

Gloucestershire County Council Community Infrastructure Planning Application Representations

To Case Officer: John Chaplin
From: S106 Infrastructure Team - Economy and Strategic Planning
Date: 08/09/2023
Application Ref: S.17/0798/OUT
Site: Land At Sharpness Docks, The Docks, Sharpness
Proposal: The outline planning application is for 'mixed use development which includes up to 300 dwellings (C3) including 90 affordable dwellings, industrial and distribution development (B1c, B2, B8) on 6.6 hectares of land 2 no. marinas, up to 1,250m ² of ancillary retail / food and drink uses (A1, A2, A3 and A4) up to 7,000m ² of commercial floor space (B1 office/light industrial of which no more than 300m ² to be B1 office), up to 100 holiday lodges/camping pitches, hotel, public open space, landscaping, visitor parking, new access road and associated infrastructure.
Summary Position: The County Council formally objects to the planning application on the grounds that the necessary funding required to mitigate the impact of the development on education and library infrastructure will not be addressed by planning obligation.
At the time of writing the Planning Officer at Stroud District Council advised that the highways and transportation contributions required to mitigate the impact of the development are being made in line with the recommendation.

This objection comprises:

1. Background
2. National and Local Policy Considerations
3. Education Impact Statement
4. Library Impact Statement
5. Conclusion

Appendix A - Technical school capacity assessment

Appendix B - Details of unsafe routes to alternative schools

1. Background

On 30 December 2022 updated representations were sent to Stroud District Council (SDC) setting out what was required to mitigate the impact of the development to make it acceptable in planning terms. The education and library provisions must be addressed to enable the timely delivery of necessary community infrastructure. The funding of this infrastructure should be by Planning obligation.

Evidenced Developer Contributions sought	Planning obligation requested
Education	
Primary – 115.50 new school places	£2,094,361.50
Secondary 11–16-year-olds – 51 new school places	£1,212,525.00
Secondary 11–16-year-olds – 18 new school places	£427,950.00
	Total - £3,734,836.50
Libraries	Total - £58,800

In the SDC case officers report drafted for 12/09/2023 Development Control Committee*, it is recommended that planning permission is granted. On the issue of viability, the report explained that a viability scheme had been fully tested by the District Valuer back in 2018 and 2019 and most recently in 2023 and the various scenarios were found to not be viable or able to make full policy complaint provision for affordable housing or education and library contributions. This means there will be no education and library contributions secured by way of a planning obligation as stated on page 34:

“Whilst the scheme can support some of the contributions outlined in policy SA5, such as ecological and highways mitigation, it is unable to provide the Education and Libraries contribution requested by GCC or any of the 30% affordable housing.”

On this basis Gloucestershire County Council (GCC) is formally objecting to this planning application.

***It is noted there may be a typing error in the agenda item number and date in case officers report which is headed Agenda Item 4.1 – Development Control Committee Schedule 12/11/2023 and is then identified as Item No: 01.**

It is stated in the case officers report on page 35

“GCC have understandably raised concerns about the scheme not being able to provide education and library contributions and SDC Officers have also repeatedly offered to meet GCC colleagues to listen to their concerns. However, despite requests for clarification, it is unclear what GCC would put the requested education money towards, what the capacity issue is or how this would be affected by the other Sharpness draft allocations”.

This statement is misleading and incorrect. GCC has repeatedly provided updated and very detailed representations with supporting data on the impact on local education infrastructure. All relevant schools have been identified along with the school place planning area for each of the phases of education. As to the identification of a specific project to mitigate impact without further investigation of the schools an appropriate project may not be achievable on a particular site and such costly scoping work would be premature in advance of a decision being made.

In addition, a meeting was arranged by GCC officers, which took place on 01/09/2023 with both GCC and SDC officers attending. The GCC Education officer explained in detail the impact of this development on each of the school settings and Appendix A sets out in detail the data relating to School Capacities and Appendix B shows details of routes to alternative schools.

2. National and Local Policy Considerations:

2.1 The National Planning Policy Framework 2021 (NPPF)

Sets out government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions.

Chapter 2 'Achieving Sustainable Development' states (para 7):

"The purpose of the planning system is to contribute to the achievement of sustainable development".

Plans and decisions should apply a presumption in favour of sustainable development and development proposals should be approved provided they accord with an up-to-date development plan.

In accordance with paras 24 and 26 :

"Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other....."

and

"In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere."

Noting para 73 which states larger scale development should be well located and supported by the necessary infrastructure:

"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes)."

