



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL AGAINST THE REFUSAL OF SOUTH SOMERSET DISTRICT COUNCIL TO GRANT
PLANNING PERMISSION

TOWN & COUNTRY PLANNING ACT 1990 - SECTION 78

PLANNING INSPECTORATE APPEAL REFERENCE - APP/R3325/W/20/3265558

APPEAL IN RESPECT OF APPLICATION DECISION REFERENCE: 19/03416/OUT

APPEAL STARTING DATE – 26 January 2021

APPEAL BY – Gleeson Strategic Land Ltd

STATEMENT

BY

SOMERSET COUNTY COUNCIL
AS THE LOCAL EDUCATION AUTHORITY

Frances Gully BSc(Hons) MSc MRTPI
Corporate Property Estates and Planning Advisor



1 Introduction

- 1.1 My Name is Frances Gully and I am the Corporate Property Estates and Planning Advisor within Somerset County Council. I have a BSc(Hons) in Planning and Environmental Sciences, and a MSc in Spatial Planning from Oxford Brookes University. I am a full member of the Royal Town Planning Institute. I have worked for over 4 years in Somerset County Council, 6 years in the Planning Inspectorate and previously 6 years in the Environment Agency in planning roles from planning policy to development management.

- 1.2 I have been in my present position since June 2018. My responsibilities include working closely with SCC's School Place Planning and Admissions Teams. Thus I am frequently involved in detailed negotiations with solicitors, developers and their agents in relation to school-related matters. I am a consultee in the planning process regarding housing developments across the four District/ Borough councils and advise on the level of education contributions required based on the evidence provided by other teams, drafting sections of the S106 agreements and collecting the contributions following the trigger points.

- 1.3 The County Council, as Local Education Authority, need to ensure sufficiency of statutory school places for pupils of families occupying new dwellings. As a consequence of this and other proposed developments in Templecombe, SCC will need financial contributions towards early years (pre-school) and primary education.

2 Context

2.1 Section 13 of the Education Act 1996 as amended (EA 1996)¹ provides that an education authority is under a duty to '*contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, and secondary education are available to meet the needs of the population of their area.*'

2.2 The National Planning Policy Framework (NPPF) February 2019² indicates in para 94 '*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

2.3 The Policy statement – Planning for schools development (August 2011)³ states the following:

¹ <https://www.legislation.gov.uk/ukpga/1996/56/contents>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6316/1966097.pdf

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

This makes it clear that sufficient funding should be supported to enable schools to cope with the pressures of new development.

- 2.4 Section 106 of the Town and Country Planning Act 1990 (as amended)⁴ sets in place the statutory basis for obtaining funding from developers, through planning obligations. S106(1)(d) specifically allows for the making of payments to Local Authorities on a specified date or dates or periodically.
- 2.5 Regulation 122 (2) of Community Infrastructure Levy Regulations 2010⁵ (as amended)⁶ sets out the statutory framework and policy for planning obligations under s106 of the Town and Country Planning Act 1990. The obligation is required to meet the following tests;
- Be necessary to make the proposed development acceptable in planning terms
 - Be directly related to the proposed development

⁴ <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

⁵ <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

⁶ Also repeated in para 56 of the NPPF (<https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making#para56>)

- Be fairly and reasonably related in scale and kind to the proposed development

- 2.6 Securing Developer contributions for Education (November 2019)⁷ is a DfE published document which supports the need for developers to pay education contributions to cover the cost of the new pupils generated from new development.
- 2.7 This statement will provide justification of the education contribution requested and reference the data currently available by SCC, which the education contribution is based on.

