School	LE7 2PT	Leicestershire	1.7	420	60	414	57	59	60	59	59	60	60
St Michael and All Angels CofE Primary	LE7 4YB	Leicestershire	1.9	105	15	78	13	7	14	4	13	13	14
The Pochin School	LE7 3QL	Leicestershire	2.2	137	20	139	20	20	20	20	19	20	20
TOTAL				1,558	215	1,431	192	204	210	187	207	214	217
Surplus							23	11	5	28	8	1	-2
Available Surplus %							11%	5%	2%	13%	4%	0%	-1%

Table 10: School Roll Data (January 2022)

PAN = Planned Admission Number; NoR = Number on Roll

8.4 The closest school to the development site, at 0.6 miles walking distance from a mid-point of the development site, is Queniborough Church of England Primary School. This is a 1FE Primary School (Ofsted “Good”) that, as of the previous academic year, was predominantly full, although the school had a small number of spare places in Reception Year, suggesting that roll may be falling.

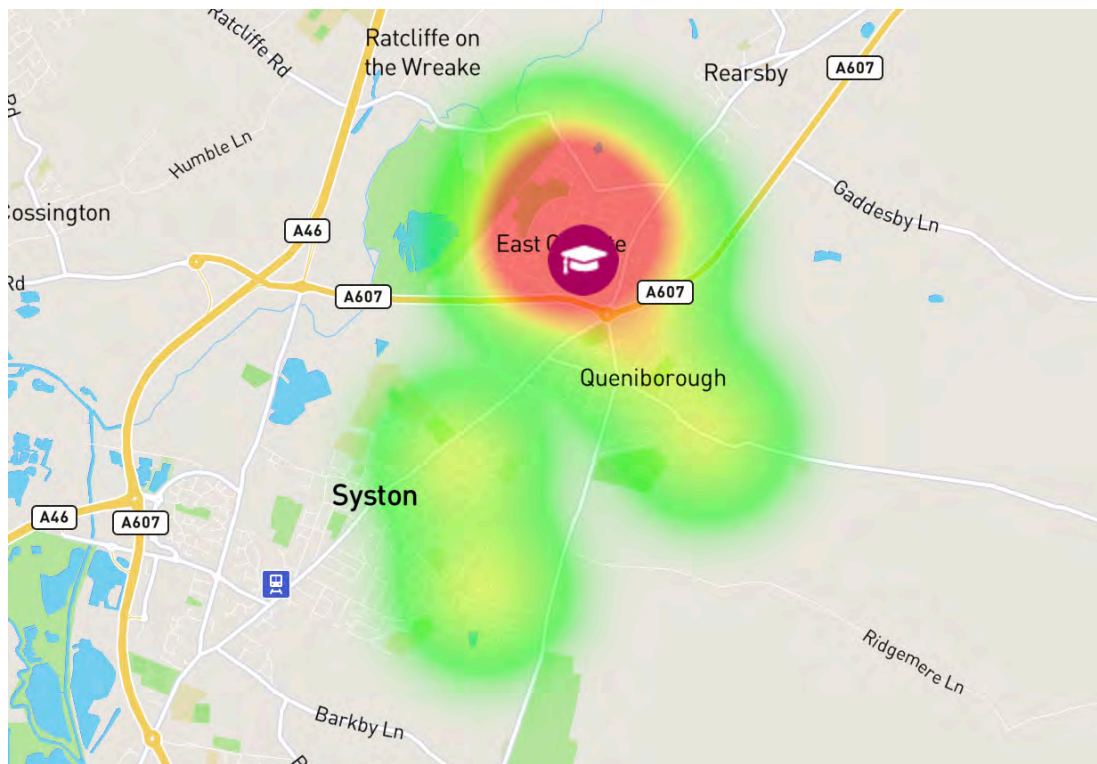
8.5 Queniborough C of E Primary School accommodates pupils from across Queniborough and Syston, as demonstrates in the Heat Map below:



Map 5: Queniborough Primary School Catchment Area Heat Map

8.6 The second closest school to the development site is Broomfield Community Primary School. This is a 1FE Primary School (Ofsted “Good”) with spare capacity, as of the previous academic year, in four out of seven Year Groups, with the largest number of spare places in Reception Year and Year 3, indicating falling rolls.