A development of this scale should address the relevant infrastructure needs and provide for planned investment in that infrastructure, so that there is suitable access to education and library services.

Para 95 requires that there is a sufficient choice of school places to meet the needs of existing and new communities. Local Planning Authorities 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 school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.

Chapter 9 Promoting Sustainable Transport encourages opportunities to promote walking, cycling and public transport uses. Para 105 states:

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”

and Para 106 (a) states:

“a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;”

This proposal will result in significantly more car journeys by the families occupying the new houses in order to access the necessary school places in both the primary and secondary sectors that cannot be provided for locally, which is unacceptable in planning terms and contrary to the NPPF.

2.2 Planning Practise Guidance on Viability September 2019

Viability assessments accompanying a planning application should be based on and refer back to the viability assessment that informed the plan and the applicant should provide evidence of what has changed since then. It is accepted that the weight to be given to a viability assessment is a matter for the decision maker.

In providing for a transparent and accountable system it is important that Members and their local communities are fully aware of the impact on infrastructure when developer contributions are not secured.

This has not been addressed in the SDC Case officers report.

2.3 DfE Guidance August 2023

The DfE expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development.

The guidance makes it clear that housing development should mitigate its impact on community infrastructure including schools and other education and childcare facilities.

It is important to note other funding sources for education provisions are limited. Para 11 states:

“The DfE’s Basic Need grant, free schools programme and other capital funding do not negate housing developers’ responsibility to mitigate the impact of their development on education”

and para 38 states:

“Developer contributions that mitigate the impact of development on education provision should be recognised as necessary in principle. As set out in paragraph 13, while DfE capital funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. This ensures the most responsible and efficient use of limited public funds.”

It is anticipated that housing development that gives rise to additional pupils will only be planned in locations that are or will be made environmentally sustainable. The consequences in this case of not having access to school places within safe walking distance will require permanent public investment in home to school transport or generate significant additional trips for pupils to access their nearest available schools. This will impose a significant cost burden on the County Council, it does not promote health and wellbeing and it will give rise to increased carbon emissions affecting the environment and air quality. This is not a sustainable way to plan future communities.

Para 44 states:

“.....Consider recommending refusal of planning applications when no suitable solutions for sustainable access to education infrastructure can be agreed, and there would be a clear detrimental impact, either from single or cumulative housing developments”

Whilst it is acknowledged that provisions are proposed to be made towards secondary home to school transport (£285k) there are no provisions for primary and the DfE is clear that home-to-school transport receives no ringfenced funding of its own, and there are many competing demands on funding from the local government settlement.

The location of the Sharpness site is not sustainable and DfE guidance states at para 46 that :

“It remains our preference for new school places arising from housing development to be created only in sustainable locations, accessible either via a safe active travel route or by public transport. “

Access for the required 115 primary school children and the 69 secondary (11-18) children needing a place at a local school cannot be provided by this development and the lack of any financial support in the form of a planning obligation to provide for these places should give rise to a recommendation to refuse planning permission.

2.4 Stroud District Local Plan (Nov 2015 to 2031) and Local Plan Review 2023

The site is allocated in the adopted Stroud District Local Plan as SA5. This policy at point 6 provides for contributions towards education provision. However, this application will not be making any contributions towards education provisions and there is no clarity from SDC as to how this important infrastructure need will be met to support the vision of the regeneration of Sharpness.

This is not transparent , and the proposal is contrary to SDC’s adopted Local Plan policy and therefore contrary to the development plan.

Core Policy CP6 provides for Developer contributions to services, community facilities and infrastructure and states:

“The Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. “

And

“...the Council will require the developer to make a proportionate contribution to the overall cost of such provision through a legal agreement and/or Community Infrastructure Levy.”

It is noted the council will have regard to viability considerations and site-specific circumstances but the need for education and library infrastructure relates to the lifetime of the development and considerable weight should be given in the planning balance where there are no provisions for such infrastructure.

2.5 Stroud District Local Plan Review Examination

In an email dated 04 August 2023 from Inspectors Victoria Lucas LLB MCD MRTPI and Yvonne Wright BSc (Hons) DipTP MSc DMS MRTPI to Mr Mark Russell Head of Planning Strategy and Economic Development at SDC it is stated at para 2:

“We now consider it expedient for us to express our current thoughts, particularly regarding our fundamental concerns on issues surrounding the Strategic Road Network (SRN) and the Sharpness new settlement”.

GCC’s objection to the development of 300 dwellings at Sharpness is echoed in the Inspectors fundamental concerns for the proposed Sharpness New Development of upto 5,000 dwellings promoted in the proposed Plan. It is stated at para 22:

“what would remain would be a large new settlement where the use of the private car for external journeys would likely become the default option for the majority of residents.”

