

Part B – Please use a separate sheet for each representation

Name or Organisation:

Robert Hitchins Ltd

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text" value="√"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="√"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="√"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Core Policy CP6 Infrastructure and developer contributions

Paragraph 34 of the NPPF requires that Development Plan policies set out the contributions expected from development, this includes setting out the levels and types of infrastructure required. Such policies should not undermine the deliverability of the plan.

The IDP identifies existing deficiencies and surpluses and should answers the following questions:

- What is required for the future?
- When will it be needed?
- Who is responsible for providing it?

- How will it be funded?
- Are there any funding gaps and if so, how will they be bridged?

The IDP prepared by ARUP (May 2021) draws together evidence to provide an assessment of the infrastructure which will be required to support the housing and employment growth set out in the emerging Local Plan. However, paragraph 2.9.30 of the emerging Local Plan explicitly identifies that the IDP is not part of the Local Plan. In the absence of reference to the levels of infrastructure being set out in the emerging Local Plan, the emerging Local Plan does not accord with national policy.

The IDP recommends on page 176 ***“It is recommended that regular updates are made to the Infrastructure Delivery Plan as infrastructure is implemented through the delivery of the Adopted Stroud Plan and completion of development sites. A Project Tracker will be created and should be monitored and updated alongside the IDP....The District Council should use the IDP to inform the preparation of an Infrastructure Funding Statement in accordance with Planning Practice Guidance (Plan-making, paragraph 16160). This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate how infrastructure can be delivered throughout the plan-period.”***

Additionally, paragraph 2.9.30 of the Pre-Submission Plan suggests that the IDP will be reviewed and updated as circumstances change. This infers that the levels of infrastructure identified by the IDP and presumably sought by the emerging Local Plan could change without these being subject to examination. Such changes could lead to the deliverability of the emerging Local Plan being undermined contrary to paragraph 34 of the NPPF.

This would be contrary to the PPG Plan Making Paragraph 060 Reference ID: 61-060-20190315 which states: ***“Annual reviews of the infrastructure funding statement should feed back into review of plans to ensure that plans remain deliverable. Should issues arise which would adversely affect the delivery of the adopted strategy then the authority should consider alternative strategies, through a plan review, if these issues are unlikely to be resolved.”***

Similarly, it would be contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901 which states: ***“Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability. ... It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination”.***

The PPG Plan Making Paragraph: 059 Reference ID: 61-059-20190315 advises that

“A collaborative approach is expected to be taken to identifying infrastructure deficits and requirements, and opportunities for addressing them. In doing so they will need to:

- ***assess the quality and capacity of infrastructure, and its ability to meet forecast demands. Where deficiencies are identified, policies should set out how those deficiencies will be addressed; and***
- ***take account of the need for strategic infrastructure, including nationally significant infrastructure, within their areas.***

The government recommends that when preparing a plan strategic policy-making authorities use available evidence of infrastructure requirements to prepare an Infrastructure Funding

Statement. This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate the delivery of infrastructure throughout the plan-period.

Authorities will also need to ensure that policies setting out contributions expected from development do not undermine delivery of the plan. Plan viability assessment should be carried out in accordance with guidance.

Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.” (my emphasis)

Stroud Council have produced an Infrastructure Funding Statement (IFS) although this is not included on the website as part of the evidence base for the Local Plan. The IFS is a published annually by a “contribution receiving authority”. A contribution receiving authority is any authority which issues Community Infrastructure Levy (CIL) notices or receives money from a Section 106 agreement.

The IFS covers both CIL and Section 106 planning contributions. The information within the document relates to all new activity in the year as well as unspent money from previous years. The statement replaces the previously used "Regulation 123 List", which has now been removed from CIL legislation. However it is considered that the IFS is not consistent with the PPG reference above as it does not anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used.