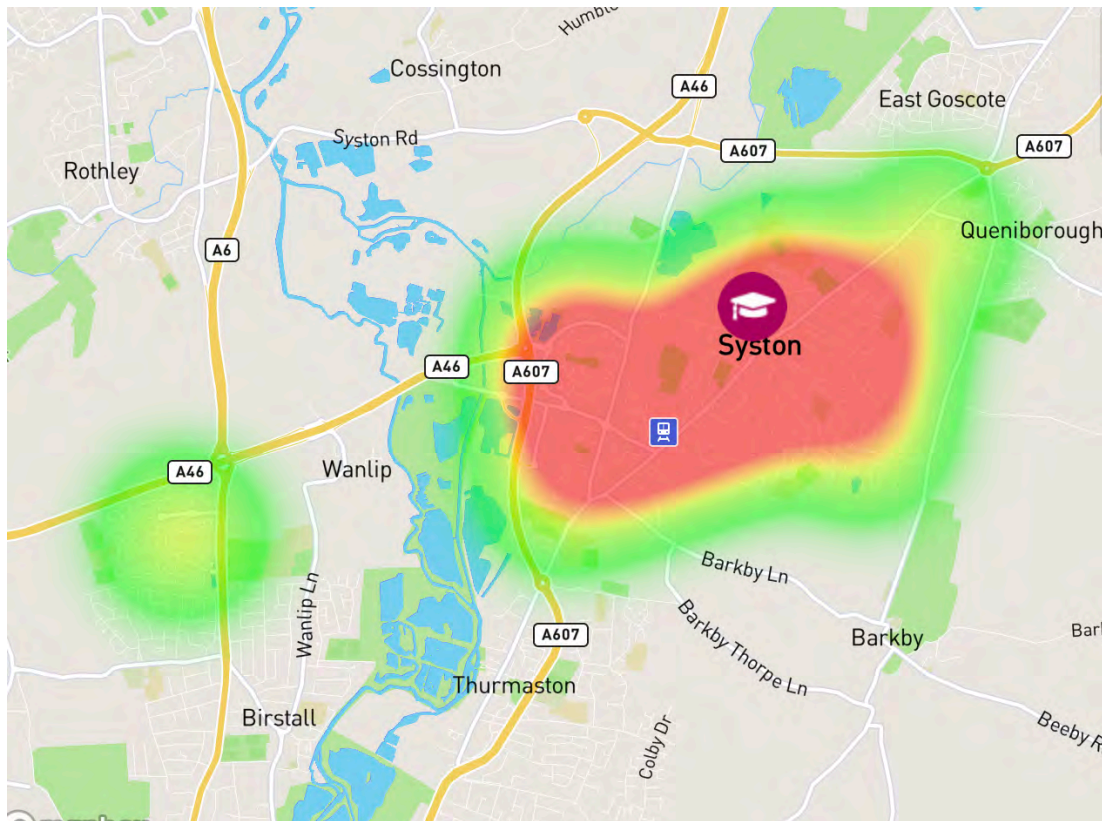
8.7 Broomfield Community Primary School accommodates pupils from across neighbouring East Goscote, with pupils also attending from Queniborough and Syston, as shown in the Map below:



Map 6: Broomfield Primary School Catchment Area Heat Map

8.8 The third closest school to the development site is St Peter and St Paul Church of England Academy. This is a 2FE Primary School (Ofsted “Good”) that as of the previous academic year was operating below its capacity, with the majority of the spare places being located in Reception year, suggesting falling rolls.

8.9 St Peter and St Paul Church of England Academy predominantly serves Syston, but also accommodates pupils from Queniborough in small numbers, as demonstrated below:



Map 7: St Peter and St Paul C of E Academy Catchment Area Heat Map

8.10 The remaining schools are all pushing the “acceptable walking distance” parameter, and do not serve Queniborough in sufficient numbers to trigger the Heat Maps.

8.11 To summarise the position in the existing Primary Schools: there were 44 spare places in the three schools that directly serve Queniborough in the previous academic year, with the highest number being in Reception Year, suggesting falling rolls. There were 76 spare places in the wider school system, which exceeds the child yield of this development. This calls in to question the appropriateness of requesting 100% Primary School planning obligations from this development site.

8.12 LCC’s Planning Obligation Policy states the following (page 33):

- *Contributions will be required for every pupil place required in excess of the projected capacity*

- *If calculations indicate that spare capacity/places will exist in the catchment school by the time the development reasonably can be expected to generate new demand for places then the requirement will be adjusted accordingly*

8.13 On that basis it is important to look at the projections to see what the capacity at the schools is expected to be when the development comes forward.

8.14 The first, third, fourth, and sixth closest schools to the development site are grouped together to form the Group 4b Syston Primary Planning Area Schools. The facilities have a combined capacity of 1,187 pupil places:

LA Name	School Name	School Places	Pupil on Roll	Primary Capacity	Secondary Capacity
Leicestershire	The Merton Primary School	420	415	420	0
Leicestershire	The Pochin School	137	139	137	0
Leicestershire	Queniborough Church of England Primary School	210	209	210	0
Leicestershire	St Peter and St Paul Church of England Academy	420	405	420	0

Table 11: Group 4b Syston Primary Planning Area Schools

8.15 In the 2021/22 academic year, the schools had a combined roll of 1,161 pupils, which was 26 spare places. However, the roll is forecast to grow to 1,208 by 2026/27, meaning the schools will be oversubscribed:

LA name	Year	Planning Area Code	Planning Area Name	Planning Area Phase	nc Year Group	Pupil Forecast and ...
Leicestershire	202122	8550204	Barkby Syston Queniborough Primary	Primary	Primary total	1161
Leicestershire	202223	8550204	Barkby Syston Queniborough Primary	Primary	Primary total	1158
Leicestershire	202324	8550204	Barkby Syston Queniborough Primary	Primary	Primary total	1169
Leicestershire	202425	8550204	Barkby Syston Queniborough Primary	Primary	Primary total	1181
Leicestershire	202526	8550204	Barkby Syston Queniborough Primary	Primary	Primary total	1196
Leicestershire	202627	8550204	Barkby Syston Queniborough Primary	Primary	Primary total	1208