3 Evidence

- 3.1 The proposed development site is located within the catchment area of Abbas and Templecombe Primary which currently has a capacity for 119 children. At October 2020 census the school had 121 on roll (against a forecast of 116). We are expecting pupil numbers to remain above 120 in 2021 (against a forecast of 113) because they have 15 children in year 6 leaving and we are expecting at least 15 to start in Reception. Therefore it is also likely that the capacity currently being shown in the forecasts (see [appendix 2](#)) will not be available . The revised forecasts expected to be published by the end of March will start to show this.
- 3.2 There is also a nursery called Sticky Fingers Pre-School which is a voluntary-run setting based on the Abbas and Templecombe Primary School site. This pre-school is operational term time only and short of places currently. Any new housing in the area would create significant pressure on spaces for early years (see [appendix 5](#) for childcare sufficiency report).

7

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf



- 3.3 At the time of the application SCC as education authority supported this proposal subject to receiving the corresponding education contributions required to enable the expansion of the school. SCC have commissioned a new extension at Abbas & Templecombe Church of England Primary School, School lane , Templecombe, BA8 0HP, to accommodate 60 more children which may be built between 2022 and 2023 to be in use by the school by perhaps 2023 to 2024. This expansion was commissioned in advance of the housing to anticipate the required need.
- 3.4 The published school forecasts for 2020 indicates that the number on roll will decrease ([see appendix 2](#)). DfE guidelines state that only developments within the area that have a 'degree of certainty' can be included., meaning ones which have been approved. This proposal and others which are not approved, indicate the level of new pupils coming forward from all proposals would not be able to be accommodated in the school, unless improvements to the school by a capacity of 60 places occurs (schools can only usually expand by a 30 place classroom at a time).
- 3.5 The County Council estimates that a need for 32 primary school places will arise in respect of each additional 100 dwellings, so the proposed 60 new dwellings would equate to the need for 20 primary school places and 6 early years places (see [appendix 1](#) for calculation). A cost of £17,074 is attributed to each school place (EY & Primary). This figure is based on the most recent school builds in Somerset (see [appendix 4](#)).
- 3.6 The education contribution for increasing capacity for a development this size totals **£102,444.00EY + £341,480.00 primary= £443,924.00**, provided that the total number of dwellings does not exceed 60.
- 3.7 The education contributions sought to mitigate the impact of this development and meet the 3 tests outlined in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the NPPF (paragraph 56);

- *To be necessary to make the proposed development acceptable in planning terms.*

The NPPF recognises the importance of the social role in sustainable development to support strong, vibrant and healthy communities. Schools are an essential element of a community's social needs. SCC's assessments demonstrate that the existing school (Abbas and Templecombe) and nursery (Sticky Fingers) are unable to accommodate the impacts of the proposed development, particularly when considered alongside other existing planning permissions and other proposals already within the development management system.

- *To be directly related to the proposed development.*

The requirement to mitigate pressure on school places would arise directly from the implementation of the appeal case. It is related as the number of school children estimated is directly related to the number of dwellings now proposed.

- *To be fairly and reasonably related in scale and kind to the proposed development.*

The formulae ([Appendix 1](#)) for estimating the number of school places required to serve a development demonstrates that SCC applies its requirements for education contributions on a pro rata basis directly related to the scale of the particular development proposed.

3.8 The impact of the Community Infrastructure Levy Regulations 2019 has allowed no cap on the number of planning obligations sought under section 106 of the Act for the purposes of pooling funds for new infrastructure. Therefore the education authority is entitled to request funding where necessary to increase the capacity of school facilities as it is required.

3.9 The expansion of 60 places and new WC facilities is estimated to cost approx.



£750,000.00, therefore as seen in the table below the only secured education funding for the development ref 18/02739/OUT goes some way towards the expansion. If approved the Manor Farm development (ref 19/03416/OUT) would be able to cover close to the cost and enable the capacity of the school to accommodate the children from the development.