As evidenced in the Education Impact Statement, parents will have to unsustainably travel up to 10 miles or more to find a primary school place and children as young as 4 are very unlikely to be put on a school bus or private taxi and some parents will be faced with having different children at different schools depending on available spaces in specific year groups.

2.6 Gloucestershire’s Local Development Guide 2021

The two-tier system of local government in Gloucestershire requires GCC to ensure there are sufficient school places available in the locality to accommodate pupils. Where there is housing growth, the Education Place Planning team within GCC are consulted to assess whether there are sufficient places in an appropriate location to meet the demand for

school places arising from new housing developments.

If additional places are required to accommodate pupils arising from the development, developer contributions will be requested to provide new schools and land, or expansions to existing schools, depending on the size of the housing development being provided.

GCC has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it and who live, work or study in the County. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library that those new residents can be expected to use.

In new development proposals Developers should provide for the necessary and appropriate community infrastructure provisions to mitigate the impact of that development. If they cannot on the grounds of viability then it is reasonable for the decision maker to state clearly how the impact will be mitigated and the necessary infrastructure delivered.

3. Education Impact Statement

All schools across the School Place Planning area are now full or expected to be full, from the demand arising from previously permitted development and consequently, there are no longer any 'spare' school places to allocate to this development.

The request made by GCC to create additional capacity for this site includes:

Primary	£2,094,361.50	115.50 school places
Secondary 11-16	£1,212,525.00	51.00 school places
Secondary 16-18	£ 427,950.00	18.00 school places
<u>Total Education</u>	<u>£3,734,836.50</u>	

The funding ask relates to the need to provide additional primary and secondary places to enable children from this development to have a school place.

Local Authorities with responsibility for Education do not receive funding from central government to deliver new school places to meet demand arising from new development.

There is a misunderstanding that if an LA doesn't secure funding from developers, then it will be able to seek funding via the DfE through a Basic Need allocation. The DfE expects local authorities to seek and secure developer contributions towards new school places that are created as a result of housing development). Basic Need funding is allocated primarily to meet population growth in existing communities and is not to be seen as an option to negate housing developers' responsibility to mitigate the impact of their development on education. It is allocated where there is clear evidence submitted by a LA that there is growth forecast from an increase in the birth rate/migration in existing areas - not from new housing.

From 2009 there has been a steady rise in population across Gloucestershire, not just from new housing but also from a rise in the birth rate and inward migration, latest projections indicate that this has now reached a peak and is on a slightly downward trajectory. Consequently, the LA has been allocated zero Basic Need funds for 2023/24 and 2024/25 as we cannot make a case for growth in existing communities. As indicated above the DfE expects local authorities to seek and secure developer contributions towards new school places that are created as a result of housing development.

There is also a misconception that central Government provides capital funding for new Free Schools via the Education and Skills Funding Agency (ESFA) independent of the LA, and that this route would avoid the need to secure developer contributions. A Free School is a school set up by an organisation such as an academy trust or a group of individuals, funded by the government but not controlled by the local authority. Where a case is made for a new Free School to meet the demand arising from a housing development, the ESFA will approach the LA to recover the relevant S106/CIL funding secured from the housing developer and use it towards the cost of providing the new school. If a site for the new school and the appropriate level of funding is not forthcoming, a new Free School is unlikely to be supported. So, where a case can be made, securing developer contributions is justified and necessary.

If sufficient developer contributions cannot be secured and the LA cannot accommodate the additional children arising from new development, then the LA must then consider whether any other Council capital resources are available or whether borrowing could be considered. This is clearly not a sustainable way forward and consequently the decision to object to a planning application arises.

The comment on page 36 of the case officers report that there may be other ways to fill any infrastructure gaps such as alternative funding streams that GCC has access to for the delivery of education infrastructure is misleading.

If a contribution is not secured to meet essential education infrastructure locally then the alternative would be to unsustainably transport pupils to more distant schools. Additional evidence is provided in Appendix 2 to show that there is no spare capacity available in the local Berkeley Primary Planning Area, or in the neighbouring Dursley Primary Planning Area.

Of the 115 new primary spaces generated by the site, there is the potential to accommodate up to 85 pupils at primary schools ten miles away in the Wotton-Under-Edge Primary Planning Area. In this case five minibuses would be needed to travel a total of at least 133,000 miles to transport the first cohorts of children for seven years of primary education. This is neither desirable nor sustainable, and it does not help to deliver Stroud's Local Plan Strategic Objectives – SO1 Accessible communities and SO4 Transport and travel it is also contrary to SDC's climate change commitments.