Table 12: LCC SCAP Forecasts

8.16 The second and fifth closest schools to the development site collectively form the Group 4c Syston Primary Planning Area. The schools have a combined capacity of 371 pupil places:

LA Name	School Name	School Places	Pupil on Roll	Primary Capacity	Secondary Capacity
Leicestershire	Broomfield Community Primary School	266	211	266	0
Leicestershire	St Michael & All Angels Church of England Primary School	105	87	105	0

Table 13: Group 4c Syston Primary Planning Area Schools

8.17 In the 2021/22 academic year, the schools had a collective roll of 270 pupils. This equated to 101 surplus places. By the 2026/27 academic year, the roll is expected to fall to grow to 280, meaning the spare capacity will be 91 spare places:

LA name	Year	Planning Area Code	Planning Area Name	Planning Area Phase	nc Year Group	Pupil Forecast and ...
Leicestershire	202122	8550304	Rearsby East Goscote Primary	Primary	Primary total	270
Leicestershire	202223	8550304	Rearsby East Goscote Primary	Primary	Primary total	265
Leicestershire	202324	8550304	Rearsby East Goscote Primary	Primary	Primary total	265
Leicestershire	202425	8550304	Rearsby East Goscote Primary	Primary	Primary total	268
Leicestershire	202526	8550304	Rearsby East Goscote Primary	Primary	Primary total	284
Leicestershire	202627	8550304	Rearsby East Goscote Primary	Primary	Primary total	280

Table 14: LCC SCAP Forecasts

8.18 The indication from the projections is that by the 2026/27 academic year, of the two Planning Area with schools that will accommodate pupils from this development, only one is expected to have any spare capacity, with the other being oversubscribed.

8.19 LCC state in their consultation response the following:

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.

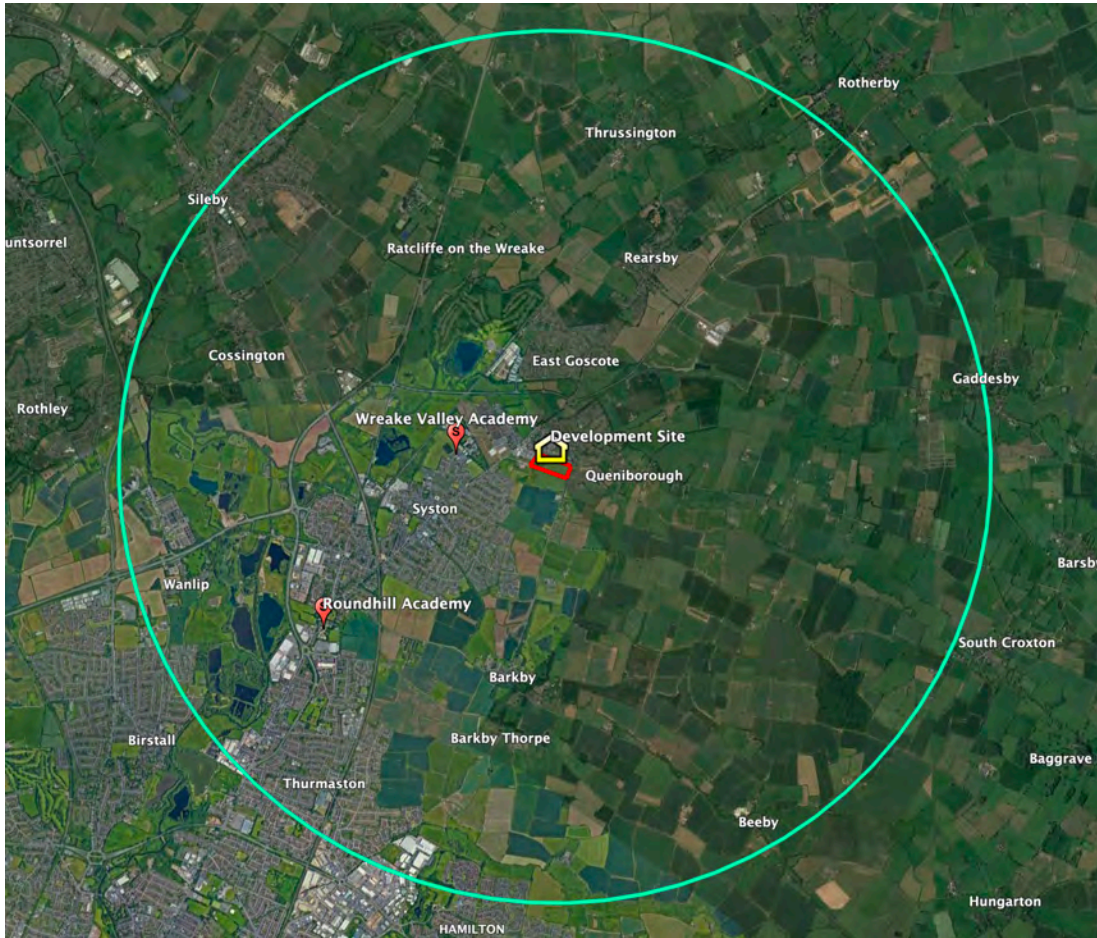
8.20 LCC has undertaken the appropriate course of action by removing spare capacity from the calculation, and only requesting planning obligations for the net number of pupils expected to take the schools within an appropriate walking distance over capacity. On that basis, the Appellant's accept the planning obligation requested.