S106 signed – guaranteed education funding	S106 in draft – funding only guaranteed if applications approved
Slades Hill signed 17.02.2020 – ref 18/02739/OUT Primary £392,702.10 (23 Pupils) EY £68,296.20	Manor Farm appeal draft -ref 19/03416/OUT Primary £341,480.00 (20 pupils) EY £102,444.00

- 3.10 Any new project, over and above the 60 place expansion would require a feasibility study to find what options there are for increasing school capacity again following the school reaching capacity, over and above the new school capacity provided by the 2 new classrooms commissioned to be built in 2022/23.
- 3.11 The latest data shows 232 dwellings which are not included in the forecasts in [Appendix 2](#) that could potentially be built in the catchment area. This could yield an additional 75 pupils. Although there appear to be places free in 2024 (perhaps approximate date of development), this does not account for the above developments or an influx of pupils from out of catchment or variations to the timings of developments coming forward. Therefore it is acceptable to require the funding per school place which a new development will generate in accordance with our pupil place ratio as set out in [Appendix 1](#), and our current cost to build.
- 3.12 If the Inspector is minded to allow this appeal, the County Council, as education authority requests that the necessary education contributions are secured in a planning obligation as agreed at appeal in the Unilateral Undertaking(UU). Contributions would facilitate the necessary increases in capacity at early years and primary to provide



school places for the children generated from this development.

Conclusion

- 4 If this appeal is allowed, SCC would be required to provide suitable primary and nursery provision in this location. The total sum of **£443,924.00** in education contributions would be required by SCC to support the learning environment in the primary school and early years education providers which would enable the facilities to accommodate a higher capacity of pupils through the planned new build extension at Abbas and Templecombe Primary and any capacity increases deemed necessary at Sticky fingers nursery.

- 4.1 See [Appendix 3](#) for the school catchment and neighbouring school catchments

Appendix 1

Somerset County Council Education Financial Contributions required in new development

Based on Somerset County Councils most recent evidence due to research across the county pupil numbers are estimated as follows:

School	Ages	Year Groups	Per 100 dwellings, no. of pupils
Early Years (EY)	2-4	2	9
Primary	5-11	7	32
Secondary	11-16	5	14

60 dwellings in this location would generate the following number of children:

$60 \times 0.09 = 5.4$ (6 early years pupils)

$60 \times 0.32 = 19.2$ (20 primary pupils)

Due to an average of the cost of new school builds across Somerset the cost to build for early years and primary is currently £17,074.

$6 \times 17,074 = £102,444.00$ for early years/pre-school

$20 \times 17,074 = £341,480.00$ for primary expansion

The per dwelling cost for the purposes of the S106, as the application was in outline are as follows:

For early years $102,444/60 = £1,707.40$ per dwelling

For primary $341,480/60 = £5,691.33$ per dwelling

A = No. of dwellings (60)

B = Cost to build per dwelling (as above)

C = Education contribution

$A \times B = C$

Therefore:

$60 \times £1,707.40 = £102,444.00$ for EY

$60 \times 5,691.33 = £341,480.00$ for Primary

Using the above calculation, if the number of dwellings increases or decreases the education contribution will be in accordance with the number of dwellings at reserved matters. This calculation should be set out separately for Early years and Primary as the projects are often separate. The education contribution must also be subject to the BCIS increase in indexation (RICS).



At the trigger points suggested (in HoT) I would calculate as above with the no. of dwellings i.e. prior to 33% occupation of dwellings is 19.8 dwellings (I prefer whole number so we could say at 20 dwellings the 1st instalment is required)

Then include the BCIS calculation from the date the S106 is signed to the date in which payment is made.

X = BCIS rate on date of signing

Y = BCIS rate in month of payment

$C \times Y/X =$ Education contribution due at trigger point including indexation

Appendix 2

Somerset School Population Forecast 2020: See Abbas and Templecombe Primary School.

There are 232 dwellings proposed or approved (that we currently know about) in the catchment which could generate approx. 75 children which are not included in this forecast below. 75- 27(places free in 2024)= 48 places short, therefore a 60 place expansion has been commissioned, and possibly more is required as further housing is permitted.

SOMERSET SCHOOL ORGANISATION PLAN - 2020

WINCANTON AREA			Sch Type (1)	⁽⁵⁾ Net Capacity at May 2020	NOR at Oct 2019	Forecast Number on Roll (at Sept each year)					Surplus/Deficit Capacity (compared to Net Capacity at May 2020)						⁽⁶⁾ Indicates Admissio Number (May 202)
School No.	CT No.	Establishment Name				2020	2021	2022	2023	2024	2019	2020	2021	2022	2023	2024	
5200	70	Bruton Primary School	FO	277	224	223	224	223	217	211	53	54	53	54	60	66	39
5202	93	Charlton Horethome Primary School	CA	57	51	42	38	35	29	27	6	15	19	22	28	30	8
3061	178	St Nicholas CofE Primary School	VC	120	105	105	102	99	92	87	15	15	18	21	28	33	17
3085	188	Horsington Church School	CA	120	87	82	81	77	74	82	33	38	39	43	46	38	17
2047	229	Milborne Port Primary School	CO	180	172	168	169	174	177	179	8	12	11	6	3	1	25
3105	359	Abbas and Templecombe CofE Primary School	VC	119	117	116	113	103	97	92	2	3	6	16	22	27	17
3488	417	Our Lady of Mount Carmel Catholic Primary School	VA	147	156	159	158	160	164	168	-9	-12	-11	-13	-17	-21	21
2081	418	Wincanton Primary School	CO	420	392	399	399	397	401	408	28	21	21	23	19	13	60
Primary Total for Area				1440	1304	1294	1284	1268	1251	1253	136	146	156	172	189	187	
Secondary School																	
4006	588	King Arthur's School	CA	680	326	349	379	415	429	420	354	331	302	265	251	260	136
Secondary Boarding School																	
5400	593	Sexey's School, Bruton	CA	665	600	610	608	619	619	622	65	55	57	46	46	43	108
Secondary Total for Area				1345	926	959	986	1034	1047	1043	419	386	359	311	298	302	

Denominational Places (%) (1)

	Primary	Secondary
Academy (CA)	100.0%	100.0%
Community (CO)	41.7%	0.0%
Voluntary Controlled (VC)	16.6%	0.0%
Voluntary Aided (VA)	10.2%	0.0%
Foundation (FO)	19.2%	0.0%

