

V1 – 13 September 2022.

Town and Country Planning Act 1990 – Section 78

The Town and Country Planning (Inquiries Procedure) (England) Rules
2000

**Land east of Newgate Lane East, Fareham,
Hampshire, PO14 1AZ**

Miller Homes Ltd and Bargate Homes Ltd

EDUCATION MATTERS

Summary Proof of Evidence of

Heather Katherine Knowler

BA(Hons), MA, MCMi

Planning Inspectorate Ref: **APP/A1720/W/22/3299739**

Planning Application Ref: **P/22/0165/OA**

Inquiry Date: Commencing 11 October 2022

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CONTENTS

Section	Heading	Page
1	Qualifications and Experience	3
2	Introduction & Scope of Evidence	4
3	Policy Context	5
4	Primary School Position	6
5	Secondary School Position	7
6	HCC Request for Contributions	7
9	Conclusion	10
Appendix 1	NPPG Para 008	11

1. Qualifications and experience

1.1 My name is Heather Katherine Knowler. I am employed by Educational Facilities Management Partnership Ltd (EFM) as a Consultant specialising in education and social infrastructure provision. I have a BA (Hons) in Politics and a Masters' degree in Social Policy, both from the Open University. I am a Member of the Chartered Management Institute.

1.2 Before joining EFM I worked within local government for more than 30 years, primarily in the areas of school planning and provision, assessment and negotiation of planning obligations and in the project and programme management of school building programmes. EFM is an education and social infrastructure consultancy, which advises on schools, school provision and the implications of development on schools.

1.3 The evidence, which I have prepared for this Appeal is true and has been prepared and is given in accordance with the CMI Code of Practice. I confirm that the opinions expressed are my true and professional opinions.

2. Introduction and Scope of Evidence

2.1 One of the Reasons for Refusal of this application is listed as: "*Reason for Refusal (n) – In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met.*"

2.2 The Application is for the residential development of 375 dwellings on land to the east of Newgate Lane East in Fareham. Arising from this, Hampshire County Council (HCC) made a request dated 8 March 2022 for a total of £4,148,923, for the provision of 113 primary places and 79 secondary places. This was subsequently reduced by 50% by HCC.

2.3 A s106 agreement has been prepared to provide the amended financial contribution, subject to the Inspector finding this appropriate and in accordance with Reg 122 of the CIL Regulations.

2.4 This Summary Proof of Evidence, however, will conclude that there are, and will continue to be, sufficient places existing within the locality to meet the needs arising from the proposed development. The contributions requested by Hampshire County Council (HCC) are, therefore, not necessary and do not meet the tests of CIL Regulation 122.

3. Policy Context

3.1 Under the **Education Act 1996**, the Education Authority has the responsibility to plan for, and secure, sufficient school places within its area. These are funded by the DfE unless otherwise provided for – for instance through a development contribution to meet the need arising from new housing.

3.2 **Fareham Borough Council** (FBC) is the planning authority. It has a CIL charging scheme in place which, following amendment, does not appear to include education facilities.

3.3 **Hampshire County Council** (HCC) is the education authority. It has published guidance on "Development Contributions towards Children's Services Facilities" (the "Developers' Guide 2022") (CDE.14).

3.4 The Developers' Guide 2022 states (paras 2.2, 2.3 and 2.4) that the County Council will assess the capacity of schools in the appropriate area. Where additional demand is not anticipated to require a new school, it is expected that a new development will be served by the nearest schools, which may require expansion. Even where there is apparently sufficient capacity to cater for all, or part, of the additional demand, HCC takes the stance that there may still be a need for additional facilities.

4. Primary School Position

4.1 The Developers' Guide 2022 gives a pupil yield of 0.3 pupils per dwelling for primary pupils. For 375 dwellings, 113 primary-age pupils are calculated. This figure is not disputed.

