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Land at Stoney Lane
Whiston
Education Impact Assessment
for Taylor Wimpey North West

22nd May 2026

Report **v1-2** prepared by **John Powell**
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1. Introduction

1.1. Report Purpose & Scope

1.1.1. I have been asked to consider the proposed development for its likely impact on social infrastructure in the local area.

1.1.2. The purpose of this report is to act as a principal point of reference for future discussions with the relevant local authority to assist in the negotiation of potential Section 106 agreements pertaining to this site. This report includes an analysis of the request for contributions pertaining to local school places against the prescribed tests for such contributions prior to the refusal of the application.

1.1.3. It is acknowledged that if the impacts of the proposed development legitimately call for a S106 contribution due to capacity problems, that meet the requirements of the Community Infrastructure Levy (CIL) regulations, then it is accepted that a contribution should be offered.

1.2. Intended Audience

1.2.1. The intended audience is the Client and this report is private and confidential and its contents may not be shared without permission.

1.3. Research Sources

1.3.1. The contents of the initial report are based on publicly available information, including relevant data from central government and the local authority and on information obtained through requests under the Freedom of Information Act. Research for this report was conducted in May 2026.

1.4. Community Infrastructure Levy Regulations

- 1.4.1. The Community Infrastructure Levy (“the levy”) Regulations came into force in April 2010. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site-specific impact mitigation requirements without which a development should not be granted planning permission.
- 1.4.2. However, in order to ensure that planning obligations and the levy can operate in a complementary way and the purposes of the two regimes are clarified, the regulations scale back the way planning obligations operate. Limitations are placed on the use of planning obligations in three respects.
- 1.4.3. The first of these, which is the relevant consideration in this matter, is putting the Government’s policy tests on the use of planning obligations set out in Circular 5/05 Planning Obligations on a statutory basis for developments which are capable of being charged the levy.
- 1.4.4. The regulations place into law for the first time the Government’s policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the levy and provide a stronger basis to dispute planning obligations policies, or practice, that breach these criteria. This seeks to reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions which are better suited to use of the levy.
- 1.4.5. From 6 April 2010 it has been unlawful for a planning obligation to be required as a material consideration in order for a planning authority to lawfully grant permission when determining a planning application for a development, or any part of a development, that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 1.4.6. From 1st September 2019, revised regulations came into force. Amongst other things this introduces a requirement on CIL charging authorities to produce an annual statement regarding sums received both through CIL and planning obligations.
- 1.4.7. These regulations also remove the limit of pooling no more than 5 planning obligations towards one item of infrastructure, which has been a particular issue with regards to the provision of education infrastructure.

1.5. Department for Education Guidance on Planning Obligations

1.5.1. In April 2019, the Department for Education (DfE) published “Securing developer contributions for education”, non-statutory guidance for local authorities regarding seeking planning obligations towards education provision from residential development. The latest version of this guidance, from August 2023, is attached at Appendix AYA01.

1.5.2. Whilst this is non-statutory, it is important to consider elements of this guidance, as they would carry some weight in a planning context, although this clearly does not supersede or outweigh the CIL regulations as outlined above.

1.5.3. The purpose of the guidance is underpinned by four principles, as set out below:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

1.5.4. The first of these principles is of particular relevance to this report.

1.5.5. The guidance also states, with regards to costs per pupil place, the following:

32. We advise that you base the assumed cost of mainstream school places on the relevant average regional costs published in the DfE school places scorecard.¹⁰ This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the regional average to account for inflation since the latest scorecard base date.¹¹

1.5.6. However, it should be noted that nothing within this non-statutory guidance supersedes the tests set out at paragraph 1.4.5 above.