Forecast Base Year: 2019

School: 359 3105 **ABBAS & TEMPLECOMBE PRIMARY**

Control (at Oct 19 Sch Census): VC

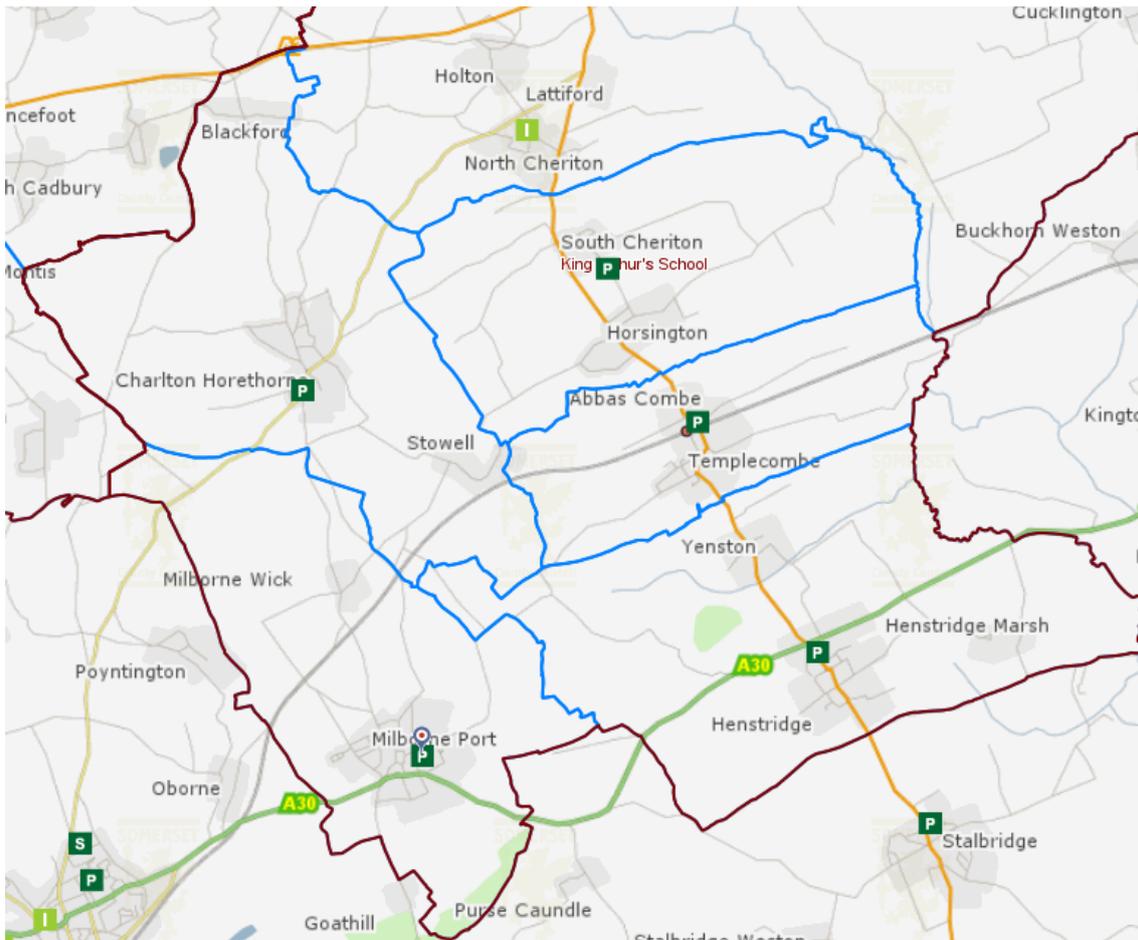
Year	Pre-School (by age)				School Pupils (by NCY)							TOTAL Yrs R-6	Migration
	0	1	2	3	R	1	2	3	4	5	6		
Baseline 2019	17	12	14	18	16	10	18	21	21	14	17	117	
Forecast 2020		17	12	14	18	16	9	18	21	20	14	116	-2
Forecast 2021			17	12	14	17	15	9	18	20	20	113	-3
Forecast 2022				17	12	14	16	15	9	17	20	103	-2
Forecast 2023					17	11	13	16	15	8	17	97	-3
Forecast 2024					14	17	10	13	16	14	8	92	-2

Forecast school age migration rate (Net): 97.38

Forecast pre-school migration rate (Net): 100.00

Appendix 3

School catchments for SCC primary schools Milborne Port, Henstridge Abbas and Templecombe and Charlton Horethorn.



Appendix 4

Cost to build in Somerset

Evidencing of Build Cost per Pupil

This paper aims to evidence the cost of build per pupil, in order that the most accurate figures are used when establishing the relevant level of income sought from Education contributions linked to housing developments across Somerset County Council.

Primary

Projects delivered or in progress since 2016 (new schools)

Project	No. of Pupils	Total Project Cost	Cost Per Pupil
Primrose Lane	210	£4.1m	£19,523
Northgate	420	£6.95m	£16,547
Kingfisher	420	£7.05m	£16,785
Somerton	420	£7m	£16,666
Average Cost	1470	£25.1m	£17,074

Somerset County Council average cost of build per pupil (Sept 2016 to Sept 2018) is £17,074.

Glossary

DCFS – Department for Children, Schools and families (closed organisation)

EFA – Education Funding Agency

DfE – Department for Education

BCIS – Building Cost Information Service (RICS)

RICS - Royal Institution of Chartered Surevyors

Appendix 5

Childcare Sufficiency Assessment Templecombe

Name of enquirer: SCC Estates Team

Date of enquiry: 12/03/2021

Introduction

This report will assess the sufficiency of childcare for children aged 0-4 in the following Lower Super Output Areas (LSOAs):

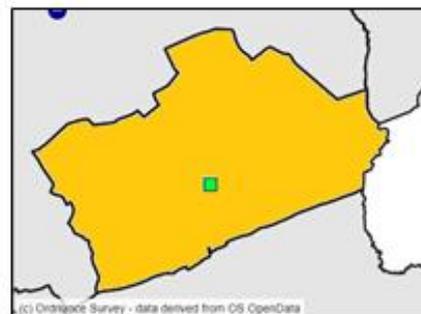
- E01029156: Abbas & Templecombe and Horsington

Demand is based on DfE parental surveys of childcare usage.



KEY

	Childminder
	Private / voluntary nursery
	Independent nursery



Report Author: Julia Balmford (01823 355828; JBalmford@somerset.gov.uk)

Childcare Sufficiency Assessment Templecombe

Child population

The current 0-4 year old population in the above area is:

Age	0	1	2	3	4	Total
Number	23*	16	19	21	19	98

Figures come from GP registrations (January 2020). *The number of 0-year old children can appear lower than the actual population due to delays in children being registered with a GP. The actual number of 0-year olds is likely to be around 10% higher at 25.

Local provision

There is one group childcare provider but no childminders in Templecombe.

SERVICE NAME	MIN AGE Y/M	REG PLACES	WKS OPEN	HRS WK
Sticky Fingers Pre-School	2/0	24	38	34

Sticky Fingers Pre-School is a voluntary-run setting based on the Abbas & Templecombe Primary School site. It is open for 34 hours a week during term time.

Sufficiency of places

The demand and supply figures below are calculated as full time equivalent (FTE) places, with one place being equivalent to 30 hours per week.

0-2YO childcare places

Demand for childcare places for 0-1YOs = 10 FTE places.

Demand for childcare places for 2YOs = 5 FTE places.

*Demand for childcare places for 0-2YOs = **15 FTE places**.

There are **9 FTE** childcare places available for 0-2YOs in this area.

Childcare places for children aged 0-2: insufficient.

*These figures include the demand for both paid-for and funded childcare places. From September 2014, two year olds living in the most financially disadvantaged households in England became eligible for 570 hours of funded Early Years Education per year.

3-4YO childcare places

*Demand for childcare places for 3-4YOs – autumn = **20 FTE places**.

*Demand for childcare places for 3-4YOs – spring = **26 FTE places**.

*Demand for childcare places for 3-4YOs – summer = **31 FTE places**.

There are **18 FTE** childcare places available for 3-4YOs in this area.

Childcare places for children aged 3-4: insufficient in all terms.

Childcare Sufficiency Assessment

Templecombe

These figures include the demand for both paid-for and funded childcare places. All children aged 3-4 are entitled to 570 hours of funded Early Years Education per year from the start of term after their third birthday until they start school. Take-up of this entitlement is around 99% in Somerset. Since September 2017, all 3-4 year olds of eligible working parents have been entitled to an additional 570 hours of funded childcare per year.

Summary of places available / required

0-2YO places	All terms	Insufficient	6 additional places required.
3-4YO places	Autumn	Insufficient	2 additional places required.
	Spring	Insufficient	8 additional places required.
	Summer	Insufficient	13 additional places required.

Please note: a small number of additional places will be provided by out-of-school and holiday clubs if present in this area.

Summary

The Local Authority has a statutory duty to secure Early Years places for children eligible for funded places and for children of parents who are working or training for employment.

Currently, there are an insufficient number of childcare places available for 0-4 year olds in Templecombe.

The children from any developments in Templecombe will require additional childcare places. This will exacerbate the shortfall in places here.

Contributions should be requested towards the provision of Early Years places from any new housing developments in Templecombe to meet the expected demand from the developments.

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