8.21 Turning now to Secondary School provision:

9.0 Secondary Schools

9.1 There are at least two independent, state funded, non-selective, non-fee-paying schools accommodating Secondary School aged children within a three-mile radius of the development site. All of the schools are within the LCC administrative area, and are organised across one Secondary Planning Area.

9.2 The schools, in relation to the development site, can be seen below in Map 8:



Map 8: Schools in relation to the Development Site

9.3 The latest school roll data in the public domain (2021/22 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
Wreake Valley Academy	LE7 1LY	Leicestershire	1	1,482	240	713	192	144	114	137	126	166
The Roundhill Academy	LE4 8CQ	Leicestershire	2.2	750	150	832	169	156	177	175	155	0
TOTAL				2,232	390	1,545	361	300	291	312	281	166
Surplus							29	90	99	78	109	
Available Surplus %							7%	23%	25%	20%	28%	

Table 15: Pupil Numbers – January 2022

NoR = Number on Roll; PAN = Planned Admission Number

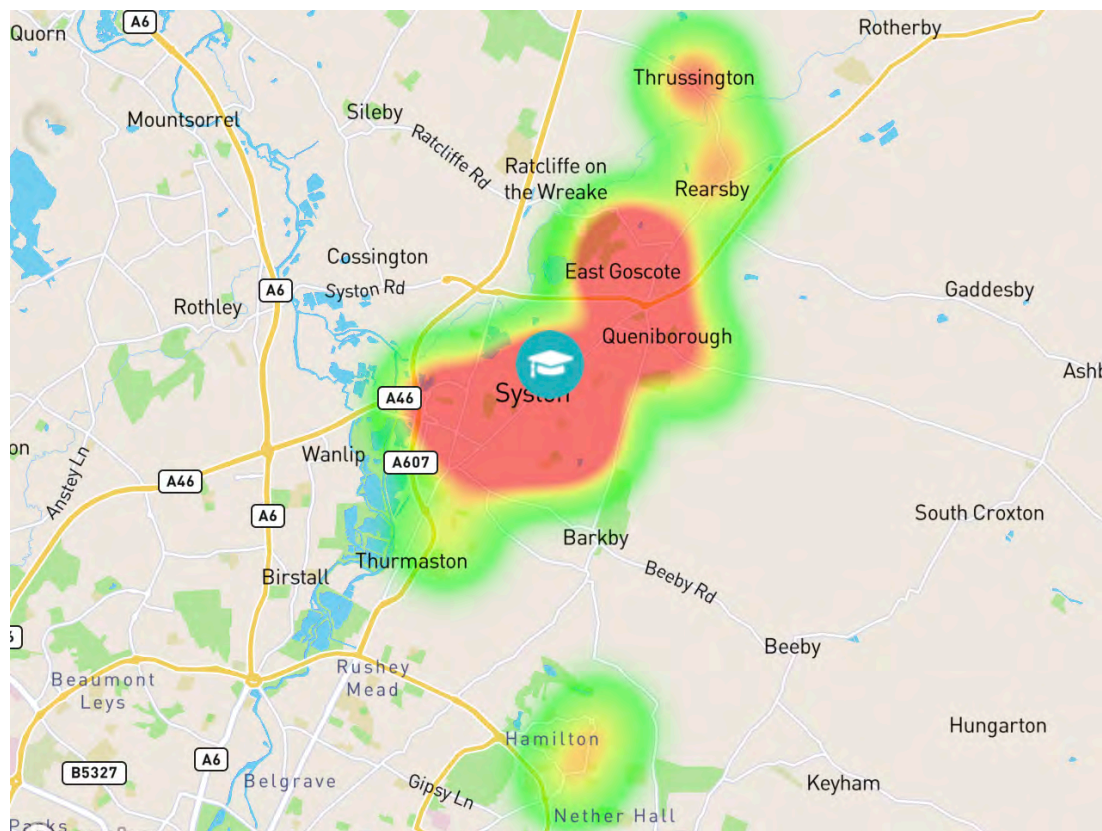
9.4 The closest school to the development site is Wreake Valley Academy. This is an 8FE Secondary School (Ofsted “Good”) approximately one-mile walking distance from the development site. The school, as of the previous academic year, was operating at 59% of its capacity in Years 7-11 with 487 spare places.

9.5 The above is based on the most recent admissions criteria published on the website¹¹. However, LCC state in their consultation response:

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.

9.6 This means that the school has reduced its admission number to 210 per Year Group rather than 240, likely due to a lack of demand for places. The school has the physical space to accommodate more pupils than this, but there is no demand for them, so the school has reduced its admissions in order to reduce its costs.