4.2 Statute¹ prescribes a two-mile walking distance, beyond which local authorities are required to fund transport where the nearest available school is further away. There are eight primary-age schools within that distance of the proposed development. The four catchment schools are beyond the two-mile distance, plus one further school at a similar distance – 13 schools. HCC has based its request for contributions on the four catchment schools alone.

4.3 At January 2022, the total capacity of the 13 schools was 3,246, with 2,856 on roll, a surplus of 390 places across all year groups. This more than enough to meet the needs of the development.

4.4 The four catchment schools have a surplus of only 45 places - which would not be sufficient to meet the needs of the development.

4.5 The 13 schools are grouped into four separate groups with other schools for planning and forecasting purposes - a total of 25 schools. At present these 25 schools have approximately 733 surplus places, and HCC forecasts this will grow to 1,254 by 2025-26.

¹ Education Act 1996 [Section 444(5)] and Education & Inspection Act 2006 [Section 508B]

4.6 There are, therefore, sufficient places available within the local schools to accommodate the pupils arising from the proposed development, and this will increase over the next four years.

5. Secondary School Position

5.1 HCC uses a pupil product ratio of 0.21 pupils per dwelling for secondary pupils. For 375 dwellings a total of 79 secondary-age pupils is calculated. This figure is not disputed.

5.2 The catchment secondary schools are Crofton School and Fareham Academy, both of which are within the three-mile statutory walking distance for children of eight and over. There are also three further schools within that distance, including one which is much closer.

5.3 The five schools have capacity for 5,994 pupils and with 5,267 pupils on roll, a surplus of 727. They are grouped into two separate planning groups with a total of seven schools. Forecasts indicate that by 2027-28 there will be 1,188 surplus places.

5.4 Again, this is more than sufficient to meet the needs of the development.

6. HCC Request for Contributions – Early Years, Primary and Secondary

6.1 HCC issued a request for funding towards education provision in March 2022 (CDB.15) which covered early years, primary and secondary provision. A contribution for early years provision has been agreed between the parties.

6.2 HCC sought a total of £2,161,125 for 113 primary places and £1,987,798 for 79 secondary places. The requests were made on the basis of the catchment schools alone.

Subsequently, in response to correspondence, HCC offered to reduce the total request by 50% but retained the approach of assessing only the catchment schools.

6.3 In my professional opinion the requests for both primary and secondary are unnecessary and do not meet the tests of CIL Regulation 122 for a number of reasons:

- Sufficient places exist within a two-mile walking distance (primary) and a three-mile walking distance (secondary)
- Forecast declines in pupil numbers
- Reliance on catchment schools only
- Proposed use of contribution

Sufficiency of Local Places

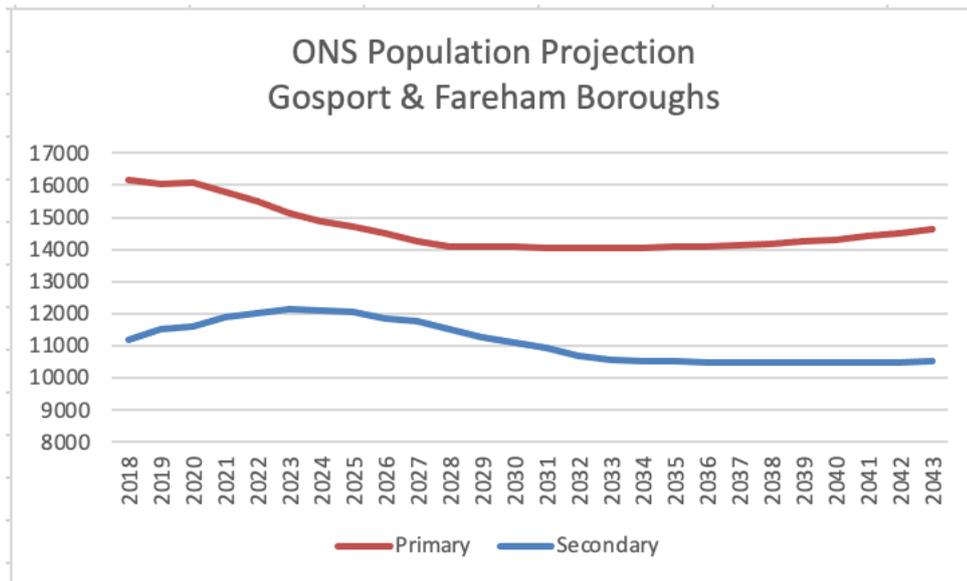
6.4 Primary - There are currently 45 surplus places within the four catchment schools plus 345 surplus places available across the nine further schools that lie within or just beyond the two-mile walking distance. This produces a total of 390 surplus places when set against the declared capacity of the schools.

