



## **CHARNWOOD LOCAL PLAN 2021-2037**

Statement of Common Ground between:

- Charnwood Borough Council
- Leicestershire County Council (Children and Family Services)

10<sup>th</sup> June 2022

**CHARNWOOD LOCAL PLAN  
STATEMENT OF COMMON GROUND BETWEEN LEICESTERSHIRE COUNTY COUNCIL  
AND CHARNWOOD BOROUGH COUNCIL**

**1. INTRODUCTION**

- 1.1 This statement identifies the areas of common ground between Leicestershire County Council (Children and Family Services) and Charnwood Borough Council, in respect of those policies contained in the Pre-Submission Draft Charnwood Local Plan 2021-2037. It replaces the Education Statement of Common Ground drafted on 26 November 2021.
- 1.2 The statement should be read alongside the representations made by Leicestershire County Council to the Pre Submission Draft Charnwood Local Plan. It is made without prejudice to the participation in the formal examination of any participant and the views that may then be expressed. Nevertheless, this Statement of Common Ground reflects the agreed position between Charnwood Borough Council and Leicestershire County Council for submission to the Inspector for the Local Plan Examination of the Draft Local Plan based on cooperation and joint working.

**2. PURPOSE**

- 2.1 The Statement of Common Ground (SoCG) addresses strategic matters and shared issues between the parties. It provides a framework for the delivery of the Duty to Cooperate duties and obligations arising from Section 110 of the Localism Act 2011 and paragraphs 24 to 27 of the National Planning Policy Framework (2019). The NPPF places a duty on local planning authorities and other bodies to cooperate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of the local plan and other activities related to the sustainable development of land.
- 2.2 A Statement of Common Ground is an agreed written record which demonstrates how the duty to cooperate has been fulfilled. It sets out that matters where there is agreement, and if appropriate those matters, where work is ongoing to resolve differences.
- 2.3 Charnwood Borough Council is a public body which is the Local Planning Authority (LPA) for its administrative area while Leicestershire County Council is a specific consultee under the Town and Country Planning (Local Development) (England) Regulations 2012.
- 2.4 Leicestershire County Council is the Education Authority for the County of Leicestershire and as a result of the Education Act, 2006, has a duty to secure a sufficient supply of school places in its area. Subsequent legislation, enacted through the Academies Act 2010 and Education Act 2011, means that the County Council has become a commissioner rather than a provider of new schools. It has the duty to set out the characteristics of education provision and including new schools, where applicable, needed for a new community in order that providers may identify their capacity to provide this. The County Council also has a duty to ensure the sufficiency and quality of early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016.

- 2.5 In terms of new developments, the County Council will seek contributions from housing developers to meet the cost of new school places arising as a consequence of development to ensure that education (including primary, secondary, post-16 and SEND) and early years provision remains sustainable. Leicestershire County Council will use its Planning Obligation Policy (2019, or as updated in any subsequent policy document), along with guidance set out in the National School Delivery Cost Benchmarking Report, that is produced on behalf of the Department for Education, as the basis for determining the scale of developer contributions.

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf>

### **3. JOINT WORKING**

- 3.1 Leicestershire County Council and Charnwood Borough Council have worked closely together throughout the plan preparation process to inform and shape policy development.
- 3.2 The Borough Council has benefited from the expertise of the County Council to assess the educational needs of planned development in the Charnwood Draft Local Plan and to set out how those needs will be met.
- 3.3 The two authorities have worked to ensure that early years and school places will be available to serve the development proposed in the local plan, having regard to:
- the statutory walking distances for school age children;
  - anticipated future requirements for primary, secondary, specialist (SEND) and early years places;
  - the capacity of existing schools to accommodate new growth;
  - assessments of the scope for school expansion, and where new schools are required; and
  - the thresholds for pupil numbers to enable new schools, based on the yields of children arising from housing developments.
- 3.4 Evidence has also been provided by Leicester City Council as an education authority with regard to education provision identified in the Local Plan to the south of Charnwood Borough.

### **4. MATTERS OF AGREEMENT**

- 4.1 It is agreed that there has been ongoing constructive engagement between Charnwood Borough Council and Leicestershire County Council as local education authority on the preparation of the local plan. With regard to the matters set out in this SoCG, the County Council can see no reason why the Duty to Cooperate has not been complied with. It is agreed that the record of engagement set out in Appendix A is accurate.
- 4.2 Leicestershire County Council has raised no matters of soundness relating to the plan's approach to planning for new school provision.
- 4.3 It is agreed that Leicestershire County Council has worked with Charnwood Borough Council to broadly identify the requirements for education and early years provision for the level of housing growth envisaged in the Local Plan. It is also agreed that in the event that housing numbers increase beyond those set out in the Draft Local

Plan, for instance through increased site densities, new site allocations or speculative development, that school and early years requirements will need to be reassessed.

