

The Planning Inspectorate
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Date: 15 September 2023
 My Ref: 2021/2639/02
 Your Ref: APP/X2410/W/23/3325902
 Contact: Mark Johnson
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Dear Sirs,

APPEAL BY: Taylor Wimpey (UK) Ltd

APPEAL REFERENCE: APP/X2410/W/23/3325902

SITE: Land North of Barkby Road, Syston, Leicestershire

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

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 (CIL) 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 necessity of the contributions are broadly accepted by all parties, however the amounts suggested in the Appellants Statement of Case are lower than the actual amounts requested by Leicestershire County Council.

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.

Infrastructure Category	Location	Amount
Early Years Education	Early Years Education	£304,250.70
Primary Education	The Merton Primary School	£679,172.00
Secondary Education (11-16)	Wreake Valley Academy	£0.00
Post 16 Education	Wreake Valley Academy	£0.00
SEND Education	Ashmount School	£110,074.44
Waste	Mountsorrel HWRC	£10,075.65
Libraries	Syston Library	£5,888.55
Safe and Sustainable Transport (Travel Packs - £ Per Pack)	Travel Packs (1 per dwelling at £52.85)	£10,305.75
Safe and Sustainable Transport (Bus Passes - Avg £ Per Pass)	Bus Passes (2 per dwelling at £360 per pass)	£140,400.00
Travel Plan Monitoring	Travel Plan Monitoring	£6,000.00
Highways	Construction Traffic Routing Agreement	£0.00
Highways	Local Highway Mitigation	£264,091
Total		£1,530,258.09

Education Contributions – An Overview

For developments of 10 dwellings or more (two bedrooms or larger), contributions are sought towards Primary, Secondary and Post 16 education provision.

For developments 100 dwellings or more (two bedrooms or larger), contributions are sought towards Early Years Education and to support children with Special Educational Needs and Disabilities (SEND).

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

Early Years Education

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

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

A cost multiplier of £18,356 per place is applied to the number of children. This mirrors the [DfE Guidance on Securing Developer Contributions](#) recommends that the cost of an Early Years place should be the same as the cost of a Primary School place (paragraph 36).

This development yields 16.575 children. To assess whether there is a claim for an Early Years contribution, we compare the number of children generated by the development, with the number of existing Early Years providers within a one mile radius of the development.

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

Applying the cost multiplier of £18,356 to the anticipated pupil yield of 16.575, a contribution of £304,250.70 is sought. Please note that we request some flexibility in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of current facilities at Early Years providers or schools in the locality of the development which the residents of the development would usually be expected to attend, or the creation of new premises.

This request for contributions towards Early Years Education is compliant with Regulation 122 as it is necessary to provide increased capacity within the nearest schools likely to be affected by the development in order to accommodate the likely pupil demand created by the development and to ensure there is sufficient capacity within those schools or providers. This contribution is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Primary, Secondary, Post 16 Education and SEND

This request for contributions towards Education is based on 195 dwellings. Leicestershire County Council use pupil yield calculations to determine the number of children likely to be generated by developments. Whilst the yield figures are rounded up to the nearest whole number for ease, the calculations for any contributions requested, are against the likely yield.

The number of pupils likely to be yielded by this development is set out in the table below.

Education Sector	Pupil Yield Rate (per house)	Likely Yield	Rounded Up
Primary	0.3	58.50	59
Secondary (11-16)	0.167	32.57	33
Post 16	0.033	6.44	7
Primary (SEND)	0.00363	0.71	1
Secondary (11-19) (SEND)	0.004	0.78	1

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

When calculating a contribution, LCC takes account of the pupil yield and school capacity against the average cost per pupil place for extensions and re-build projects set out in the Department for Education's annual National School Delivery Cost Benchmarking Report (NSDCBR). Adjustments are made to take account of local factors. The latest (2021) figures have applied an uplift of 1.04%.

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

Education Sector	DfE Amount per Pupil	Amount Requested (if no capacity)	Amount Requested (current capacity)
Primary	£18,356	£1,073,826.00	£679,172.00
Secondary (11-16)	£17,876	£582,131.94	-
Post 16	£19,327	£124,369.25	-
Primary (SEND)	£65,664	£46,480.26	£110,074.44
Secondary (11-19) (SEND)	£81,531	£63,594.18	
Total			£789,246.44

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

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

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

Request for Contributions towards Primary Education

This development will yield 59 primary aged children. The Merton Primary School has a net capacity of 420 pupil places and there will be a deficit of 52 pupil places if this development goes ahead.

When taking into consideration the other primary schools within a two-mile walking distance from the development there is an overall deficit of 37 places. Therefore, a partial request for contributions in respect of the primary education sector of £679,172 is necessary.

Request for Contributions towards Secondary Education

This development will yield 33 secondary aged children. Wreake Valley Academy has a net capacity of 1050 pupil places and there will be a surplus of 15 pupil places if this development goes ahead.

When taking into consideration the other secondary schools within a three-mile walking distance from the development there is an overall deficit of 14 places. However, whilst there is an overall deficit of 14 places, there is significant surplus forecast in the number of Post 16 pupil places, and therefore a contribution in respect of secondary education is not necessary.

Request for Contributions towards Post 16 Education

This development will yield 7 post 16 aged children. Wreake Valley Academy has a net capacity of 432 pupil places and there will be a surplus of 30 pupil places if this development goes ahead.

Considering the secondary aged pupils, this surplus reduces slightly, however, with the surplus places across both the Post 16 and Secondary sectors, a contribution towards Post 16 places is not necessary.

Request for Contributions Towards Special Education and Disabilities (SEND) Education

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

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

This development will yield 0.70785 primary aged children with SEND, and 0.78 secondary aged children with SEND, and therefore a request of £110,074.44 is justified.

To provide the additional school places anticipated by the proposed development, the county council request a total contribution for education based on the table shown on page 3. This is calculated by the number of pupil places created by the development multiplied by the Department for Education (DfE) cost multiplier for each sector.

The total request for Education across all sectors for the proposed development equals £789,246.44. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at either the named catchment school, within the DfE approved planning area serving the development, or any other school within the locality of the development, including the construction of a new school.

This request for contributions towards Education is compliant with Regulation 122 as it is necessary to provide increased capacity within the nearest schools likely to be affected by the development in order to accommodate the likely pupil demand created by the development and to ensure there is sufficient capacity within those schools. This contribution is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Library Contributions – An Overview

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

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 (June 2017) is £8.70. The cost per 1,000 population is therefore £10,063.56, or £10.06 per individual.

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

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

Library Contributions for this Development

The formulae used to calculate contributions for libraries is therefore;

Total Assumed Occupancy (585)

x	1.157 (items of stock per 1,000)
x	£8.70 (average price per item of stock)
=	£5,888.55

The nearest library to this development is Syston Library and it is estimated that the total assumed occupancy of 585 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby.

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

This request is compliant with Regulation 122 as it is necessary to provide increased materials the nearest library to the development in order to accommodate the demand created by the development. This contribution is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Waste Contributions – An Overview

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

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

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

A is the capital cost of providing a new HWRC site*

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

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

* A is based on a recently constructed HWRC

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

Waste Contributions

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

The contribution request of £10,075.65 is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £51.67

This request is compliant with Regulation 122 as it may be necessary to reconfigure the site and/or develop waste infrastructure to increase the capacity for Mountsorrel HWRC or any other HWRC likely to be directly impacted by this development. This request is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Contributions sought by the Local Highways Authority

Sustainable Travel Contributions

These contributions are sought in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- To promote sustainable travel in the area, Leicestershire County Council will seek to provide Travel Packs at a cost of £52.85 per dwelling (totalling £10,305.75); however, if the developer should wish to provide their own travel packs, then we request that they inform the County Council as soon as possible as an administration charge of £500 is applied to ensure compliance with the County Councils standards.
- To promote travel to and from the development site using public transport (the bus network), then the developer is requested to provide contributions towards the provision of up to 2x 6-month bus passes per dwelling at an average of £360 per pass, at a total of £140,400.

The contributions outlined above for Sustainable Travel are compliant with CIL Regulation 122 as they are all necessary to encourage sustainable modes of travel, for well-being, and to discourage travel by private car as supported by Local Plan policies.

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 proposed development. There are no other S106 agreements funding travel plan monitoring for this development.

No other developments are providing contributions for any of the above requests from the LHA, and therefore the requests are directly related to the development being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

Construction Traffic Routing Agreement

The Local Highways Authority has requested a non-financial contribution in respect of the Appellant providing a Construction Traffic Routing Agreement to be submitted; this is to ensure that all construction traffic associated with the development does not use unsatisfactory routes to and from the site.

This request is compliant with Regulation 122 as the contribution is specific to ensuring construction vehicles from this specific development do not use unsatisfactory roads to travel to and from the development site.

Local Highway Mitigation

A contribution of £264,091 is sought towards Local Highway Mitigation to mitigate the impacts of the development on the local road network in Syston.

One of the key characteristics of the proposed development strategy set out Charnwood Borough Council's draft Local Plan is that 'new' growth (as opposed to existing site allocations carried over from the Charnwood Core Strategy adopted in 2015, including the three ongoing Sustainable Urban Extensions/SUEs) is scattered across a relatively large number of sites. In many of those settlements across the Borough where new growth/site allocations are most heavily concentrated, the proposed development strategy has manifested itself in clusters of adjacent/adjoining sites. This is the case in Syston for sites HA1, HA2 and HA3, site HA3 being that of the applicant.

From the Local Highway Authority's perspective, the above site clusters create significant "localised cumulative" transport impacts and where cumulative impacts are identified, proportional developer contributions will be sought from the cluster sites towards highway mitigation proposals. As is the case for any planning application, this will need to be compliant with national planning policy and regulations.

The contribution of £264,091 will contribute towards mitigating the impacts of the development cluster site on the highway and transport network within Syston, which otherwise cumulatively with other developments would be severe as identified through evidence prepared by the applicant in submitted transport notes.

Mitigation proposals include those interventions listed below which will be implemented on a priority basis as contributions are received by the LHA to mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- Walking and cycling improvements in accordance with Local Transport Note 1/20
- Public Transport Improvements
- Local Junction Improvements in Syston including but not limited to:
 - Goodes Lane / Melton Road, Syston
 - Fosse Way / High Street, Syston

The contribution outlined above towards Local Highway Mitigation is compliant with CIL Regulation 122 as it is necessary to mitigate the impact on the local highway network of the development as part of the cluster site in Syston. As other developments will be requested by the LHA to also provide contributions towards the above listed mitigation, a contribution based on housing numbers has been requested, and therefore the request is directly related to the development being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

The total request for developer contributions for this proposed development is **£1,530,258.09**

Should the Inspector wish for a representative from the Local Highways Authority to appear during the hearing/inquiry to answer any questions pertaining to the above, we would be happy to provide a representative, and ask that you please inform me in advance, where possible.

I would be obliged if the Planning Inspectorate can send a copy of the decision letter to me once the decision is made.

Yours sincerely

Mark Johnson
Team Manager, Planning Obligations and Systems