

FAREHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL

APPEAL by **Miller Homes Ltd and Bargate Homes Ltd** against the non-determination by **Fareham Borough Council** of
“Outline application with all matters reserved (except access) for residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works”
on **Land East of Newgate Lane East, Fareham**

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

Planning Application Ref: P/22/0165/OA

**REBUTTAL PROOF OF EVIDENCE OF
GLENN PARKINSON
HAMPSHIRE COUNTY COUNCIL
CHILDREN’S SERVICES
IN RESPECT OF EDUCATION**

1.0 INTRODUCTION

- 1.1 This Rebuttal Proof of Evidence is prepared on behalf of Fareham Borough Council (FBC) in relation to an appeal by Miller Homes Ltd and Bargate Homes Ltd in respect of Land East of Newgate Lane East, Fareham (the “appeal site”).
- 1.2 The appeal has been submitted following the Local Planning Authority’s (FBC) failure to determine an outline application (ref: P/22/0165/OA) for residential development on the Appeal Site within the agreed time period.
- 1.3 The appellants have appointed Ms Heather Knowler to prepare a Proof of Evidence in respect of education matters.
- 1.4 This Rebuttal Proof seeks to primarily clarify elements of Ms Knowler’s Proof of Evidence where it is considered necessary to inform the Inspector in advance of the Inquiry.
- 1.5 I have sought to avoid repetition of points made, and have not sought to respond to every single point raised by Ms Knowler within her evidence. The lack of a response to any particular point within Ms Knowler’s evidence cannot be taken as agreement with it.

2.0 Qualifications and Experience

- 2.1 My name is Glenn Parkinson. I am employed by Hampshire County Council as a Strategic Development Officer and have spent 20 years in that role. I have a degree in Public Administration.
- 2.2 The role involves undertaking school place planning and managing capital projects relating to schools in the Fareham and Gosport areas I have visited many schools to discuss school organisation and met with numerous developers on their housing plans, assessed the implications on school places and accommodation and negotiated a significant number of Section 106 agreements. These included that for Welborne, a major development area of 6,000 dwellings in Fareham and a number of S106 agreements in the Warsash area to undertake improvements in educational infrastructure.
- 2.3 My experience and knowledge of pupil forecasting, school organisation and accommodation needs of schools makes me well qualified to comment on the Proof of Evidence submitted by the developer. As a result, assessments are made with regard to the impact of new housing development on local school places and educational infrastructure, leading to the requirement for developer contributions to mitigate that impact in relevant circumstances.

Planning background

- 2.4 I was consulted on the application in early 2022 and provided my consultation response to Fareham Borough Council on 8th March 2022.
- 2.5 The original request for contributions, made in my response on the planning application consultation, was done so on the basis of the information available at the time. The developer had made no contact with me in order to discuss the application prior to its submission, thus providing no opportunity to discuss the requirement for contributions at an earlier stage. Once contact had been made and further details of the application had been clarified, a decision was made to reduce the contribution. This was on the basis that it was agreed that no additional primary or secondary school places were necessary. It was requested, however, that contributions to address accommodation shortfalls be provided and the level of funding would 50% of that required to provide new school places.
- 2.6 The points contained in the Proof of Evidence are not agreed and details are provided in this document why the contributions are required. Answers are provided to the points raised and the request meets the CIL tests. The Local Authority has a statutory responsibility for school place planning and an assessment of the impact from this development on the local school organisation has been undertaken and is detailed in this document.

3.0 Local position on school place planning – primary and secondary position

- 3.1 The points raised in 7.15 to 7.19 of the appellant's Proof of Evidence are refuted and are not felt to be relevant as the school place planning function remains with the Children's Services Department of Hampshire County Council.
- 3.2 The development lies within the catchment areas of Crofton Anne Dale Infant and Junior Schools, Wallisdean Infant and Junior Schools, Fareham Academy Secondary School and Crofton Secondary School.
- 3.3 The schools located in Crofton, in particular, have a significant proportion of children on roll who live out of catchment with the majority of those pupils coming from the Gosport area i.e., the area immediately to the east of the location for the new housing development.
- 3.4 As such, it is perfectly reasonable, in school place planning terms, to expect pupils from the new development to seek places at the catchment schools rather than look to schools to the east to provide them with a school place. The reductions in published admission numbers (PAN's) mentioned in the developer's proof of evidence (paragraph 5.7), are as a result of surplus places arising in those areas due to less pupils seeking a place at those schools mentioned.
- 3.5 There is no expectation, therefore, to undertake any catchment area change for the development despite the distances involved to access the catchment area schools. This would not result in any expected change to the pupil distribution in the area, it would be fully expected pupils would seek places at the current catchment schools.

4.0 The request for early years, primary and secondary contributions

4.1 This relates to Chapter 7 of the appellant's Proof of Evidence.

4.2 The agreement to the contribution for early years is welcomed.

4.3 I refer to the points made in 7.6 where the appellant argues the contributions do not meet the CIL tests;

- Sufficient places exist within a two-mile walking distance (primary) and a three-mile walking distance (secondary)
- Forecast declines in pupil numbers (primary)
- Reliance on catchment schools only (primary and secondary)
- Use to which contribution funding is proposed (primary and secondary)

Sufficient places exist

4.4 The argument is made that sufficient places exist, but this takes account schools that are not the catchment area schools for the development. It is acknowledged in paragraph 5.6 of the appellant's Proof of Evidence that there is not sufficient capacity in the primary catchment area schools to accommodate the pupil yield from the development. The same applies to the secondary catchment area schools for the development.

4.5 Based on the catchment schools I feel that a case could have been made for contributions based on the lack of available school places, but the decision has been made, on school organisational grounds, that it is not appropriate to provide additional places at these schools.

Forecast declines in pupil numbers (primary)

4.6 As detailed above it is agreed that no additional school places are required.

Reliance on catchment schools only (primary and secondary)

4.7 The points raised in 7.15 to 7.19 of the appellant's Proof of Evidence are refuted and are not felt to be relevant as the school place planning function remains with the Children's Services Department of Hampshire County Council. It is for the Children's Services Department to undertake an assessment of the expected impact from new housing development on pupil places in the area based on the pupil distribution at local schools and school pupil forecasting.

- 4.8 There have been a number of Section 106 agreements within Fareham Borough Council where contributions have been secured to undertake improvements in existing accommodation where additional school places are not required.
- 4.9 The schools located in Crofton, in particular, have a significant proportion of children on roll who live out of catchment with the majority of those pupils coming from the Gosport area i.e., the area immediately to the east of the location for the new housing development.
- 4.10 It is perfectly reasonable, in school place planning terms, to expect pupils from the new development to seek places at the catchment schools rather than look to schools to the east to provide them with a school place. The reductions in published admission numbers (PAN's) mentioned in the developer's proof of evidence (paragraph 5.7), for Holbrook Primary and Bedenham Primary schools in Gosport are as a result of surplus places arising in those areas due to less pupils seeking a school place at these schools.
- 4.11 The majority of new housing development remains in the catchment area of the schools in which it is situated. Exceptions are made where new schools are being provided and it is then necessary for a catchment area change to be undertaken. As contributions are not being sought for additional school places there is no requirement to look outside of the catchment area schools. The current pupil distribution is key here. It would be nonsensical to change catchment areas to include the development in the schools within Gosport as it is expected parents would not choose for their children to attend those schools. This is backed up by the current position with the number of pupils within Gosport attending the schools detailed in this document.
- 4.12 There is no expectation, therefore, to undertake any catchment area change for the development despite the distances involved to access the catchment area schools. This would not result in any expected change to the pupil distribution in the area, it would be fully expected pupils would seek places at the current catchment schools.
- 4.13 In paragraph 7.19 there is the quote relating to the decision to only consider the catchment schools "This is nonsensical, as the most 'sustainable' option is to acknowledge that schools on the doorstep may be chosen by parents, over the catchment schools which are beyond two miles away". This takes no account of the current picture relating to the pupil distribution in the area and the strong likelihood that parents will choose schools for their children for a range of reasons, a key one being the quality of those schools.

Use to which contribution funding is proposed (primary and secondary)

- 4.14 As detailed above in 4.7 to 4.11 the assessment of the local schools only included the catchment area schools for the development and therefore only those schools'

accommodation were assessed, based on the principle that pupils from the development are most likely to attend those schools.