2. Background

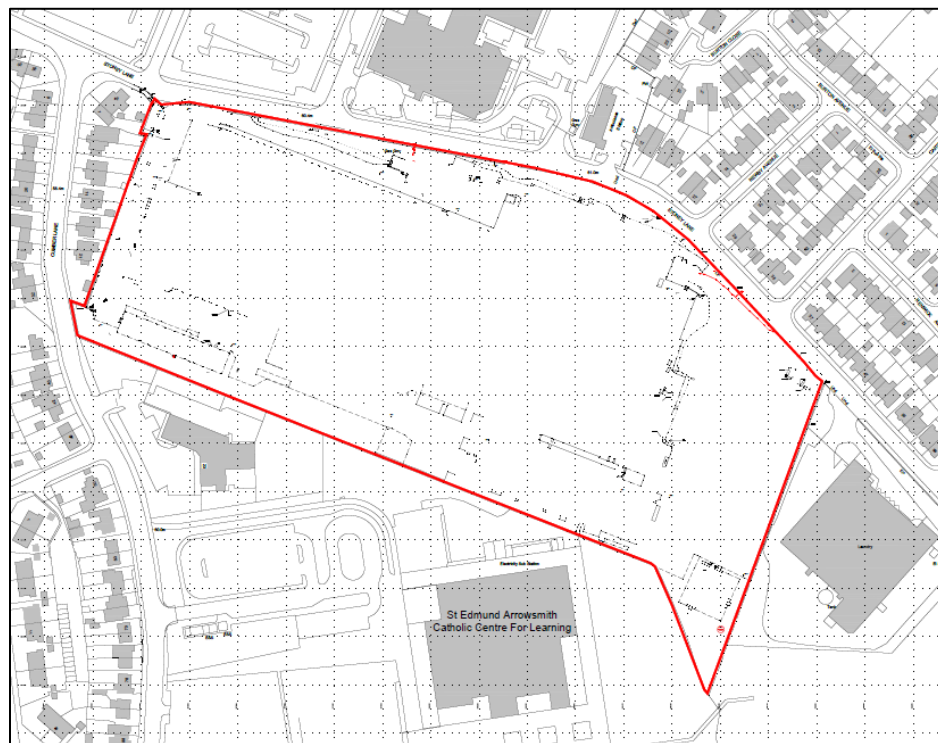
2.1. Development Site and Mix

2.1.1.The development site is land at Stoney Lane, Whiston. The site lies within the planning remit of Knowsley Metropolitan Borough Council (KMBC).

2.1.2.The site lies within the primary and secondary catchment areas of schools for which the local education authority is also KMBC.

2.1.3.There are a small number of local schools which could be considered as relevant to the proposed development site in terms of straight-line distance, for which the responsible education authority is St. Helen's Council (SHC).

2.1.4.The site location plan is as indicated below:



[source Location Plan, attached at Appendix AYA02]

2.1.5.The total number of units to be delivered is up to 204 dwellings, and our assessment has been undertaken on this basis as a worst case-scenario.

2.1.6.The anticipated mix is set out below:

Type	1 bed	2 bed	3 bed	4 bed	Total
Market	0	15	103	66	184
Affordable	0	16	4	0	20
Total					204

3. The Local Position

3.1. Knowsley Metropolitan Borough Council's Duty to Secure Sufficient School Places

3.1.1. The site lies within the area for which the responsible local education authority is Knowsley Metropolitan Borough Council (KMBC).

3.1.2. The Education Act 1996 (as amended) provides in section 14(1):

"A local education authority shall secure that sufficient schools for providing – (a) primary education and (b) secondary education ... are available for their area".

3.1.3. The Education Act does *not* state it is the duty of a local education authority to ensure that there are sufficient school places at the catchment or pseudo-catchment area school for all children residing within that particular school's catchment or pseudo-catchment area.

3.1.4. The Education Act simply states that the education authority must provide school education appropriate to the requirements of pupils for their area. In the case of KMBC that is the area defined as the authority of Knowsley.

3.1.5. This duty applies in relation to all the children in the local education authority area, whether they have lived there all their lives or have just moved into a new development.

3.1.6. The residential component of the development will include family housing. Family housing often includes school age children who will seek to enrol in local schools. Those schools may or may not be sufficient to accommodate these children without the need for additional capacity to be provided.

3.1. Surplus Places

3.1.1. The most up-to-date reference to keeping some surplus places within the local school planning system comes from the National Audit Office's 2013 report on "Capital funding for new school places".

3.1.2. At paragraph 1.16 and 1.17, this document, with my emphasis in bold, states that:

"1.16 The Department compiled its estimate of places required by examining local authorities' forecast data for pupil numbers in 2014/15 and existing capacity in May 2010 in each authority, and, for county councils, for each district within that authority. It then calculated the number of extra places needed to achieve a surplus of places of at least 5 per cent in each authority or district. The Department adopted this planning assumption in the context of a challenging spending review when preparing its funding bid to HM Treasury. It considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools. As at September 2010, 37 of 152 authorities were forecasting a surplus of primary places of below 5 per cent by 2014/15 without any spending on new places, while another 62 would be in deficit, with fewer primary places than children.

1.17 The Department's overall framework for supporting the delivery of new school places is not fully aligned with its twin objectives of ensuring that there is a place for each child and some spare capacity to facilitate parental choice. **Local authorities' statutory duty to provide sufficient schools does not require them to maintain surplus capacity for parental choice.** Although the Department issued guidance in June 2009 that it was reasonable for authorities to aim for between 5 and 10 per cent primary surplus to allow them some opportunity to respond to parental choice, it did not subsequently communicate to authorities its September 2010 figure of a minimum of 5 per cent surplus. **This is because this was a planning assumption, rather than a target it expected authorities to meet.** The Department recognises that it needs to undertake work to identify whether its assumption realistically enables parental choice."

3.1.3. With regards to the seeking of contributions to enable parental preference to be met, this matter has been considered previously in an appeal at Audlem (appeal reference APP/R0660/A/13/2204723 and attached at Appendix AYA03).

3.1.4. The Inspector, at paragraph 122 of his report, stated:

"122. Parental preference may be the responsibility of the Council but not of the appellant company ..."

3.1.5. In this appeal, there were surplus secondary places locally, although the nearest secondary school was full. The local authority sought a full contribution to increase places at the nearest school to accommodate new children without impacting negatively on the existing pattern of parental preference in the area.

3.2. School Forms of Entry & Admissions Number

- 3.2.1. School capacity is often measured in terms of forms of entry ('FE'). A single class can typically accommodate up to 30 children. The Number on Roll ('NOR') is the number of children at a school.
- 3.2.2. Reception is the year of entry to primary school and is often referred to as "Year R". The subsequent year groups are often referred to as "Year 1" to "Year 6" respectively.
- 3.2.3. As primary schools have seven year-groups, a 2FE primary school would have capacity for 420 children [*calculation: 30 x 7 x 2 = 420*]; with 1FE of primary education provision equating to 210 primary school places.
- 3.2.4. Similarly, as secondary schools have five year-groups (starting with entry into Year 7), a 6FE secondary school would have capacity for 900 pupils aged 11-16 [*calculation: 30 x 5 x 6 = 900*]; with 1FE of secondary education provision equating to 150 secondary school places. Sixth form consists of two year-groups after secondary school.
- 3.2.5. All schools have a Published Admissions Number (PAN) which indicates the number of pupils the school can take in each year group. If this number is then multiplied by the number of year groups at the school, this gives an indicative capacity of the numbers that the school can theoretically accept.
- 3.2.6. Schools are able to admit above this theoretical maximum number per year, and this can lead to schools having a higher number on roll than capacity.

3.3. School Admissions Code 2021

- 3.3.1. The current relevant School Admissions Code took effect from September 2021 and begins by setting out its statutory basis, as set out below:

The Statutory Basis for the School Admissions Code

1. *The School Admissions Code ('the Code') has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA 1998')*¹. *The Code has been made following a consultation under Section 85(2) of the SSFA 1998 and after being laid before Parliament for forty days.*
2. *This Code comes into force on 1 September 2021 and, unless otherwise stated, applies with immediate effect. The Code applies to admissions to all maintained schools in England. It should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England.*
3. *This Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the bodies listed below:*
 - a) *Admission authorities of maintained schools as defined in Section 88(1)(a) and (b) of the SSFA 1998*
 - b) *Governing bodies and local authorities (when not admission authorities)*
 - c) *Schools Adjudicators*
 - d) *Admission Appeal Panels.**These bodies have a statutory duty to act in accordance with the relevant provisions of the Code.*

- 3.3.2. The Published Admission Number (PAN) for each year group is the minimum number the school must accept in that year group if it has sufficient applicants. The PAN is set for each cohort at the cohort's year of first entry to the school, and remains unchanged for the life of the cohort. This is set out in Section 1 of the Code.

Published Admission Number (PAN)

1.2 As part of determining their admission arrangements, all admission authorities must set an admission number for each 'relevant age group'

- 3.3.3. "Relevant age group" is defined by the Code as being:

... the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form (Section 142 of the SSFA 1998).

- 3.3.4. This means that any building project to expand a school, whether primary or secondary, can only alter the PAN for the first year of entry after the building project, and cannot alter the PAN for cohorts already within the school.

- 3.3.5. This position is supported by the appeal decision at Malpas (appeal reference APP/A0665/A/13/2193956 and attached at Appendix AYA04), where the Inspector noted that:

"51. When allocating places at BHHS a priority is given to children living in the catchment and those with siblings already at the school (whether out-of-area or not), while any spare places are made available to others from outside the catchment who apply. As such, in the long-term any children from this site could be accommodated within the existing school, as they would take priority in the allocations process and the number accepted from out-of-area would be reduced accordingly. The contribution's aim of achieving the permanent increase in capacity for what is not going to be a permanent issue is therefore not justified. It was said that those living elsewhere should have the opportunity to send their children to the school, but there is no reason why that should be so in planning terms."

- 3.3.6. In this appeal case, the local secondary school was full, but was full as a result of previous admission year groups admitting a number of pupils from out-of-catchment and out-of-borough. In the long term, as pupils from the appeal site applied in the normal admission round, they would obtain a place, and the out-of-borough pupils would not. The duty to educate those pupils fell to their local education authority.

3.4. Patterns of Pupil Migration

3.4.1. As there is likely to be movement of children between these respective schools' catchment areas, pseudo-catchment areas (based on furthest distances of places offered), designated areas, or priority areas, our analyses include schools within a reasonable distance of the development.

3.4.2. This movement of children due to parental preference and other factors is often referred to as "inflow" and "outflow".

3.5. Local Authority Pupil Planning Areas

3.5.1. Attached at Appendix AYA05 is the Department for Education's Guidance on Local Authority Pupil Planning Areas from September 2021.

3.5.2. This document provides guidance for local authorities on how pupil planning areas should be structured.

3.5.3. This Guidance sets out, as a guiding principle, that schools located in close proximity, and which pupils could reasonably attend, should be grouped together in one planning area.

3.5.4. This Guidance also sets out that, when reviewing pupil planning area structures, local authorities should consider the following factors:

- Geographical characteristics
- Parental preference patterns
- Distance to nearest school/s

3.5.5. Once Planning Areas have been set, these can be amended if required. Where a local authority experiences difficulty in planning school places effectively because it believes basic need within an area is being masked, it should review the structure of its pupil planning areas.

3.5.6. The impact of changes that have taken place or will shortly take place such as housing developments, schools opening or closing and any infrastructure changes, such as new roads should be assessed, and a Planning Area structure should be designed to reflect the changed landscape more effectively.

3.5.7. A local authority may also wish to reflect on its Planning Area structure where no such changes have occurred, but it has other reasons for reviewing. For example, an increase in inward migration or birth rate, or higher pupil numbers now impacting on the secondary sector.

3.5.8. The Appeal decision at Coombe Hill, (appeal reference 3257625, and attached at Appendix AYA06) noted that, where a development was in an area close to planning area boundaries, it may be appropriate to consider multiple planning areas as being relevant.

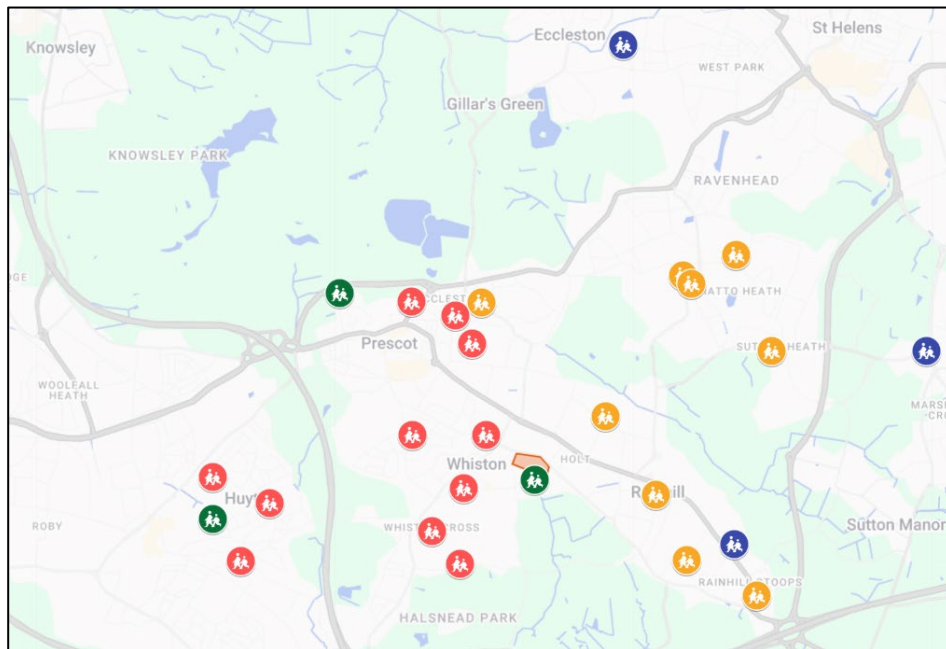
3.6. Local School Catchment Areas

3.6.1. Two miles is considered the maximum reasonable statutory walking distance to school for children aged 8 and under, and three miles for those over 8 years of age, as indicated by the DfE in its document "Home to school travel and transport guidance" [source: Appendix AYA07].

3.6.2. In order to assess the likely impact of the development regarding primary school place provision we have considered the impact on schools within a two-mile straight-line distance of the development site. To consider the impact on secondary school place provision, a three-mile straight line distance has been used.

3.7. Local Schools Relevant to the Site

3.7.1. The map below shows the KMBC and SHC state schools referred to in the following section in relation to the development site.



3.7.2. The Primary schools under the control of KMBC are shown by red icons, with the Secondary schools in green. The proposed development site is outlined in red.

3.7.3. There are a further twelve schools under the control of SHC, which can be seen above in yellow (Primary) and purple (secondary).

3.7.4. A walking distance to Local schools has been approximated from the Glen Dimplex Site, Whiston, using postcode L35 2XW.

3.8. Local Primary Schools – Current Baseline

3.8.1. There are twenty primary schools (including the primary element of an all-through school) within two straight line miles of the development.

3.8.2. According to the latest data available in the public domain, in January 2025 the position at local primary schools (including infant and junior schools) is as shown in the table below.

School	LEA	Straight Line Distance (miles)	Walking Distance (miles)	Net Capacity	Number on Roll (NOR)	Surplus Places
St Luke's Catholic Primary School *	Knowsley	0.28	0.5	236	214	22
Whiston Willis Primary Academy *	Knowsley	0.4	0.6	353	391	0
Longton Lane Community Primary School	St. Helens	0.55	1.2	310	260	50
St Leo's and Southmead Catholic Primary School *	Knowsley	0.67	1.2	261	219	42
St Mary and St Paul's CofE Primary School *	Knowsley	0.68	0.8	210	229	0
Halsnead Primary School *	Knowsley	0.73	1	420	286	134
Prescot Primary School *	Knowsley	0.74	1.2	420	446	0
St Ann's Church of England Primary School	St. Helens	0.84	1.4	420	412	8
Evelyn Community Primary School *	Knowsley	0.94	1.2	245	254	0
Eccleston Lane Ends Primary School	St. Helens	0.96	1.3	245	244	1
Our Lady's Catholic Primary School *	Knowsley	1.15	1.5	210	232	0
Oakdene Primary Academy	St. Helens	1.19	1.8	244	206	38
Nutgrove Methodist Primary School	St. Helens	1.47	2.3	210	201	9
St Austin's Catholic Primary School *	St. Helens	1.52	2.4	262	213	49
Willow Tree Primary School	Knowsley	1.54	2.1	201	189	12
St Bartholomew's Catholic Primary School	St. Helens	1.64	2.3	300	281	19
St John Vianney Catholic Primary School *	St. Helens	1.65	2.3	210	201	9

Thatto Heath Community Primary School *	St. Helens	1.8	2.6	675	609	66
St Gabriel's CofE Primary School *	Knowsley	1.82	2.1	210	205	5
St Joseph's Catholic Primary School	Knowsley	1.87	2.4	210	207	3
Total				5,852		477

Table: Primary School pupil places in pupil place planning areas local to the development

* - As this school has a nursery unit, the number on roll may also include nursery pupils, whereas the capacity figure excludes nursery units;

[Source: Number on Roll from School census data, January 2025 and Capacity from DfE website].

3.8.3. The above table uses the Audit Commission definition of Surplus Places, in line with best practice in this matter, which treats schools with a negative surplus as though they had a zero surplus. Since the number of pupils which a school must admit in any year is directly related to its capacity, any school that chooses to admit numbers beyond that level must necessarily be deemed to be capable of accommodating those numbers.

3.8.4. On the above evidence it is clear that in January 2025 there were **477 surplus primary school places** within two miles of the development.

3.8.5. The total surplus of places as a percentage of primary school capacity in January 2025 was **8.15%** [calculation: $477 / 5,852$].

3.9. Secondary School Baseline

3.9.1. There are three secondary schools (including the secondary element of an all-through school) within three straight line miles of the development.

3.9.2. According to the latest data available, in January 2025, the position at local secondary schools (including sixth form / Post 16 education) is shown below:

Secondary School (11-16 unless stated)	LEA	Straight Line Distance (Miles)	Walking Distance (Miles)	Net Capacity	NOR	Surplus Places
Saint Edmund Arrowsmith Catholic Academy	Knowsley	0.17	0.4	1050	757	293
The Prescott School	Knowsley	1.39	1.9	1050	915	135
Rainhill High School (11-18)	St Helen's	1.39	2	1550	1810	0
Lord Derby Academy	Knowsley	2.07	2.3	1100	1078	22
The Sutton Academy (11-18)	St Helen's	2.29	3.3	1550	1451	49
De La Salle School	St Helen's	2.62	3.3	1200	1185	15
Total				7,500		514

Table: Secondary School pupil places within three straight line miles of the development

[Source: Number on Roll from Census data, January 2025, and Capacity from DfE website].

3.9.3. The above table uses the Audit Commission definition of Surplus Places, in line with best practice in this matter, which treats schools with a negative surplus as though they had a zero surplus. Since the number of pupils that a school must admit in any year is directly related to its capacity, any school that chooses to admit numbers beyond that level must necessarily be deemed to be capable of accommodating those numbers.

3.9.4. On the above evidence it is clear that in January 2025 there were **514 surplus secondary school places** within the local area of the development site.

3.9.5. The total of surplus places as a percentage of secondary school capacity in January 2025 was **6.85 %** [calculation: 514 / 7,500].

4. Projected Need for Primary and Secondary School Places

4.1. The Trend in Annual Local Birth Numbers

4.1.1. The Office for National Statistics (ONS) birth rate figures show the total annual births within Knowsley at their lowest levels in the last eleven years.

4.1.2. Births specifically within the Whiston area are also at their lowest levels in the last eleven years, and remain well below their peak, which happened in 2017.

4.1.3. This is best illustrated by the table below:

Live births in England and Wales for small geographic areas												
ONS Crown Copyright Reserved [from Nomis on 16 May 2026]												
Area	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Knowsley MBC	1,816	1,892	1,930	1,933	2,018	2,009	1,954	1,807	1,986	1,932	1,875	1,758
Prescot South	115	133	116	126	103	122	112	119	122	129	130	107
Whiston and Cronton	105	105	95	92	107	98	101	90	105	88	93	89
Rainhill	82	88	88	92	112	75	86	93	77	89	89	69
Local Ward Total	302	326	299	310	322	295	299	302	304	306	312	265

4.1.4. Those children born in 2014 would now be in Year 6 and the 2021 births will be due to start primary school in September 2026 (approximately, given the discrepancy between calendar and academic years).

4.1.5. **Within the local area, births are at their lowest levels within the last 11 years. They have fallen by over 2 forms of entry since a peak in 2014.**

4.2. Forecast Status of Pupil Places

4.2.1. Based on the KMBC and SHC returns to the DfE the likely future requirement for school places for the Primary Schools identified in section 3.8 is set out below:

Primary Planning Area / Number of Relevant Schools	Actual NET Capacity		Actual and Forecast Numbers on Roll		Surplus / Deficit Places	
	24/25	29/30	24/25	29/30	24/25	29/30
Central East (KMBC) (8 / 8) 3400003	2345	2345	2027	2052	318	293
Rainhill Primary (SHC) (5 / 5) 3420003	1506	1506	1401	1346	105	160
Central West (KMBC) (3 / 20) 3400002	5982	5982	5603	5575	379	407
Thatto Heath Primary (SHC) (4 / 4) 3420010	1259	1259	1155	1034	104	225

Table: Forecast Primary School pupil places by academic year

[Source: School Forecast Data from KMBC and SHC SCAP returns to DfE].

4.2.2. On the basis of the KMBC and SHC school forecasts and school capacities it appears that the current level of surplus primary school places will increase significantly over the coming years to 2029/30. The Central East area in KMBC is the only area where this is slight decrease in surplus.

4.2.3. It is not clear that KMBC and SHC forecasts include the impact of local housing and this would need further interrogation.

4.2.4. Commentary on the relevance of this position with regards to the education mitigation strategy is set out below.

4.2.5. Based on the SCAP returns to the DfE, the likely future requirement for school places for the Secondary Schools identified in section 3.9 is set out below:

Secondary Planning Area / Number of Relevant Schools	Actual NET Capacity		Actual and Forecast Numbers on Roll		Surplus / Deficit Places	
	25/26	31/32	25/26	31/32	25/26	31/32
Central Secondary (KMBC) (3 / 3)	3,279	3,279	2,733	2,999	546	280
Secondary West (SHC) (3 / 5)	7,790	7,790	7,584	7,291	206	499

Table: Forecast Secondary School pupil places by academic year

[Source: School Forecast Data from KMBC SCAP return to DfE].

- 4.2.6. On the basis of these KMBC and SHC school forecasts and school capacities it appears that the current level of surplus secondary school places increase overall in the coming years to 2031/32. The increase in surplus in the SHC area more than offsets the fall in surplus in KMBC's area.
- 4.2.7. These forecasts may include anticipated growth in pupil numbers generated by new housing, and further interrogation would be helpful in this matter.
- 4.2.8. Commentary on the relevance of this position with regards to the education mitigation strategy is set out below.

5. Education Mitigation

5.1. KMBC Assessment of the Development's Impact

5.1.1. KMBC has assessed the impact of the proposed development and requested contributions in line with its assessment as set out below:

"The consultation response from Education with regards the scheme has been received. As such the required contribution for Education purposes is a total of £1,124,750 based as follows:

1. Early Years

Although the number of dwellings has reduced slightly from the pre-application position, the pupil yield has increased slightly from 16 to 17, resulting in an increased Full Time Equivalent place requirement from 8 to 9. Therefore, the cost towards a Full Time Equivalent permanent expansion increases by £20,450 to £184,050.

2. Primary Education

While no education contribution was identified at pre-application stage, this assessment did not take into account the cumulative impact of the committed development at Halsnead Garden Village. Although the pupil projections for the Central East Primary planning area have not changed since the pre-application assessment, the Halsnead development needs to be considered together with the projections. When considering the full anticipated impact of Halsnead alongside the projections, a primary capacity shortfall is identified. Therefore, a contribution of £940,700 towards 46 primary places is necessary to mitigate the impact of the development.

The above figures may increase due to inflation indexing and the start of the new financial year."

5.1.2. There is a calculation provided by KMBC attached at Appendix AYA08 but this does not contain sufficient detail with regards to Halsnead Garden Village to enable an analysis of the Council's adopted position.

5.1.3. This appendix does confirm that KMBC are only looking at the impact of the proposed development on the Central East primary planning area, and ignoring its proximity to schools in other planning areas, including those in SHC area.

5.1.4. Commentary on this request is set out below.

5.2. AYA Analysis of the case for mitigation

- 5.2.1. The secondary school planning areas most relevant to the development site are forecast to have significant numbers of places available. This remains the case through all the forecast years.
- 5.2.2. We therefore agree with KMBC that no secondary school contributions are required.
- 5.2.3. With regard to the position on primary education, KMBC is requesting a contribution based on a position where, despite a current forecast of surplus places in the local planning area and other adjacent areas in both KMBC and SHC, a full contribution for 46 places is being sought.
- 5.2.4. The justification is that the full impact of the Halsnead Garden Village (comprised of a number of different permissions) needs to be added in to the forecasts in the Central East planning area.
- 5.2.5. Firstly, it is not clear that all of the Halsnead Garden Village schemes have planning permission, and account can only be taken of those which have. It is also unclear to what extent any of these schemes have contributed towards school expansions in the area that have not already taken place.
- 5.2.6. The Halsnead Garden Village SPD, attached at Appendix AYA09, makes it clear that a new primary school (including early years) and an additional early years centre are to be provided as part of the comprehensive development of the Garden Village.
- 5.2.7. This is set out in paragraphs:

KEY REQUIREMENT HSPD5

Primary education

Land identified on the **Framework Masterplan** will be reserved for development of a new 2.5 form entry primary school with the capacity to expand to 3-form entry. The school will include associated playing fields, with the potential for these to be managed for dual school / community use, together with a Neighbourhood Equipped Area of Play (NEAP).

The primary school will be delivered as an integral part of the development and will be operational prior to occupation of the 300th dwelling at Halsnead.

Early years / nursery provision will be provided either integrated within the primary school and/or through new or extended private facilities.

- 5.2.8. It is clear therefore that Halsnead Garden Village will need to provide a school, and early years provision, the size of which would accommodate all of the impact of the Garden Village on both primary and early years.

- 5.2.9. Secondly, as the Inspector found in the appeal at Appendix AYA05, where a development is close to several planning areas these should all be considered.
- 5.2.10. On this basis the number of surplus places local to the development far exceeds both the impact of the proposed development and Halsnead Garden Village combined.
- 5.2.11. With regards to Early Years provision, there is no evidence of a shortfall in the supply of places, and the falling birth rates locally bring into question how any such places can be justified.
- 5.2.12. If sufficient places existed for those born in 2021 and 2022, there are sufficient for those born in 2024 as well as those that may arise as a result of the proposed development.

6. Conclusions

6.1. Commentary & Conclusion on Education Mitigation

6.1.1. On the basis of the research undertaken for this report, it is clear that the request for contributions to education from the proposed development site would be challengeable under the CIL regulations.

6.1.2. The secondary school planning areas most relevant to the development site are forecast to have significant numbers of places available. This remains the case through all the forecast years.

6.1.3. **We therefore agree with KMBC that no secondary school contributions are required.**

6.1.4. With regard to the position on primary education, KMBC is requesting a contribution based on a position where, despite a current forecast of surplus places in the local planning area and other adjacent areas in both KMBC and SHC, a full contribution for 46 places is being sought.

6.1.5. The justification is that the full impact of the Halsnead Garden Village (comprised of a number of different permissions) needs to be added in to the forecasts in the Central East planning area.

6.1.6. It is clear that the Garden Village is, by policy, due to provide a new school and early years facilities to mitigate its own impact. Therefore, there should be no impact from the Garden Village on existing local schools.

6.1.7. As the Inspector found, in the appeal at Appendix AYA05, where a development is close to several planning areas these should all be considered. On this basis the number of surplus places local to the development far exceeds both the impact of the proposed development and Halsnead Garden Village combined.

6.1.8. **It is clear, therefore, that no additional primary school places are required as a result of the proposed development.**

6.1.9. With regards Early Years provision, there is no evidence of a shortfall in the supply of places, and the falling birth rates locally bring into question how any such places can be justified.

6.1.10. If sufficient places existed for those born in 2021 and 2022, there are sufficient for those born in 2024 as well as those that may arise as a result of the proposed development.

6.1.11. **For this reason, Early Years contribution is not required as a result of the proposed development.**

7. Appendices

7.1. The following Appendices accompany this document:

- APPENDIX AYA01 - DfE Guidance on Securing Developer Contributions, November 2019;
- APPENDIX AYA02 - Site location plan;
- APPENDIX AYA03 - Audlem Appeal Decision;
- APPENDIX AYA04 - Malpas Appeal Decision ;
- APPENDIX AYA05 - DfE Guidance on Local Authority Pupil Planning Areas;
- APPENDIX AYA06 - Coombe Hill Appeal Decision;
- APPENDIX AYA07 - DfE Guidance on Home to School Transport;
- APPENDIX AYA08 - KMBC contribution calculation;
- APPENDIX AYA09 - KMBC Halsnead Garden Village SPD.