In order to ascertain the infrastructure requirements for the strategic sites , this is found in the IDP (June 2021) in several tables by topic as opposed to a composite table for each of the strategic sites. However, the element that remains unclear is the cost of highways/transport infrastructure. The IDP is not transparent in respect of what is required for each of the strategic sites. The link below is to a recent example of the Infrastructure Delivery Plan at South Oxfordshire Local Plan Examination

<https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2020/09/South-PSD27-Infrastructure-Delivery-Plan-April-2020-update.pdf>

Furthermore, as addressed below, the IDP is fundamentally flawed at least insofar as educational infrastructure is concerned. Indeed, it is based on evidence prepared by the LEA which is not consistent with national policy or guidance and is not justified in accordance with the findings of the recent Coombe Hill appeal decision. (Appeal Ref: APP/G1630/W/20/3257625). This is addressed in greater detail below.

Consequently, it is considered that Policy CP6 as drafted does not therefore accord with national guidance in several respects because:

1. The infrastructure policy requirements are not clear contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901.
2. They cannot therefore be accurately accounted for in the price paid for land contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901.

3. The potential updates to the IDP, which would presumably be applied when determining planning applications, could introduce a new formulaic approach such as a new pupil product ratio in an evidence base document without this having been subject to examination contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901.

4. The emerging Local Plan does not set out the contributions expected from development for infrastructure to support the delivery of the strategic sites contrary to PPG Planning Obligations Paragraph: 005 Reference ID: 23b-005-20190315, although this is set out in the IDP.

5. The emerging Local Plan does not set out the contributions expected from development towards educational infrastructure including pupil yields contrary to paragraph 34 of the NPPF and the PPG Planning Obligations Paragraph: 007 Reference ID: 23b-007-20190315.

6. The emerging Local Plan does not set out policies for contributions expected such that these can be fairly and openly tested at examination contrary to the PPG Planning Obligations Paragraph: 013 Reference ID: 23b-013-20190315.

In order to address this and comply with national policy and guidance, the Local Plan will need to set out a clear policy that identifies how infrastructure requirements will be calculated including specific standards such as pupil product ratios. These standards should then be applied to development proposals. In order to identify the levels of infrastructure required in support of individual allocations, it will also be necessary for these to be set out in the emerging Local Plan based on accurate and robust evidence, rather than the flawed information provided by the LEA.

If newly arising information indicates that these approaches need to be reviewed then this should instigate a review of the Development Plan which enables these to be tested and to ensure that they do not undermine the deliverability of the Development Plan.

The IDP identifies two sets of pupil product ratios. One based on the ratios sought by the LEA and another based on the current number of pupils in every 100 dwellings.

The pupil product ratios sought by the LEA have been abandoned by the LEA as these have been found to be fundamentally flawed in the recent Coombe Hill appeal decision. They cannot therefore be relied upon for plan-making purposes.

The LEA has recently identified slightly lower pupil product ratios in an Interim Position Statement which will be sought by the LEA prior to the necessary comprehensive review proposed to be undertaken by the LEA in the next six months. The revised pupil product ratios remain subject to many of the same flaws identified in the Coombe Hill appeal decision as the previous pupil product ratios of the LEA including for example the absence of any consideration of the extent to which pupils may remain in the same school when they move to a new home as required by the DfE guidance, and the assumption that a school is at capacity when 95% occupied contrary to the recommendations of the Audit Commission/National Audit Office. The revised ratios are also subject to additional flaws, including for example, that in the absence of the necessary primary data as required by the DfE guidance the adjustments rely upon selective secondary datasets which do not reflect the reality of the situation. Notwithstanding these flaws, it would be entirely inappropriate to set policies for a plan period on the basis of what is recognised to be an interim position which is to be updated within the next six months once the work required by the DfE is undertaken.