For the remaining 30 pupils generated by this development there is no spare capacity at the next two nearest primary planning areas of Frampton-Saul or Stonehouse. Consequently, the individual journeys for these young pupils would be forecast to exceed 14 miles each way beyond these school planning areas.

Details of the routes to alternative schools are provided in Appendix B. These offer a very poor alternative to providing the required school places locally in Sharpness.

4. Library Impact Statement

The nearest library to the proposed development is Berkeley Community Library. This library was taken over by a community charitable organisation (Berkeley Books) in 2012. The building is currently situated within a terrapin type building which is a small confined sized building at end of life.

Under the provisions of the Public Libraries and Museums Act (PLMA) 1964, GCC is a Library Authority and has a statutory duty (as opposed to a discretionary power) to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the county, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use. Thus, this statutory duty applies to this application.

Under the PLMA, libraries have a duty to offer free access to stock and other resources as may be required by those persons wishing to make use of it. In this regard, it is important to note that residents do not use libraries within a defined period of their lives, and libraries need to be accessible to anyone at any time of their life as and when they need to use the wide range of facilities on offer. We cannot be prescriptive about when someone moving into a catchment area of the library may need to use its resources or services, or how often.

The proposed 300 dwellings will bring increased demand to the community library and therefore the S106 obligation of £58,800 (300 x £196 per dwelling) will be critical to put towards a new library building to facilitate greater access to library services.

The County Council's Library Strategy 2023-2028 provides a series of overarching outcomes, which outlines the future provision of library services within local communities and includes "provision of open and accessible library buildings which sit at the heart of our diverse communities".

The strategy also contains the commitment to "work with developers to ensure library provision is considered in light of new housing developments ensuring growing communities have access to public library services".

Where the County Council identifies that improvement works are required to local library provision to mitigate the impact of increased demand from a new housing development, it will usually seek to secure these via a planning obligation, and typically in the form of a financial contribution proportionate to the size of the development.

The majority of financial contributions are requested towards increased customer access to existing services and can include (but are not restricted to): increasing existing lending capacity through additional stock, furniture, and fittings; facilitating an increase in opening hours; increasing accessibility and support for digital and IT facilities; and/or reconfiguration and refurbishment of library floorspace.

The funding sought of £58,800 is critical to improve local library services to meet the needs of the additional residents arising from this development.

5. Conclusion

On the simple basis of the District Valuer's (DV) assessment of the 300-unit scheme with no affordable housing and no s106 contributions (see Appraisal 4 in the DV's report) and excluding the marina from the scheme, this scenario would generate a Residual Land Value (RLV) in the region of £4.8m. This is c.£2.1m above the DV's assessed Benchmark Land Value (BLV) of £2.75m and theoretically what this scheme could afford as s106 contributions towards education and library infrastructure.

In other words, the scheme for the 300 houses alone could contribute towards the necessary infrastructure required to make this development acceptable in planning terms.

If this application is granted planning permission, contrary to adopted Stroud Local Plan (Policy SA5) which requires education to be provided for, its legacy will be the increased use of and reliance on the private car, which conflicts with local and national policies and guidance relating to transport, the environment, climate change and accessible community infrastructure.

If planning permission is granted, the 115 primary school children arising from the proposed 300 houses will have to be transported up to 10-15 miles each way every day to school. Thousands and thousands of miles of car and bus journeys for the lifetime of the development.

GCC understands the need to provide housing and promote employment growth and the constraints in the Stroud area, but this is not a sustainable solution and it does not help to deliver Stroud's Local Plan Strategic Objectives – SO1 Accessible communities and SO4 Transport and travel.

Much as the emerging Local Plan Inspectors do not consider that a delay or pause in the Local Plan Examination process to be the way forward, this is much the same for the consideration of this planning application which was not viable in 2017 and remains unviable 6 years later. If planning permission is granted without the development mitigating its own impact, there will be a significant cost to the public purse for decades to come and over a hundred children will have a very long commute to/from school with hugely significant carbon implications.

A request is therefore made to the Committee to give the appropriate weight to the need for essential additional education and library infrastructure in the area of the development. This will ensure the development is fully accountable for its impact and will enable the County to fulfil its

statutory obligations to provide sufficient and local school places and a comprehensive and efficient library service for all persons.

Appendix A - Sharpness Docks Capacity Summary - see attached spreadsheet

Appendix B – School Travel Routes - see attached pdf documents