### Primary School Places

- 4.4 It is agreed that additional primary schools will be required to serve the proposed housing allocations in the Draft Local Plan. The following proposed site allocations will provide a site for the construction of a new primary school (or extended primary school in the case of HA59). It is agreed that the construction costs and land costs will be shared amongst the developers of those residential sites that the school will serve.

Policy Ref	Site Name	Location	Provision
HA1	Land South East of Syston	Syston	2 Form Entry Primary School
HA12	Land at Gynsill Lane and Anstey Lane	Glenfield	Reserve Site for 1 Form Entry Primary School *
HA15	Land South of L'boro	L'boro	2 Form Entry Primary School
HA32	Land at Tickow Lane South	Shepshed	3 Form Entry Primary School
HA43	Land west of Anstey	Anstey	1 Form Entry Primary School
HA48	Land off Willow Road	Barrow upon Soar	1 Form Entry Primary School
HA59	Land to the rear of Derry's Garden Centre	Cossington – to also serve Sileby	0.5 Form Entry extension to Cossington Primary School

\* Part of a wider cross boundary development including parcels of land in the City of Leicester and Blaby District. The cost of the school would be shared amongst all parts of the development.

- 4.5 The provision of new primary schools in the Sustainable Urban Extensions at West Loughborough (Garendon Park), North East of Leicester SUE (Thorpebury) and North of Birstall SUE (Broadnook) are secured through the negotiation of Section 106 agreements for these developments, all of which were allocated in the Charnwood Core Strategy, adopted 2015 and benefit from planning permission.
- 4.6 It is agreed that education infrastructure required to support development, including the need for new, expanded or enhanced existing schools, will be funded by developer contributions. It is also agreed that where land is needed for new primary schools, suitable and serviced sites should be provided as part of the development in the most appropriate location. The timing of this land transfer will align with the projected need for school places arising from the development. Developers will also be required to meet any temporary costs arising for the transport of pupils to other school locations (which may or may not be within the Borough) and to meet any costs arising for provision of temporary buildings while new, expanded or enhanced schools are delivered.

### Secondary Schools

- 4.7 It is agreed that additional Secondary School places can be provided at existing schools and that funding for expansion will be provided through developer contributions, this may require additional land to be secured, the cost of which will be met by developer contributions as necessary.

### Early Years

- 4.8 It is agreed that new provision will be developed in each locality either attached to schools and/or placed separately in community hubs. Funding will be provided by developer contributions.

## **5. MATTERS OUTSTANDING WHICH BOTH PARTIES ARE OPEN TO FURTHER COOPERATION**

### **Primary School Delivery**

- 5.1 There has been on-going constructive dialogue between the two Councils since the Local Plan was submitted to the Planning Inspectorate. These discussions have sought to reach agreement on delivery arrangements for new primary schools identified to serve the housing growth proposed within the Pre-Submission Draft Charnwood Local Plan. Discussions have taken place to agree an appropriate delivery mechanism for new schools which will be funded by developer contributions from multiple sites. Charnwood Borough Council will continue to explore with Leicestershire County Council and with relevant developers the timely delivery of new schools to support sustainable development in the Borough.
- 5.2 Leicestershire County Council has identified that amendments are needed to policies INF1 and DS3 (HA48 and HA49) in the Draft Local Plan to ensure that land for primary schools is made available at the appropriate time and to make sure that sufficient funding is in place to deliver new schools and provide additional school places to meet demand. These amendments are proposed as main modifications by the two Councils and set out in Appendix B.

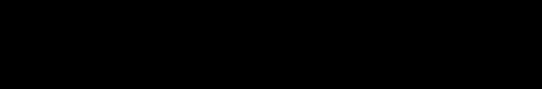
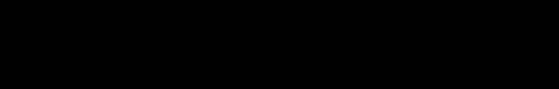
### **Special Education Needs and Disabilities (SEND)**

- 5.3 Both parties will continue to discuss the delivery of new SEND provision across the Borough. It is agreed that wherever possible new provision will be attached to existing or new, primary, or secondary schools in each locality accepting there will be circumstances where some pupils with specialist needs may need to attend special schools or specialist provisions further afield.

## **6 GOVERNANCE**

- 6.1 The two parties agree to continued dialogue and close working to ensure the timely provision of education facilities.

## **7. SIGNATORIES TO THE STATEMENT**

Signed on behalf of Leicestershire County Council	Signed on behalf of Charnwood Borough Council
	
Name: John Sinnott	Name: Richard Bennett
Position: Chief Executive, Leicestershire County Council	Position: Head of Planning and Regeneration, Charnwood Borough Council
Date: 01/06/2022	Date: 10/06/2022

## APPENDIX A: JOINT WORKING

The following list is summary of some of the most significant meetings and exchanges of information between Charnwood Borough Council and Leicestershire County Council for school planning. These meetings will continue to take place on a regular basis as we seek to promote school delivery through the Local Plan.

Event	Date	Outcomes
Update on the local plan preparation process and to seek an initial reaction on the range of sites for housing which would be allocated in the plan.	8/5/2019	Achieved objective of awareness raising of range of draft sites considered for allocation including master planning approach where there were a number of allocations within the same general area such as Shepshed and Syston.
To provide a preview of the draft allocations in advance of the formal consultation and to consider the capacity of schools at each location to accommodate growth.	5/11/2019	Key issues identified including school capacities to inform plan making. First indication of where new schools may be necessary.
Update on local plan and more detailed review of school capacities.	12/12/2019	Agreement on which schools would have capacity; which would have land to enable extensions and which were on constrained sites so that alternative provision would be required.
To agree a way forward for resolving the most pressing issues that have been identified in the County Council's representations on the Local Plan.	5/3/2020	Agreement on school sizes, costs, and land requirements. Identification of locations where existing schools were at capacity but where site allocations may not be sufficient to provide for new schools. This led to a review of site allocations.
To review options for the provision of additional school places which would result from the housing allocations in the Draft Local Plan.	11/5/2020	CBC reconsidered the local plan development strategy in light of issues identified, particularly in the Service Centres where there were insufficient allocations to provide for new schools.
To progress the selection of sites for housing in the Local Plan based on a full consideration of how schools can provide for need generated by development	22/6/2020	CBC examined more closely the scope for bringing forward all sites discussed during the meeting. LCC agreed to provide a view on safe walking routes and land ownership considerations.
To review progress and to discuss the educational needs arising from further work in progressing the Draft Local Plan.	27/07/2020	A range of site specific issues taken forward including LCC's agreement to hold further discussions with schools to assess the scope for expansion.
To consider site specific options to provide for educational need.	22/9/2020	Agreement on actions to take forward specific site proposals and consideration of school capacities to accommodate growth
To consider proposals for the location of primary schools arising from discussions with developers	26/10/2020	Agreement of specific school place requirements and issues to be discussed with site promoters.
To consider sites for the provision of a primary school to serve the proposed residential development on Land South East of Syston	8/12/2020	Agreement that further discussion would be required with County Council Highways. Further consideration to be given to master planning and delivery to determine when site for a school could be brought forward.  Ongoing liaison with all parties to continue as further planning work takes place

To consider possible options for the location of a school in Barrow	10/12/2020	CBC agreed to seek comments from County Council Highways as part of the local plan preparation.
To consider proposals for location of a primary school at Barrow.	15/1/2021	Clarification of preferred site for a school and site issues for further consideration.
To agree the sites which would be expected to contribute towards the costs of construction of new primary schools identified in Local Plan policy.	19/1/2021	Agreement reached following exchange of information and discussion.
To discuss educational planning within the wider context of strategic infrastructure planning.	29/4/2021	Agreement to meet regularly to discuss ongoing educational planning issues within the context of strategic planning.
To discuss school delivery in the context of school pupil forecasts and the housing trajectory.	14/6/2021	CBC agreed to keep LCC updated of current and upcoming planning applications where education contributions could be sought.
To discuss the process for coordinating the delivery of a new primary school in Barrow upon Soar in the light of local plan housing allocations and the determination of planning applications.	4/8/2021	Options for a way forward with school delivery in Barrow considered having regard to the engagement of developers, both on site and off site.
To discuss delivery mechanisms for new schools and agreement to seek legal advice and agree a Statement of Common Ground.	13/8/2021	Discussions informed on going delivery arrangements with landowners and developers. Legal advice sought for multi partner Section 106 Agreements.
To discuss delivery arrangements for a new primary school in Barrow upon Soar with all site promoters.	25/8/2021	Agreed actions with partners to explore options for sharing costs amongst all developers of sites in Barrow.
To discuss a statement of common ground for the delivery of a new primary school at Gynsill Lane / Anstey Lane, Glenfield.	10/9/2021	Agreements on way forward which informed delivery discussions with site promoters, Leicester City Council and Blaby District Council.
To discuss a Note entitled 'Considerations for the Delivery of a 210 Primary School in Barrow upon Soar' prepared by Leicestershire County Council in advance of discussions with site promoters. .	4/10/2021	Agreed that Note would form the basis of a Strategy for the delivery of a new primary school. Agreed that further consideration would be given to specification, site size and costs
Meeting of, Education, Planning Policy and Development Management Officers of County Council and Borough Council to discuss planning and deliverability of a primary school in Barrow upon Soar	13/10/2021	A collective discussion regarding current and pending planning applications in Barrow and the mechanisms to ensure provision of school places to accommodate this need and ensure sustainable development.
To discuss delivery arrangements for anew primary school in Barrow upon Soar with site promoters.	10/11/2021	Information on housing delivery trajectories shared amongst all partners. Promoters made aware of school delivery timescales and requirements.
To discuss the latest position on planning applications in Barrow upon Soar and school capacity to inform on going school delivery discussions To seek further clarification regarding the timescales for development of the site, including when planning applications might be submitted, and a timetable for the transfer of the serviced school site.	5/1/2022	Clarification of understanding of land and build costs and phasing of Section 106 payments. Housing trajectory updated into quarters to reflect academic year. Ongoing discussions will take place amongst all partners to resolve funding issues.

To discuss delivery strategy for a new primary school in Barrow upon Soar.	9/2/2022	Updated timetable for the delivery strategy with development partners. Preparation of similar documents put forward for Anstey, South Loughborough, Shepshed and Syston based on arrangements for Barrow upon Soar.
Exchange of information on school capacities in Anstey to inform strategy development.	24/2/2022	Greater shared understanding of educational provision in Anstey to inform strategy development.
To discuss response from Barrow promoters to education strategy for Barrow upon Soar.	3/3/2022	Agreement on key issues on school funding and delivery in advance of meeting with site promoters.
To discuss school delivery with respect to latest housing trajectories having regard to delivery timescales and funding.	21/3/2022	Understanding the practicality of timescales for delivery of primary schools in Anstey and Barrow upon Soar. Agreement of the way forward involving detailed discussions with developers. Consideration to be given to the Willow Road allocation as the preferred site in Barrow upon Soar.
To discuss school delivery in the light of Local Plan Examination Matters, Issues and Questions	11/5/2022	Agreement on collaborative working, arrangements for Examination Hearings and on going joint work with developers

## APPENDIX B: PROPOSED MAIN MODIFICATIONS

### **Policy INF1: Infrastructure and Developer Contributions**

We will work with infrastructure providers, developers and partner organisations to ensure the delivery of new and improved infrastructure\* necessary to support our development strategy and to create sustainable, safe and healthy communities, reducing health inequalities. We will support development that:

- is supported by robust evidence of the infrastructure needed to mitigate impacts and support sustainable development;
- funds the reasonable costs of on site and where appropriate off site, infrastructure, needed to mitigate the impacts of the development through the use of Section 106 Legal Agreements, or in the case of highways, Section 278 Legal Agreements;
- contributes to the reasonable costs of any infrastructure required to mitigate the impacts of the development strategy including through the pooling of developer contributions where it is demonstrated that the impacts can only be addressed in a comprehensive way including cumulative and cross boundary impacts; and
- provides serviced, accessible, and prepared land, where required and the need is justified, to enable infrastructure to be delivered.

We will seek to enter into planning performance agreements with promoters of strategically important sites to ensure a programmed approach to determination and implementation.

We will relate the type, amount and timing of infrastructure to the scale of development, and the impact it has on the site and surrounding area. Where viability is identified by a developer as a barrier to delivery, we will expect this to be evidenced and scrutinised as part of an open book viability appraisal.

*\*as set out in Appendix 3 and future iterations to be published in the Infrastructure Delivery Plan.*

### **Policy DS3(HA48) Land off Willow Road, Barrow upon Soar**

- We will support development proposals at site H48 that provides the site for a new 1 form entry primary school located on land within the allocated site boundaries and of a size and specification which meets Leicestershire County Council's requirements. We will expect the reasonable cost of making this provision to be shared amongst all the developments that it would serve.

### **Policy DS3(HA49) Land off Cotes Road, Barrow upon Soar**

We will support development proposals at site H49 that:

- ensure that surface water runoff will not detrimentally affect the Local Wildlife Sites and locate SuDS features away from the Local Wildlife Sites;

- are accompanied by a biodiversity and drainage strategy that demonstrates how biodiversity and drainage issues have been addressed;
- seek a relationship with the cemetery that does not detract from its tranquillity and its function as a place of reflection;
- are accompanied by a Design and Access Statement, or similar document, that sets out how the development will maintain and enhance the significance of the heritage assets and their settings;
- are accompanied by a flood risk assessment which responds to the evidence of flood risk on the site and demonstrates how mitigation of those risks, including securing appropriate site access arrangements, can be satisfactorily achieved so as to meet the Exception Test; and
- contributes to the reasonable costs of the provision of a new 1 form entry primary school located at site H48.

Before outline permission is granted for the site, or any part of the site, we will require:

- a masterplan to be agreed which includes delivery and passing arrangements for the whole allocation, in order to achieve comprehensive development; and
- a development brief, design code or equivalent to be prepared to inform decisions on detailed planning applications or reserved matters applications to ensure a cohesive approach to the design and impacts are satisfactorily mitigated.