4.15 The Children's Services Department published the document, Development Contributions towards Children's Services Facilities in March 2022 (attached at **Appendix 1**). This document represents Hampshire County Council's position with regard to seeking Developer Contributions and has been agreed by elected members. The decision has been made that contributions can be sought, not only where additional school places are required, but also where a case can be made for the impact on existing educational infrastructure. It is for local authorities to develop their own procedures for seeking developer contributions.

4.16 Within that document it states;

“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. Schools which may in theory have spare capacity will be using those spaces for legitimate educational uses such as small group work supporting pupils with special educational needs. Such spaces would need to be re-provided before those classrooms can be brought back into use for general teaching purposes. There may also be factors, such as an undersized hall or the need to provide a music/drama room as the school grows, which would make it difficult to meet present day educational requirements if the school was full to its assessed capacity.”

4.17 It is agreed that there is no requirement to provide additional primary or secondary school places, however this development will have an impact on the infrastructure within the catchment area schools.

4.18 In line with the Development Contributions towards Children's Services Facilities document an assessment was undertaken, for the catchment area schools, of shortfalls in accommodation when compared to the Department for Education Schedules of Accommodation for schools. This identified a number of accommodation issues. It also takes into account that with the development of the curriculum over time, since the schools were constructed, this has led to additional requirements for specialist teaching spaces to reflect educational curriculum needs, hence seeking to provide enhancements to existing provision which falls short of current guidance e.g., undersize halls and lack of certain specialist spaces.

4.19 This work was undertaken, and contributions sought, to reflect this approach within the Children's Service Developer Contributions document. Whilst in the appellant's Proof of Evidence paragraph 7.21 quotes an appeal case, similar contributions from other developments have been sought and secured.

Shortfalls in accommodation

4.20 An assessment has been undertaken of existing schools' accommodation against the DfE's Schedule of Accommodation (SoA) for schools to identify shortfalls in accommodation and a summary is detailed below for those catchment area schools serving the development.

Crofton Anne Dale Infant

- Undersize hall- 134m² as per Schedule of Accommodation (SoA) guidance of 150m²
- Classrooms are all under SoA guidance of 62m²
- No music/dram space as per SoA guidance of 55m²

Crofton Anne Dale Junior School

- No small hall as per SoA guidance of 85m²
- No practical space as per SoA guidance of 69m²
- No Art/DT space as per SoA guidance of 34m²
- Four undersize classrooms as per SoA guidance of 55m²

Wallisdean Infant

- Undersize hall at 126m² as per SoA guidance of 180m²
- Five undersize classrooms as per guidance of 62m²

Wallisdean Junior

- No practical space as per SoA guidance of 62m²
- No music/drama as per SoA of 55m²

Fareham Academy

- Seven classrooms undersize as per SoA of 55m²

Crofton Secondary

- Twenty-three undersize classrooms as per SoA of 55m²

5.0 Conclusion

- 5.1 The decision was made to only consider the catchment area schools in relation to this development due to the experience held in school place planning by the author taking into account the local position of pupil distribution.
- 5.2 Whilst distances to the catchment area schools are quite far it is felt that parents of school pupils will choose these schools instead of those to the east. This is reinforced by the number of children who attend these schools from the Gosport area.
- 5.3 The Local Authority cannot “dictate” where parents choose a school place for their child so reflect school organisation practices based on evidence.
- 5.4 Whilst the Development Contributions towards Children’s Services Facilities document states that “it is expected that a new development will be served by the nearest schools”, this is not the key driver if the local school organisation structure and pupil distribution does not reflect that aim. Each circumstance is looked at based on its individual circumstances. As such, it is a perfectly legitimate option to only consider, in this case, the catchment area schools.
- 5.5 The contribution being sought is to address infrastructure issues which will be compounded by additional pupils arising from the development. Any surplus places within the schools currently or in the future are anticipated to be taken up by pupils from the development impacting on the accommodation within the schools. Projects will be undertaken to alleviate those problems by additional capital investment to address those physical issues identified.
- 5.6 The contributions being sought do meet the CIL tests being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale.

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Appendix A: Development Contributions towards Children's
Services Facilities in March 2022
(attached separately)