Paragraph 34 of the NPPF also requires that Development Plans set out the contributions expected from development. This will in part be fulfilled by the identification of specific standards within the

policy, but will also require the means by which these are to be funded to be set out in the emerging Local Plan. The Infrastructure Funding Statement of the District Council should provide this detail and for example identify that developers will contribute to educational infrastructure through CIL receipts on non-strategic sites and through s106 contributions on strategic sites. This must be clearly set out in Core Policy CP6 to accord with paragraph 34 of the NPPF and the various of the PPG referred to above in order to provide clarity to applicants.

The IDP - education

The IDP seeks to assess the levels and types of infrastructure required to support the growth planned in the emerging Local Plan. This needs to be informed by robust evidence of infrastructure needs as set out in the PPG Planning Obligations Paragraph: 005 Reference ID: 23b-005-20190315 and Paragraph: 011 Reference ID: 23b-011-20190315. However, at least insofar as educational infrastructure is concerned, the IDP and therefore the emerging Local Plan is based on evidence that is not only factually incorrect, it departs from the guidance in many respects and omits any consideration of the existing available capacity.

Early Years

Insofar as Early Years Childcare is concerned, the IDP correctly acknowledges on page 46 that the latest Childcare Sufficient Assessment (CSA) identifies that there is sufficient capacity to meet demand and that the early years population is expected to remain stable for the foreseeable future. The CSA was published in 2019 and subsequently the number of births in Gloucestershire has continued to reduce significantly, even more so than were anticipated by the ONS projections. This more recent evidence indicates that the number of 0-4 year-olds will reduce significantly in the future such that there will be even greater available capacity than anticipated by the CSA. Accordingly, not only does the evidence provided in the CSA demonstrate that there is no need for additional childcare facilities, but it is also likely that the demand for the existing childcare facilities will reduce.

Notwithstanding the available capacity, the IDP suggests on page 51 that additional places should be provided based on the pupil product ratios previously provided by the LEA which identify a need for an additional 30 early years places for every 100 additional dwellings. There will be no need for any such provision, unless of course there is a localised shortfall in existing capacity in the relevant planning area/s. In order to identify whether there are such localised shortfalls it would be necessary for forecasts of the demand for childcare places to be produced to demonstrate that additional places are required locally. No such forecasts have been prepared and in this context there is no evidence to demonstrate that additional places are required. Indeed, it was confirmed in the recent Coombe Hill appeal decision that where there is currently capacity to meet demand and no evidence that this will be insufficient in the future, there is no evidence of a need for additional places.

As such a requirement for early years childcare places cannot be justified on the basis of the current evidence and accordingly there is no need for such provision on any proposed allocation or development proposal. Indeed, the LEA has accepted this in the new Interim Position Statement.

Based on the outdated and abandoned assumptions of the LEA, the IDP identifies a demand for an additional 3,620 early years places at a cost of £55M. This is directly contrary to the evidence provided in the CSA (which itself does not take account of the continued reduction in births), which