9.7 This school is very close to the development site, as shown below:

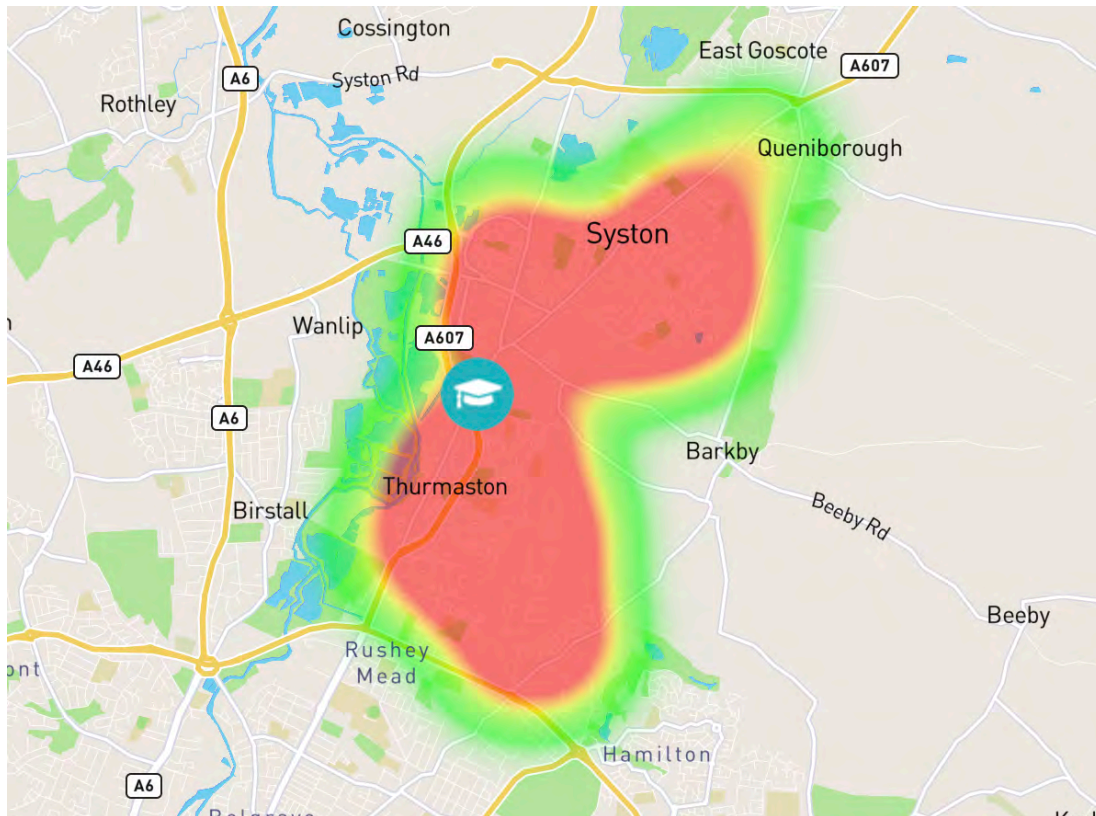


Map 9: Wreake Valley Academy Catchment Area Heat Map

¹¹ <https://www.wreake.bepschools.org/wp-content/uploads/sites/7/2021/03/DRAFT-2022-Admissions-Policy-fv.pdf>

9.8 Based on the considerable number of spare places in the local school, LCC is correct not to request planning obligations.

9.9 The second closest school to the development is The Roundhill Academy. This is a 5FE Secondary School (Ofsted “Insufficient”) approximately 2.2 miles walking distance from the development site. This school is full, and does not serve Queniborough, as demonstrated below:



Map 10: The Roundhill Academy Catchment Area Heat Map

9.10 LCC has not requested planning obligations for expanded provision at Secondary Schools nearest to the development site. This is appropriate as they would not be CIL Reg 122 (2) compliant.

9.11 LCC has also stated with regards to Sixth Form provision:

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

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.

9.12 The data in this Report confirms this conclusion, and LCC have acted appropriately not requesting Sixth Form contributions.

9.13 To now discuss Early Years provision:

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; and
- 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); and
- 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 The DfE's Best Practice Guidance¹² confirms that many Early Years settings fall within the private, voluntary and independent sector. There are at least three local Nurseries serving Queniborough, with a combined capacity of 231 places:

¹² <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>



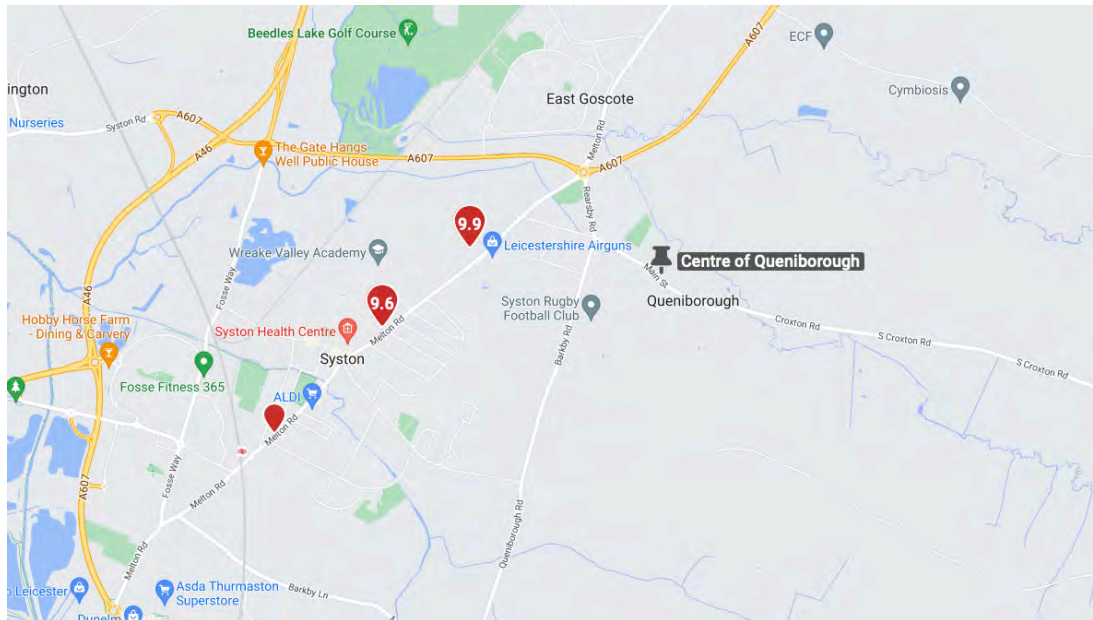
<p>The Laurels Nursery School 0.8 miles away</p> <p>1514 Melton Road, Queniborough, Leicester LE7 3FN</p> <p>Group/Owner Grandir UK</p>  <p>14 photos 11 videos</p> <p>Type of Nursery Day Nursery 80 Places</p>	<p><i>The Laurels</i></p> <p>81 reviews 9.9</p> <p><i>"The staff are exceptional in making sure the children settle and feel happy. Their safeguarding awareness is very good. I was always..."</i></p> <p>Save View Full Details</p>
<p>Children 1st @ Syston 1.1 miles away</p> <p>1324 Melton Road, Syston, Leicester LE7 2EQ</p> <p>Group/Owner Children 1st Day Nurseries</p>  <p>33 photos</p> <p>Type of Nursery Day Nursery 99 Places</p>	<p>65 reviews 9.6</p> <p><i>"I cannot thank this nursery enough. My son started in the bobtails room and is now in early years. He is such a confident little boy and..."</i></p> <p>Save View Full Details</p>
<p>The Syston Day Nursery 1.6 miles away</p> <p>1096 Melton Road, Syston, Leicester LE7 2HA</p> <p>Type of Nursery Day Nursery 52 Places</p>	<p>Save View Full Details</p>

Table 16: Nurseries Near Queniborough



Map 11: Nurseries near Queniborough

10.4 The capacity at these Nurseries is large for the area that they serve. It is assumed that any additional provision needed will be accommodated by the Private Sector.

10.5 Additionally, as highlighted in Section 3 of this Report, birth numbers are falling across Charnwood Borough, which is likely to be increasing the number of spare places, as there are fewer children to replace those moving on to Primary School.

10.6 On the basis of the above, LCC are correct to not request Early Years contributions from this development.

11.0 Special Education Needs

11.1 It is very difficult to ascertain whether any children with SEN would come forward from this development. If direct need cannot be identified, then a planning obligation is not required. When calculating the requirement for mainstream Primary and Secondary Education needs of children that are likely to be located in the proposed housing development, there is a plausible link between the numbers of places that are likely to be required, and the local school(s) that will be, in the main, asked to accommodate these children. The link between the development, the requirement, and the location of the schools is direct, and proportionate. Additionally, the arrangements for funding additional mainstream school places includes the mechanism to advise the funding body (ESFA) of the numbers of pupil places covered by S106 contributions that are then discounted from the allocation, to avoid double funding.

11.2 In order for a SEN contribution to fulfil the tests of Regulation 122 it would be necessary for the developers to fund the individual places of pupils proven to be located at housing within the new development at a school within the Leicestershire administrative area. The developers, however, are unable to investigate the number of SEN pupils who may be located on this development, as to do so would be a clear invasion of privacy of such families. The contribution cannot be deemed fairly related and proportionate without this. Plus, the EHC Plan for a child with SEN names the 'school' identified by a gamut of experts within the authority and externally (health in particular) plus the parents/guardians. No one can anticipate which institution will be named. Again, it falls at the CIL Reg 122 hurdle.

11.3 As outlined above, it is very difficult to establish whether any pupils with SEN will be located on this development. EFM has previously agreed with Warwickshire County Council ("WCC") that the Section 106 agreement freezes any SEN contribution until WCC has named a child resident on the development to which the contribution

can be allocated. It seems the only lawful way for the rules to work. This could be an appropriate approach if the Education Authority would agree, as there is no certainty that any pupils with SEN will be on this site.

11.4 If LCC can demonstrate that there is a shortfall of available provision, planning obligations may be justifiable. However, the stipulations above should be enacted to ensure that the spending of the contributions is CIL Reg 122 compliant.

11.5 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.

11.6 This demonstrates that the best practice Guidance supports the requesting of SEN contributions if they are needed, although again establishing that direct need is problematic.

11.7 Government statistics suggest that in 2022 4% of children in the UK have an EHC plan/Statement of SEN (up from 3.7% in 2021)¹³. 12.6% of the UK's school age child population has some form of SEN but no EHC plan. Nationally, there is not sufficient SEN provision to accommodate the demand, which is growing.

11.8 LCC has requested proportionate contributions towards additional provision. The Inspector at the recent Planning Appeal in Sileby¹⁴ has confirmed that LCC's approach is CIL Reg 122 (2) compliant. On that basis, the contribution request is deemed to be acceptable.