6.5 Secondary - With 727 surplus places currently available at the five schools within a three-mile walking distance, there are sufficient places to meet the needs of the proposed development and any underlying growth through to the peak in 2024.

Falling Rolls

6.6 HCC forecasts that, for the four primary school planning groups concerned, roll numbers are now set to fall, increasing the number of surplus places becoming available. Secondary rolls are forecast to rise within the next two years but decline thereafter.

6.7 In the longer term the ONS Population Projections for the combined boroughs show the numbers of primary-aged children declining significantly to 2028 with no view of an increase until the late 2030's. The secondary is due to peak in 2024, and after that numbers will decline for the next decade and then level off.



Graph 1: ONS Projections – Gosport and Fareham Boroughs

6.8 With both ONS and HCC forecasting a decline in child numbers the case for any additional places is not made.

Reliance on Catchment Schools

6.9 HCC’s Developers’ Guide 2022 states that where additional demand does not produce the need for a new school, the nearest schools will be expected to serve the development. The Guide does not indicate that HCC will rely on the local catchment schools alone. On previous occasions within the immediate area, HCC has taken a broader perspective and considered a wider range of schools.

6.10 For this application HCC has assessed only the catchment schools without due acknowledgement that there are other schools which lie closer to the proposed

development which have surplus places sufficient to meet the need arising from the development.

6.11 National Planning Policy Guidance² 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.

Use of Contributions

6.12 The HCC request was to meet the need for additional facilities not additional places at the catchment schools. The schools were constructed to meet their stated capacity - at which size they have been operating for many years. Any contribution made would, therefore, not increase the assessed capacity of the schools and no additional pupils would be accommodated. Any shortfalls identified therefore, are existing shortfalls affecting the schools at their existing capacity and as such they should not become the responsibility of the developer.

7. Conclusion

7.1 In conclusion, with sufficient places available in both primary and secondary schools in the vicinity to meet the needs of the development, the request for contributions towards education provision cannot be considered CIL compliant. It remains, therefore, with the education authority to convince the Inspector in this case that the contribution requested complies with the CIL Regulations.

7.2 Nonetheless, the applicant is prepared to make a financial contribution and a s106

² NPPG Para: 008. Ref ID: 23b-008-20190315 (copy at Appendix 2)

agreement has been prepared, subject to the Inspector finding this appropriate and in accordance with Reg 122 of the CIL Regulations.

Appendix 1: NPPG Para 008

What contributions are required towards education?

Plans should support the efficient and timely creation, expansion and alteration of high-quality schools. Plans should set out the contributions expected from development. This should include contributions needed for education, based on known pupil yields from all homes where children live, along with other types of infrastructure including affordable housing.

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. Developer contributions towards additional capacity may be required and if so this requirement should be set out in the plan. Requirements should include all school phases age 0-19 years, special educational needs (which could involve greater travel distances), and both temporary and permanent needs where relevant (such as school transport costs and temporary school provision before a permanent new school opens).

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 schools outside of the area.

When local authorities forward-fund school places in advance of developer contributions being received, those contributions remain necessary as mitigation for the development.

The Department for Education has published [guidance for local education authorities on developer contributions for education](#).

Paragraph: 008 Reference ID: 23b-008-20190315

Revision date: 15 03 2019