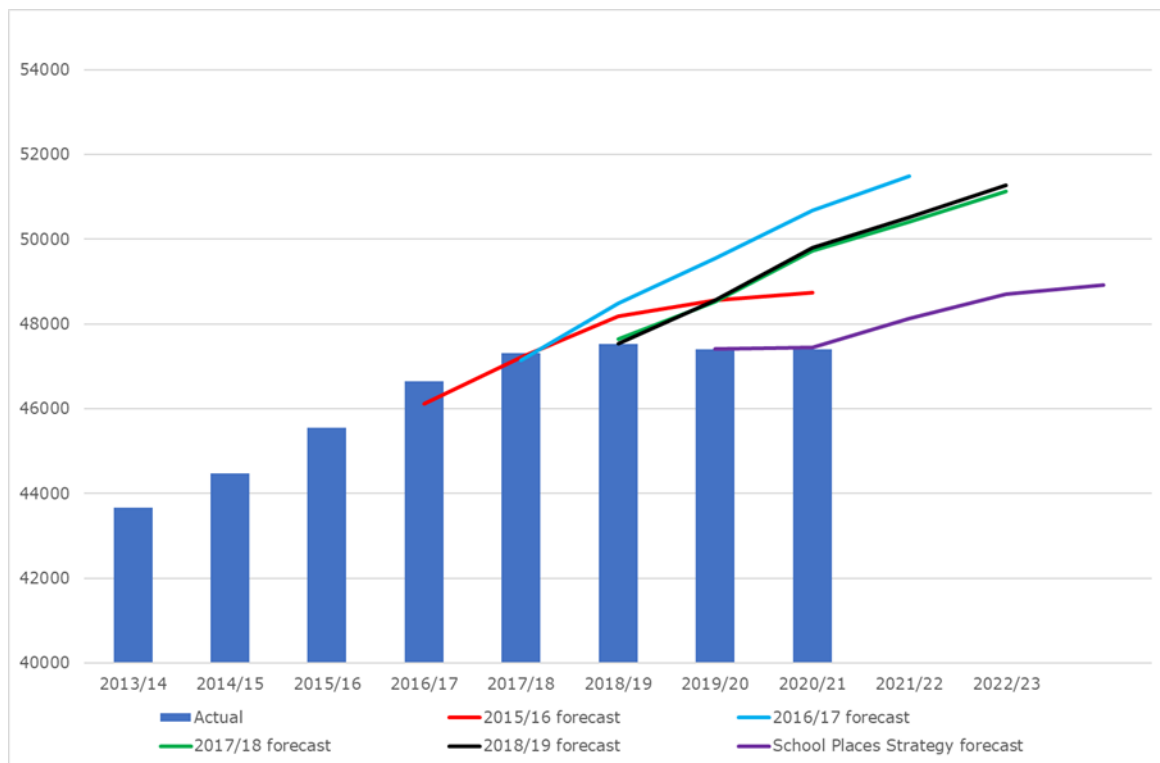
identifies that the existing capacity is sufficient to meet demand for the foreseeable future and is no longer contended for by the LEA

Therefore, there is currently no evidence to justify a requirement for any early years childcare places on any of the proposed allocations, especially given the significant and continued reduction in birth rates in recent years including at PS19a and PS24 such that unless additional evidence is prepared in accordance with the guidance the requirement for on-site early years childcare is not justified;

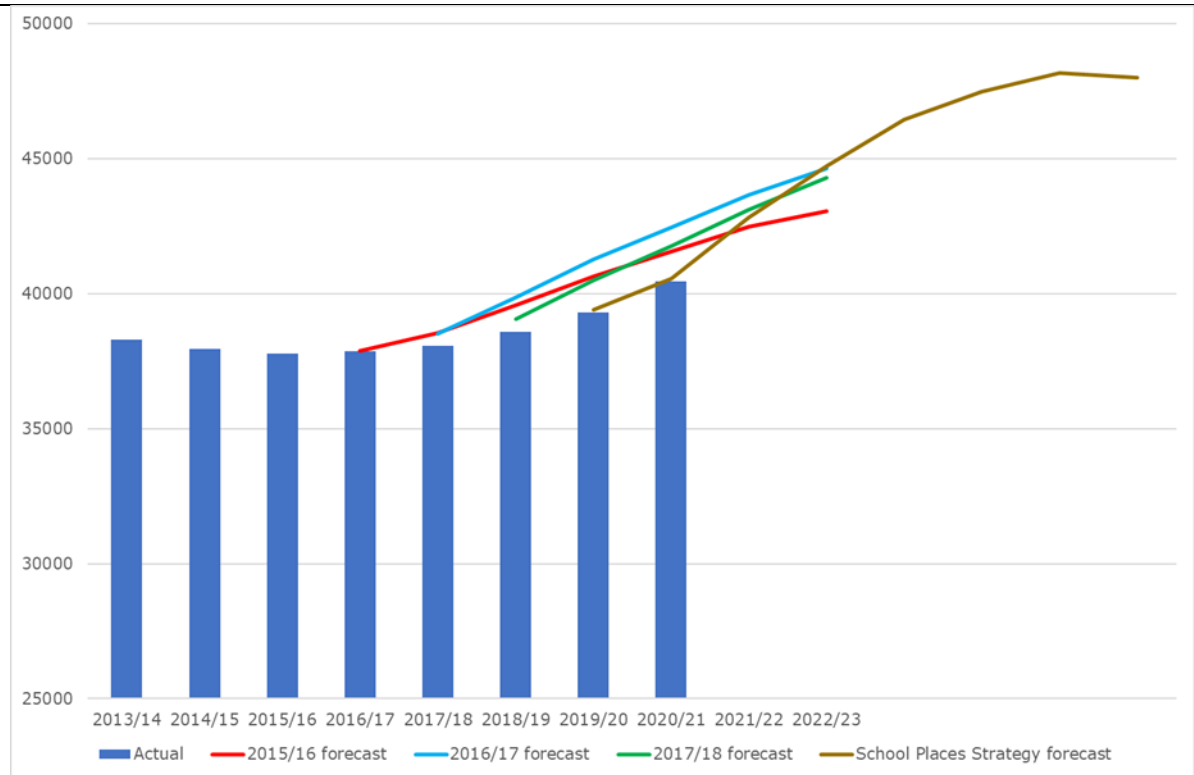
Primary and Secondary

The IDP suggests at the start of page 47 that the previous forecasts of the LEA have underestimated the need historically. This is simply incorrect. As illustrated in the Charts below the previous forecasts have consistently significantly overestimated the number of pupils arising as accepted by the LEA at the recent Coombe Hill appeal and acknowledged in the appeal decision.

A comparison of the recent forecasts of the County Council with the projections and the number of primary pupils on roll



A comparison of the recent forecasts of the County Council with the projections and the number of secondary and sixth form pupils on roll:



The IDP confirms that the forecasts of the LEA include a consideration of the expected levels of new housing. It was accepted by the LEA at the recent Coombe Hill appeal that as a result this produced unrealistic forecasts. Indeed, even without taking account of new housing, the forecasts of the LEA have still over-estimated the number of pupils arising.

On page 48, the IDP suggests that concerns have been raised that there is limited capacity in primary schools owing to a historic failure to secure contributions on housing sites. However, the DfE statistics identify that in 2018/19 there were only 8,063 pupils in 8,946 places in the primary schools in Stroud, leaving an available capacity of almost 900 spare places. According to the LEA, the number of pupils in these schools has reduced to 8,032 in 2020/21 which provides for over 900 spare places.

The IDP identifies on page 53 that the forecasts of the LEA within the School Places Strategy have been used to estimate the future demand for school places. As acknowledged by the LEA during the Coombe Hill appeal and confirmed in the appeal decision, these forecasts over-estimate the number of pupils arising and as a result the need for primary and secondary school places will have been over-exaggerated in the IDP.

As with Early Years Childcare, the IDP uses the pupil product ratios of the Pupil Product Ratio Study of 2019 (PPRS) to calculate the effects of development.

These pupil product ratios were considered at the recent Coombe Hill appeal decision wherein it was concluded that the pupil product ratios identified in the PPRS:

1. Are “startlingly high”.
2. The reasons for these startlingly high ratios “remain not fully explained”.
3. Are based on a survey that was “self-selecting”.

4. Are “wrong” as they “presume that new developments are immune from the vicissitudes of life which cause dwellings to become vacant”.

5. Adopt a “worst-case scenario” rather than being based on “an assessment of probability and averages” as required by the guidance.

6. Omits to consider children that do not attend LEA funded schools which “contributes to exaggerate further the pupil product ratios”.

7. Are “mistaken” as they assume that “house moves would be backfilled by residents with equal demands on the school system”.

For all of the above reasons, the Coombe Hill appeal Inspector correctly concluded that the pupil product ratios identified by the LEA were not convincing. Instead, the Inspector found the pupil product ratios applied by Pegasus Group to be more convincing, taken as they were from the documents referenced and tested as part of the adopted Development Plan.

Indeed, Stroud District Council correctly recognise in the IDP that the pupil product ratios previously provided by the LEA are not robust, and therefore undertake some sensitivity tests of alternative pupil product ratios. The alternative ratios identified in the IDP are based on the average proportion of the population that attend schools. Whilst the use of a sensitivity test is laudable and the calculations of the IDP are indicative, the DfE guidance (Securing Developer Contributions for Education) requires that pupil product ratios are informed by up-to-date evidence from recent housing developments and so the alternative ratios of the IDP do not accord with national guidance. Indeed, as they reflect the total proportion of the population attending schools they do not take any account of those who would not change school as a result of new development for example as recommended by the DfE guidance (the School Capacity Survey) and acknowledged in the recent Coombe Hill appeal decision.

The only ratios that have been informed by up-to-date surveys of recent housing developments in accordance with national guidance are the PPRS, which departs from the relevant guidance in numerous regards and which is not fit for purpose as found in the recent Coombe Hill appeal decision, or the survey commissioned on behalf of Robert Hitchins Ltd in 2020 and undertaken by NEMS Market Research which addresses all of the inconsistencies of the PPRS with national guidance. The NEMS Market Research survey identifies an average of 15.3 additional primary school pupils in every 100 dwellings in Stroud and 3.5 secondary school pupils across Gloucestershire. These ratios which are the only ones which accord with all of the relevant guidance, demonstrate that the number of pupils arising from a new development are significantly lower than both those identified by the LEA and the alternative identified in the IDP. As a result, the need for additional school places will be significantly over-exaggerated in the IDP.

The IDP then forecasts the educational needs for individual clusters on pages 54 to 59. This approach does not accord with the PPG Planning Obligations Paragraph: 008 Reference ID: 23b-008-20190315 which requires that plan-makers consider the capacity across relevant school place planning areas rather than the clusters identified in the emerging Local Plan.

As the LEA do not publish forecasts for these clusters, there is no evidence of the available capacity capable of addressing some or all of any newly arising need that arises within these planning clusters as a result of new development. Instead, the IDP simply assumes that there is no available capacity without any evidence and identifies infrastructure costs on this basis. In reality, the latest forecasts of the LEA indicate that in 2023/24 there will be 55 available primary school places in the Nailsworth

school place planning area, 250 available places in the Eastcombe school place planning area, 326 available places in the Stroud Town school place planning area, 163 available places in the Cainscross/Whiteshill school place planning area, 3 available places in the Painswick school place planning area, 120 available places in the Stonehouse school place planning area, 10 available places in the Frampton/Saul school place planning area, 96 available places in the Berkeley school place planning area, 266 available places in the Dursley school place planning area and 156 available places in the Wotton Under Edge school place planning area. This provides a total of 2,935 available primary school places across Stroud District. Similarly, it identifies that in 2026/27 there will be 440 available secondary school places in the East Stroud school place planning area and 89 available places in the West Stroud school place planning area, providing a total of 529 available secondary school places across the District. These places have not been taken into account in the IDP and accordingly the need for additional places and the cost associated with this has been grossly over-estimated.

The over-exaggeration in the pupil product ratios has yet further over-estimated the need for additional places in the IDP. This combined over-exaggeration is perhaps best illustrated by way of examples:

- The IDP indicates on page 58 that 750 homes in the Stonehouse Cluster would generate a need for 130-308 primary school places. As a result of the LEA's new Interim Position Statement this would be between 130-289 places. Based on the NEMS Market Research survey, 750 homes would generate a need for 115 places but given that there are forecast to be 120 available places to accommodate this need (in the Stonehouse primary school planning area which is likely to cover at least part of the cluster), there is no need for additional primary school places arising from the proposed levels of development. This reduces the primary school infrastructure costs in this cluster alone from between £1.97M and £4.64M to nothing and demonstrates that the policy requirement of PS19a for on-site primary provision is not justified; and
- The IDP indicates on page 58 that 1,090 homes in the Cam & Dursley Cluster would generate a need for 189-447 primary school places. As a result of the LEA's new Interim Position Statement this would be between 189-420 places. Based on the NEMS Market Research survey, 1,090 homes would generate a need for 167 places but given that there are forecast to be 266 available places to accommodate this need (in the Dursley primary school planning area which is likely to cover at least part of the cluster), there is no need for additional primary school places arising from the proposed levels of development. This reduces the primary school infrastructure costs in this cluster alone from between £2.86M and £6.74M to nothing and demonstrates that the policy requirement of PS24 for on-site primary provision is not justified.

Therefore:

1. It will be necessary to prepare robust pupil yields in accordance with the relevant guidance to enable the need for additional places (if any) to be calculated and the standards to be set out in the Development Plan as required by paragraph 34 of the NPPF;
2. The cohort progression forecasts of the LEA (which themselves over-estimate the number of pupils arising) will need to be considered in conjunction with the robust pupil yields identified in (2) above rather than the fundamentally flawed ratios of the LEA to determine whether there is a need for additional provision and the requirement for such provision will need to be clearly set out in the Development Plan;

3. If such needs are identified on some allocations, these and the mechanism by which these will be funded will need to be clearly set out in the emerging Local Plan in accordance with paragraph 34 of the NPPF; and

4. The evidence indicates that there is sufficient capacity to accommodate a significant increase in the number of primary school pupils including in both the Cam and Dursley and Stonehouse clusters such that no additional places will be required and therefore the policy requirement for on-site provision at PS19a and PS24 is not justified.

Further Education

Once again, the IDP relies upon the pupil product ratios of the PPRS to calculate the need for sixth form places. These have been demonstrated to not be fit for purpose as set out above. In reality, rather than the 11 sixth form pupils per 100 dwellings identified by the PPRS, the NEMS Market Research survey identifies that there will be 2.4 pupils per 100 dwellings.

As with primary and secondary school places, the IDP assumes that there will be no available capacity in existing schools to meet some of this need without any evidential basis. It then also applies the unsupported product ratios of the LEA (which over-inflate the need by circa 4 times) to identify a need for 1,482 sixth form places on page 60, rather than the need for 1,327 places identified on page 61. In reality the delivery of 12,065 homes would generate a need for only 290 places, some or all of which may be able to be accommodated in existing schools.

Therefore:

1. There is currently no evidence to justify a requirement for any sixth form places on any of the proposed allocations such that unless additional evidence is prepared in accordance with the guidance the requirement for on-site early years childcare is not justified;

2. It will be necessary to prepare robust pupil yields in accordance with the relevant guidance to enable the need for additional places (if any) to be calculated and the standards to be set out in the Development Plan as required by paragraph 34 of the NPPF;

3. If prior to adoption localised forecasts are prepared and these demonstrate a need for additional places at some of the proposed allocations this need must be calculated upon the robust pupil yields identified in (2) above rather than the fundamentally flawed ratios of the LEA; and

4. If such needs are identified on some allocations, these and the mechanism by which these will be funded will need to be clearly set out in the emerging Local Plan in accordance with paragraph 34 of the NPPF.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Core Policy CP6 does not set out the contributions expected from development, or the levels and types of infrastructure required. Accordingly, it is inconsistent with paragraph 34 of the NPPF. It will therefore need to be revised to reflect a robust evidence base which has yet to be prepared, which should take account of the available infrastructure capacity, the forecast number of infrastructure users and identify robust standards for identifying the effects of new development. This should then be used to clearly set out the infrastructure requirements for individual allocations and to provide specific standards for the infrastructure arising from non-strategic sites.

Core Policy CP6 should also be revised to provide clarity about how any developer contributions will be secured whether through CIL or s106 agreements.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Our objections go the heart of the Plan and its strategy as we consider the Plan as drafted is unsound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