11.9 Turning now to the request from the ICB for contributions towards Primary Healthcare:

¹³ <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england>

¹⁴ Appeal Decision APP/X2410/W/21/3287864

12.0 Primary Healthcare

12.1 There are two recent Planning Inquiries, discussed further below, which have specifically addressed the issue funding for GP Surgeries. The outcome of these Planning Inspectorate decisions was to blue pencil the requests from the Section 106 on the basis that the planning obligations did not fulfil the tests of CIL Reg 122 (2). The main issue is that the ICB has not sufficiently identified that harm would occur if the developments came forward.

12.2 The Leicester, Leicestershire and Rutland ICB has stated the following in their consultation response dated 30th September 2022:

The housing development will result in a minimum population increase of 363 patients. This figure would evidently be higher depending on the number of bedrooms in each dwelling.

12.3 In order to come to the number of 363 people, the ICB has applied a crude formula to the number of dwellings the site is likely to generate. Specifically, the assumption is that household averages are 2.42 patients (people) per dwelling:

- 150 dwellings x 2.42 people per dwelling = 363 people

12.4 However, this assumes a 100% take-up rate at one of the local GP Surgeries. As with Education, the fact is that a large proportion of people that move on to this development site will not move far, will already be registered with a GP, and will not change once habits have been formed. The calculation does not take this in to consideration, meaning that the likelihood is that the formula makes the contribution excessive, and not fairly and reasonably related in scale and kind to the development.

12.5 The consultation response states the following:

The practices that are close to this development:

**The County Practice
Syston Health Centre
Melton Road, Syston
Leicester
LE7 2EQ
List Size 12,658**

**The Jubilee Medical Practice
Syston Health Centre
1330 Melton Road, Syston
Leicester
LE7 2EQ
List Size 12,331**

12.6 This is accurate, as both GP Surgeries are within walking distance of this proposed development:



Map 12: GP Surgeries in relation to the development site

12.7 When looking at the population of the Ward, there are 4,865 people registered with a GP Practice. Of these people, 3,693 (76%) are registered at one of the two Surgeries shown in Map 12. The remaining 1,172 people are registered with one of 35 additional GP Surgeries, some in very small numbers:

Practice Code	Practice Name	LSOA Code	Patient Numbers	Ward Code	Ward Name	LA Code	LA Name	County	Postcode	Patient Total
C82043	THE COUNTY PRACTICE	E01025730	1937	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82078	THE JUBILEE MEDICAL PRACTICE	E01025731	1756	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82051	JOHNSON MEDICAL PRACTICE	E01025730	651	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82033	HUMBERSTONE MEDICAL CENTRE (JP JONES)	E01025730	87	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82676	ST ELIZABETH'S MEDICAL CENTRE (JA WOOD)	E01025730	66	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82678	THURMASTON HEALTH CENTRE	E01025730	56	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82627	SILVERDALE MEDICAL CENTRE	E01025730	50	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82667	THE CHARNWOOD PRACTICE	E01025730	37	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82018	PARKER DRIVE SURGERY	E01025730	30	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82063	EAST LEICESTER MED PRACT(S LONGWORTH)	E01025730	26	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82600	THE BANKS SURGERY	E01025730	19	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82022	THE BILLEDSON SURGERY	E01025730	17	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82088	HORIZON HEALTHCARE	E01025730	15	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82644	DR MK LAKHANI'S PRACTICE	E01025731	13	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82038	LATHAM HOUSE MEDICAL PRACTICE	E01025730	13	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
Y02052	DR SIC CLAY'S PRACTICE	E01025730	10	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82680	RUSHY MEAD HEALTH CENTRE	E01025730	10	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82091	BIRSTALL MEDICAL CENTRE	E01025731	9	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82037	EAST PARK MEDICAL CENTRE (RP PANDYA)	E01025730	8	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82084	DR B MODI	E01025730	6	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82099	AL-WAQAS MEDICAL CENTRE	E01025730	5	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
Y02469	HERON GP PRACTICE	E01025730	5	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82642	HIGHFIELDS MEDICAL CENTRE	E01025730	5	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82030	DOWNING DRIVE SURGERY (AJI BENTLEY)	E01025730	4	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82623	HEATHERBROOK SURGERY (RP ARCHER)	E01025730	4	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82016	LONG CLAWSON MEDICAL PRACTICE	E01025731	4	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
Y00137	THE WILLOWS MEDICAL CENTRE	E01025730	4	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82671	DR GANDECHA & PARTNER	E01025730	3	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82114	DR U K ROY	E01025730	3	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82116	HIGHFIELDS SURGERY (R WADHWAN)	E01025730	3	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82092	AVLESTONE HEALTH CENTRE	E01025730	2	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82029	WILLOWBROOK MEDICAL CENTRE (JG ASTLES)	E01025730	2	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82097	CHARWOOD SURGERY	E01025731	1	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82643	COMMUNITY HEALTH CENTRE (ZS OSAMA)	E01025730	1	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82659	DR R KAPUR & PARTNERS	E01025730	1	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82019	STURDEE ROAD HEALTH AND WELLBEING CENTRE	E01025730	1	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865
C82624	THE PRACTICE BEAUMONT LEYS	E01025730	1	E05005443	Queniborough	E07000130	Charnwood	Leicestershire	LE7 3	4865

Table 17: People in the Queniborough Ward Registered with a GP Surgery

12.8 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).

12.9 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.

12.10 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.

12.11 When establishing if either GP Surgery that serves this development is at capacity, and has gone through the statutory process to close the roll, it is evident that they have open rolls, and are accepting new Patients.

12.12 The County Practice is accepting new Patients:

How To Register

We have an open list and welcome requests for registration from patients living in or moving to [the practice area](#).

You can register by completing a form available from reception.

To save time you can also download and print the following registration forms:

For Adult Registrations

[Download an Adult Registration Form](#) and an [Online Services form](#)

For Children's Registrations

Please download and complete **both** a [Child Registration Form](#) and a [Child Health Services form](#)

You will need to complete these forms by hand and bring to the surgery.

You will have a named, accountable doctor who is responsible for coordinating your care. You can still talk to or make appointments to see any of our doctors or nurses, not just your named GP.

We recommend that new patients undertake a health check with a practice nurse.

12.13 The Jubilee Medical Practice is also accepting new Patients:



How do I register as a patient with the practice? ▶

If you are resident within the practice area and wish to register, please collect a registration pack from the surgery. When you register with the practice at reception please provide photo ID or a birth certificate and a letter with proof of address. Forms for completion can be found below:

- **Child Registration Pack**
- **Adult Registration Pack**

A new medical card will no longer be sent by Registration and Screening Services. If you need to make contact the details are as follows:

Patient Registration and Screening Services
PO Box 7157
Leicester LE5 4YJ
Tel: 0116 295 7880

12.14 On that basis, it cannot be said that this development will take the GP Surgeries over capacity and cause harm. 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 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).

12.16 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.

12.17 It should be noted that these arguments were put to an Inspector recently in an Appeal¹⁵ in Nottinghamshire in 2021. The Inspector said:

¹⁵ APP/B3030/W/20/3260970

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 response²⁰ supplemented by an email²¹. 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 residents²², 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.

12.18 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.

12.19 The same arguments as detailed above were put the Inspector of the neighbouring Sibley Appeal¹⁶ in 2022. The Inspector said (paragraph 58, page 11):

However, I have limited information to demonstrate how the number of additional patients generated by this development would impact significantly on the provision of healthcare services locally, or that other options to improve capacity such as longer opening hours have been explored and ruled out. The financial request from the CCG is based on a standard formula and it is not clear how capacity would be increased.

¹⁶ Appeal Decision APP/X2410/W/21/3287864

Therefore, it is not possible to say that the Healthcare Contribution is necessary to make the development acceptable in planning terms.

12.20 It is clear that the standard formula approach applied to Surgeries with open rolls is not an appropriate approach to establishing whether harm would arise from the people from new developments.

12.21 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.

12.22 Furthermore, GP practice premises are funded via a separate funding stream that is driven by rateable value and rental value. This means that expanding a GP practice for any reason, confirmed by the ICB, is fully funded by the NHS. Thus, any funds derived from a developer is double funding. Unlike school places, there is no clawback mechanism to prevent this double funding like there is in Basic Need funding from the DfE.

12.23 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, because many of the residents would be expected to have moved from elsewhere in the Borough and would already be accessing local services. However, the ICB is requesting funding from 100% of the expected population of the site. This is excessive, and not CIL Reg 122 Compliant.

12.24 The ICB has used NHS Health Building Note 11-01 'Facilities for primary and community care services and in particular the formula below paragraph 4.16 to quantify the physical space required by the ICB, and as a follow on the cost to provide. They have ignored the purpose of HBN 11-01 which is a design guide for sizing new facilities. Specifically, they have ignored the chapter heading 'Sizing a development and creating a briefing schedule'. It is not a formula for the de minimis enlargement of premises in response to a perceived and exaggerated increase in patient numbers on a per patient basis. This is best achieved through utilisation. Note that the formula is predicated on 'anticipated annual contacts'; assumed 100% of patients accessing a consulting room in a 12 month period', 'assumed opening weeks for the practice', 'assumed appointment duration', and 'assumed weekly opening hours'. This is not a method compliant with the specificities of CIL Reg 122.

12.25 On the basis of the above, there is not sufficient evidence to demonstrate that harm would occur if planning obligations were not secured. The Planning Inspectorate has ruled against this approach in at least two very recent Planning Inquiries. There is no evidence that planning obligations are justified towards additional Primary Healthcare Infrastructure.

12.26 To now sum up the conclusions of the Education and Healthcare Report:

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 2021 were the lowest they'd been since 2006, 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, albeit in very small numbers.

13.2 From a Primary School perspective: LCC has asked for planning obligations consistent with their adopted Policy, in that they have netted off surplus capacity, and only requested funding for places that will take the schools over capacity. This can be accepted.

13.3 LCC has not requested funding towards Secondary provision, Sixth Form provision, or Early Years provision. The work undertaken in this Report reviewing these areas concurs with this approach.

13.4 LCC has requested proportionate sums towards SEN provision, which this Report has deemed is appropriate.

13.5 Finally, the Leicester, Leicestershire and Rutland ICB has requested funding towards Primary Healthcare provision. 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 likely lower than forecast. The request clearly does not fulfil the tests of CIL Reg 122. This has been supported by the Planning Inspectorate in recent Appeal decisions. This planning obligation should therefore be removed from the Section 106.
