



[www.efm-ltd.co.uk](http://www.efm-ltd.co.uk)

---

**Town & Country Planning Act 1990 (as amended)  
Planning & Compulsory Purchase Act 2004**

**Appeal by Hopkins Homes and Barratt David Wilson  
Land at Humber Doucy Lane, Ipswich, Suffolk**

**Education & Other County Infrastructure Requirements**

**Proof of Evidence**

**PINS References: APP/X3540/W/24/3350673 & APP/R3515/W/24/3350674  
LPA References: IP/24/00172/OUTFL and DC/24/0771/OUT**

**Jan Kinsman  
December 2024**

**Education Facilities Management Partnership Limited  
Suite 2, Unit 10, Bradbury's Court, Lyon Road, Harrow, HA1 2BY**

## **Contents**

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Policy and Legal Background</b>	<b>2</b>
<b>3</b>	<b>Service Requirement Mitigation Measures Sought by SCC</b>	<b>4</b>
<b>4</b>	<b>Assessment of Mitigation Measures Sought by SCC and Extent of Agreement</b>	<b>6</b>
<b>5</b>	<b>Conclusions</b>	<b>17</b>

## **1. Introduction**

- 1.1 My name is Jan Edward Kinsman and I am Associate Director at Educational Facilities Management Partnership Limited (EFM). I am a chartered engineer, and have been employed to deal with school place planning and other planning obligation matters by EFM for 20 years. During this time I have advised both developers and local authorities on a wide range of projects and prepared and presented evidence at local plan examinations, appeal hearings and public inquiries. My previous employment was with Hertfordshire County Council, and I have over 35 years experience in dealing with the implications of development proposals.
- 1.2 EFM was established in 1990, and is an education consultancy which advises schools, local authorities, central government departments, developers and landowners. It is also responsible for the premises management of schools and other properties. EFM is currently advising clients on education and other population impacts, and appropriate mitigation measures, for a wide range of housing and mixed use development proposals from a few dwellings to major new schemes of 5,000 dwellings and more.
- 1.3 I have been appointed by Hopkins Homes and Barratt David Wilson to review and advise on education and other county mitigation requirements arising from the proposed development of Land at Humber Doucy Lane (the Appeal Site), for up to 660 new homes and associated development.
- 1.4 The evidence that I have prepared and provide in this Proof of Evidence is true, and given in accordance with the code of conduct of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

## 2. Policy and Legal Background

- 2.1 As set out in the Appellants' Statement of Case the Appeal Site is a cross boundary site, within the areas of both Ipswich Borough Council (IBC) and East Suffolk Council (ESC). Suffolk County Council (SCC) is the local education authority, and has responsibility for securing sufficient school places to meet the needs of the residents of its area (the county of Suffolk).
- 2.2 SCC responded to IBC and ESC, setting out its requirements for Education and other contributions on 23 April 2024 (CD OT10). This response sought a site for a new early years facility, provided a number of 'headline' contribution figures and also indicated that a further contribution might be sought. It is helpful to understand that parts of some of the contributions will not be secured through a planning obligation. This is because CIL will be payable on development in East Suffolk, and will cover certain contributions. As the application seeks outline consent, dwelling numbers and locations are not precisely fixed, and the 'headline' figures provided by SCC are based on all dwellings being houses with 2 or more bedrooms and do not take into account the number of dwellings that will make contributions through CIL.
- 2.3 The planning applications were refused for a number of reasons, including IBC Reason 13 and ESC Reason 11 which refer to the lack of a completed S106 agreement
- 2.4 Discussions between the Appellant Team and SCC have resulted in some changes to SCC's requirements, and are continuing with the intention of completing a S106 agreement and minimising any outstanding areas of disagreement.
- 2.5 National policy and guidance within the NPPF and PPG supports provision of infrastructure through planning obligations to meet the needs of development, subject to CIL Regulation 122. Planning obligations must only be sought where they 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.<sup>1</sup>
- 2.6 PPG guidance explains that Government provides funding for school places, based on forecast shortfalls, alongside its programme for the delivery of new free schools. It is explained that funding is reduced to take account of developer contributions, to avoid double funding, and *"Government funding and delivery programmes do not replace the requirement for developer contributions in principle". "Plan Makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts."*<sup>2</sup>

---

<sup>1</sup> NPPF paragraph 58

<sup>2</sup> Paragraph: 007 Reference ID: 23b-007-20190315

- 2.7 The Procedural Guide, Planning Appeals - England, updated on 17 September 2024, refers to Planning Obligations: good practice advice updated on 26 April 2023. Section 2 of this advice reiterates the need for planning obligations to meet the three tests, and describes the evidence which is likely to be needed to enable an Inspector to assess whether a planning obligation meets these tests, including the methodology for calculating financial contributions and details of the facilities or infrastructure to be funded.
- 2.8 Paragraph 5.16 onwards in SCC's Statement of Case (CD SC2) sets out the local context for seeking contributions, including IBC Local Plan Policies ISPA4: Cross-boundary Working to Deliver Sites, CS10: Ipswich Garden Suburb and CS15: Education Provision (pages 44, 77 and 98 of 281, CD DP1) and East Suffolk Council Local Plan Policies SCLP12.24: Land at Humber Doucy Lane.
- 2.9 Policy ISPA4 f) identifies "*current infrastructure requirements*" including "*i. Primary school places and an early ears setting to meet the needs created by the development;*" Points vi. and vii. also concern primary education provision.
- 2.10 It can be noted that some additional contribution requirements were identified in SCC's 23 April 2024 consultation response and its Statement of Case.
- 2.11 It can also be noted that SCC now agrees that a primary education contribution is not required – SCC's Statement of Case is outdated in this respect. The reason for this is that there is capacity available at Rushmere Hall Primary School (RHPS). The number of children being admitted to RHPS was reduced from 90 to 60 for admissions in September 2024 in response to lack of local demand for places. This effectively reduces the working capacity of the school by 210 places, which is a very close match with the expected demand from the proposed development, and means the school has underused physical capacity.
- 2.12 The proposed development is centrally located within the catchment area of RHPS, and the school is within easy walking distance of the new housing. It is a positive benefit of the proposed development that it will increase demand for places at RHPS, and thereby make better use of existing education capacity and improve the viability of the school.

### 3. Service Requirement Mitigation Measures Sought by SCC

3.1 This evidence is concerned with eight “Service Requirements” that are found in SCC’s Statement of Case, as the first eight items in the table at paragraph 6.76 on page 22. Productive discussions have been taking place between the Appellant Team and SCC, as indicated at paragraph 2.4 above, and these are continuing. Consequently, the ‘Primary School New’ requirement has been deleted (leaving seven Service Requirements for further consideration below), some of the figures set out in the table have been adjusted and discussions are ongoing to try to finalise agreement or minimise differences.

3.2 Table 1 below summarises the position reached at the time of preparing this evidence.

Service Requirement	Capital Contribution SCC SOC	Revised figure (if applicable)	Per dwelling amount	Covered by CIL in ESC area?	Status & comments
Early Years New	£1,982,750.00	£1,944,949.19	£2,946.89	NO	Agreed, with potential for direct provision obviating the need for contribution. A number of changes have been made to SCC’s calculation, including increasing the number of places required to reflect updated entitlements.
Early Years Site	£1.00			NO	Agreed, with potential for direct provision obviating the need for transfer of site. Increase in area requirement to 0.32ha from 0.22ha to accommodate larger facility also agreed.
Primary School New	£6,097,120.00	£0.00		n/a	Agreed, that no additional provision is required and therefore no contribution.
Secondary School	£3,706,857.00	£2,963,961.00	£4,490.85	YES	Not agreed. SCC’s change in strategy has led to revised figure. Appellant case is that capacity will be available and currently proposes no contribution.
Sixth Form expansion	£989,230.00	£1,017,926.00	£1,542.31	YES	Not agreed. Revised figure due to updated cost per place, which is agreed. Appellant case is that some capacity will be available and currently proposes no contribution. Also note query on DfE pupil yield.
Household Waste	£91,080.00		£138.00	YES	Agreed.
Libraries Improvements	£142,560.00		£216.00	YES	Not agreed. Appellant case is that need has not been evidenced, and SCC calculation is overstated. No contribution is proposed.
SEND	TBC	£1,022,274.00	£1,548.90	?	Not agreed. Appellant case is that SCC calculation is overstated. Cost per place is agreed. However, falling population figures do not support the need for contributions.

*Table 1 – SCC Service Requirement Summary*

*Notes:*

- 1. CIL payments in ESC area cover some contributions – see fifth column above.*
- 2. Indicative amounts in Column 2 are taken from SCC SoC, and based on 660 dwellings – all being houses with 2 or more bedrooms.*
- 3. The planning obligation agreement will include calculation details to ensure contributions payable correctly reflect dwelling numbers, mix & location.*

3.3 Each of the Service Requirements is considered in further detail below, and ‘headline’ figures are stated for illustrative purposes. As explained at paragraph 2.2 above, the financial contributions that will be secured through the planning obligation agreement will effectively be reduced in recognition that ESC will use CIL payments to fund most Service Requirements. It is agreed that the most practical way of dealing with this is to calculate

contributions on the basis of reserve matters applications and apply contributions on a per dwelling basis.

- 3.4 Early Years New provision is not covered by ESC CIL, so all dwellings will make a contribution to this requirement. The Early Years site does not require a contribution to be made, and there is now no Primary School New requirement. The remaining five requirements are covered by ESC CIL funding, for dwellings in ESC's area (SEND subject to confirmation).
- 3.5 In practice, where the footprint of a dwelling (including any garage) is located wholly in IBC's area, that dwelling will contribute on the basis of the per dwelling figures set out in the S106, to each of the five remaining Service Requirements. Where the footprint of a dwelling (including any garage) is located wholly in ESC's area, that dwelling will not contribute to any of the five remaining Service Requirements through the S106.
- 3.6 It seems likely that the floorspace of some dwellings will straddle the IBC/ESC boundary. ESC will need to assess these dwellings for CIL, and has advised that it has the tools to do so. Having dwellings that straddle a boundary is not unusual, as parish as well as district boundaries are important for CIL calculations. After ESC has calculated CIL liability for a particular dwelling the CIL-liable floorspace can be deducted from the total floorspace for that dwelling, to give the S106-liable floorspace - and this can be represented as a percentage of the total floorspace of that dwelling. The contributions for that dwelling will then be calculated on the basis of that S106-liable percentage applied to the standard whole dwelling figure for each Service Requirement.
- 3.7 The next section of this evidence explains the current position and extent of agreement reached for each of the Service Requirements.

#### 4. **Assessment of Mitigation Measures Sought by SCC and Extent of Agreement**

##### *Early Years New*

- 4.1 SCC has reassessed its requirements in the light of increased entitlements for funded places. Details were provided in emails dated 31 October 2024 and 8 November 2024, and it was explained that SCC's revised calculation was based on a child yield of 13 FTE (full time equivalent children) per 100 dwellings. That revised calculation produced an expected demand of up to 85.8 FTE children ( $660 \times 13/100$ ). At that time there was an outstanding issue concerning SCC's calculation of the number of places needed, which is reflected in the SOCG dated 13 December 2024.
- 4.2 SCC considers a 90 place facility should be provided, although it is agreed that the Appellants would pay only for the number of places the proposed development will generate. If SCC wishes to construct a 90 place facility it will be able to use contributions from another development (or CIL funding to meet needs arising from other development in ESC's area).
- 4.3 After further consideration, SCC has identified an error and corrected its calculation. SCC's latest calculation of child yield is now based on 11.339 FTE per 100 dwellings. For 660 dwellings, this results in approximately 75 places being needed.
- 4.4 £25,989 is agreed as the appropriate cost per place. Based on 660 dwellings the indicative total contribution would be £1,944,949.19, or £2,946.89 per dwelling (unrounded), and is also agreed.
- 4.5 SCC's preferred approach is that it accepts a transfer of land and funding for construction of a facility, that it would then lease to a third party provider. This would give SCC a high degree of control over the running of the facility, and the ability to seek a replacement provider if the provider failed.
- 4.6 However, the Appellants wish to secure the right to choose whether or not to procure the Early Years facility directly. Such a facility would be independent of SCC, and there are many such facilities in Suffolk at present. The direct procurement approach would not involve any contribution (or transfer of land) to SCC. However, unless otherwise agreed, if this approach were taken the Appellants would need to ensure 90 places were provided.
- 4.7 There are a number of options available for precisely how an independent Early Years facility might be developed, owned and run. One option is that a parcel of land could be transferred to a specialist Early Years provider that undertakes to develop a facility within an agreed timescale. Another option involve the Appellants constructing the facility to a suitable specification for a provider to buy or lease.
- 4.8 Should the Appellant decide against procuring the facility, the S106 will provide for a 'fall back' to SCC's preferred approach.



- 4.9 SCC is willing to accept the developer procurement option in principle, subject to being satisfied essentially that arrangements would be secure for as long as the facility was needed. Detailed discussions about the arrangements that need to be included in the S106 are ongoing.

*Early Years site*

- 4.10 In circumstances where SCC is to procure delivery of the Early Years facility, SCC requires (and it is understood SCC would pay nominal £1 for) a freehold transfer of a 0.32 ha site. This is agreed.
- 4.11 SCC would not require the transfer of the Early Years site if it is provided as an independent facility.

*Primary School New*

- 4.12 It is agreed that no contribution is required, due to the availability of capacity at RHPS.

*Secondary School New*

- 4.13 SCC confirmed by email on 13 November 2024 that it was changing its strategy for provision of additional secondary school places. Rather than establishing a new school at Ipswich Garden Suburb, it now plans to provide 300 extra places at Northgate High School and 300 extra places at Ormiston Endeavour school. As a consequence, the cost per place to be used is now £29,939. This figure is agreed.
- 4.14 The secondary pupil yields are set out in Table 5 on page 23 of SCC's Statement of Case. These are also agreed.
- 4.15 There has been a discussion with SCC about whether there is any capacity available within existing schools to meet any of the need arising from the proposed development. SCC considers there will be no available capacity.
- 4.16 The Proposed Development is located in the catchment area of Northgate High School. In and close to Ipswich, there are ten secondary schools. For planning school places, schools are grouped into planning areas. Of the ten schools, Claydon High School and Kesgrave High School serve large (mainly rural) catchment areas - and each is in a planning area of just one school. The other schools are in two planning areas, Ipswich North East (which includes Northgate High School and three other schools) and Ipswich South West (including Ormiston Endeavour and the remaining three schools). Three of the ten schools do not have catchment areas.

- 4.17 Appendix 1 shows pupil numbers on roll in September 2023 with Northgate effectively being full, and some spare capacity at Ormiston Endeavour Academy, and also at Ipswich Academy which is in the same planning area as Northgate. Whilst Ipswich Academy is some distance from the site, the expectation is that planning areas are considered as a whole. