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CC: Mr P Kneen, Principal Planner, Fareham Borough Council

Dear Glenn

Land East of Newgate Lane East, Fareham – Reference: P/22/0165/OA
Request for Contributions Towards Education Facilities

I refer to your letter to Mr Kneen of 8 March 2022 in relation to the above application, in which you outline Hampshire County Council's request for contributions towards education facilities arising from the proposed development.

The request seeks to secure a contribution of £2,161,125 to meet the cost of an additional 113 primary places and £1,987,798 for secondary places, together with £500,000 for early years. In addition, cycle and footpaths are requested from the development to the identified catchment schools to ensure safe travel to school.

At the request of the applicants, Miller Homes and Bargate Homes, I have reviewed the request in some detail and have a number of issues with the basis upon which the contribution has been sought. I have not reviewed the travel issues and these will be addressed separately by others as necessary.

The issues which arise are as follows:

- Reliance on catchment schools
- Places existing locally
- Falling rolls
- Distance to catchment schools
- Use of contribution funding

Reliance on Catchment Schools – HCC, in its request, has assessed only the four catchment schools (Crofton Anne Dale Infant and Junior Schools, and Wallisdean Infant and Junior Schools) without due acknowledgement that there are eight other schools which lie closer to the proposed development, some in Fareham and some in neighbouring Gosport. There is a further school which lies approximately 2.2 miles from the site – closer than several of the catchment schools.

With all four catchment schools further than two miles from the development site, were the children from the development to be accepted into those schools, HCC would be responsible for funding their transport to school. Two miles is the walking distance beyond which children below the age of eight years should have their transport funded to their nearest available school. Arguably, the fact that the Crofton Anne Dale and Wallisdean Schools are identified as the catchment schools makes them potentially more “available” than others more locally, as pupils from within the catchment have a higher priority for admission than those from outside the catchment. This situation, therefore, runs the risk that children from the development will gain admittance to their catchment school in preference to a closer school to which they could walk.

Furthermore, only the catchment schools have been reviewed and no others. This runs contrary to HCC’s own Guidance, National Planning Guidance and recent appeal decisions.

HCC’s own Guidance states at paragraph 2.2 *“Where the additional demand is not enough for a new school, in the interests of integrating new development into existing communities and to promote sustainability principles relating to travel to school, it is expected that a new development will be served by its nearest schools.”* [my emphasis]. In this instance, this is not the approach HCC has followed.

National Planning Policy Guidance states¹ *“Plan makers and decision makers should consider existing or planned/committed school capacity and whether it is sufficient to accommodate proposed development within the relevant school place planning areas”* and *“Plan makers should also consider whether pupils from planned development are likely to attend schools outside of the plan area and whether developer contributions may be required to expand school outside of the area.”* [my emphasis].

NPPG clearly expects a broader range of schools to be assessed than merely a catchment school, and when a number of schools lie closer to the development these must be considered “relevant”.

Places Existing Locally - There are currently 31 surplus places within the four catchment schools plus 302 surplus places available across the nine further schools that lie within or just over the two mile walking distance. This produces a total of 333 surplus places when set against the declared capacity of the schools.

It is understood that two schools (Holbrook PS and Bedenham PS) have both reduced their Published Admission Numbers (PANs) from admitting 45 pupils a year to 30. There is no indication that the physical capacity of the schools has been reduced nor that the accommodation was in any way temporary. The committee report from 22 February 2019 which reported on changes for a number of schools including Bedenham PS indicated generally that *“Each school’s governing body has made cogent educational and curricular arguments in favour of the reduction, and it is the LA’s view that the proposed reductions do not compromise the Authority’s duty to provide school places for local residents.”* While this may have been the case at the time, any request for funding from a development for schools in the area within three years’ of that decision suggests that the reductions were premature.

It is noted that approximately 20% of the Authority’s schools do not operate in PANs of multiples of 30. Finally, while it is understood that schools often prefer to operate in multiples of 1FE for ease of teaching the curriculum and avoiding mixed-age classes, in the round of changes that Bedenham PS reduced its PAN to 1FE, three others

¹ NPPG Para: 008. Ref ID: 23b-008-20190315

(Grange Infant, Grange Junior reduced their numbers from 90 to 75 and South Wonston PS changed from 2FE to 1.5FE. The case for full FE schools is not, therefore, conclusive and while often preferred is by no means immutable.

Even so, when theoretical capacity for 210 pupils to account for the theoretical reduction, 123 places remain available to meet the needs of the proposed development. If the 30 pupils calculated to arise from the Bargate development (99 dwellings immediately to the south of the proposed development) approximately 93 places still remain available.

Nonetheless, as discussed above, there is no evidence suggesting that physical capacity is to be removed alongside the PAN reductions at Bedenham and Holbrook Primary Schools. With pressure mounting on places in the vicinity and physical capacity remaining “hidden” within the schools, the priority should be to bring that capacity back into use rather than to seek contributions for further space at a greater distance from the development.

Further, following an appeal in 2019 (ref: APP/P4605/W/18/3192918) on the site of the former North Worcestershire Golf Club, the Secretary of State agreed with the Inspector’s conclusion that “...the assessment of capacity in local... schools should be based on the physical capacity of the local schools rather than their PAN.” [My emphasis] HCC has not followed this approach.

Falling Rolls – The most recent school forecasts indicate that for the three planning areas concerned, roll numbers are now set to fall into the medium term, increasing the number of surplus places becoming available.

This is corroborated by the ONS Population Projections for both Fareham and Gosport in the medium term and longer term. Examination of the ONS Mid-Year estimates for the two local wards in Fareham and the three in Gosport (Tables 1 and 2) mirror this trend with reductions of 74 in Fareham and 54 in Gosport between 2022 and 2024:

Age	0	1	2	3	4	5	6	7	8	9	10
Children	108	139	133	158	131	156	175	168	153	180	175
2020								1,138			
2021						1,121					
2022					1,074						
2023				1,060							
2024			1,000								

Table 1: MYE for Stubbington and Fareham South Wards (2020)

Age	0	1	2	3	4	5	6	7	8	9	10
Children	117	138	135	131	149	147	161	158	151	188	154
2020								1,108			
2021						1,085					
2022					1,032						
2023				1,019							
2024			978								

Table 2: MYE for Bridgemary North and South and Peel Common Wards (2020)

With clear current and projected numbers reducing, a trend endorsed by the HCC’s own forecasts, the need for any additional places is to be seriously questioned.

Distance to Catchment Schools – HCC assessed only the four catchment schools, all of which lie beyond the statutory two-mile walking distance. There is, therefore, an apparent assumption that children from the proposed development will attend at one of those schools – necessitating transport to be paid for by the local authority. The

approach taken is clearly nonsensical as few education authorities would choose to pay for school travel if it were not necessary. If the assumption is otherwise, then a wider range of schools should have been assessed, and the spare capacity in those schools taken into account.

Use of Contributions – The HCC request indicates that “*Even where there is apparently sufficient capacity to cater for all, or part, of the additional demand, there may still be a need for additional facilities at a school. The reason for this is that the method of assessing capacity does not take full account of the need for schools to have dedicated space for specialist facilities, such as ICT...*” This was also covered by the Inspector for the appeal relating to the North Worcestershire Golf Club referred to above, and agreed by the Secretary of State as follows “*It is also an important distinction given that planning obligations should not be requested or used other than for capital work to increase the physical capacity of a local school or schools to provide any additional places that area required.*” [My emphasis]

It is far from clear that the intention of HCC’s request is to provide additional places, but potentially to create additional or improved facilities. If no additional places are to be added, then the size of the school will remain the same and the school will be assessed as serving the pre-existing number of pupils.

If a school is identified as not having certain facilities (eg an ICT room) then this is an existing shortfall affecting the school at its existing size and cannot become the responsibility of the developer. Any contribution made in these circumstances must consequently be considered a “benefit” of the development rather than a necessity to make the development acceptable in planning terms – and should be dealt with outside of the S106 process.

There are, therefore, a number of clear grounds upon which the request for contributions fails the CIL Reg 122 test of being “necessary to make the development acceptable in planning terms” or “directly related to the development” and I would be grateful if HCC could review its position, taking my comments above into account.

I look forward to receiving your response in due course.

Kind regards



Heather Knowler
Consultant – EFM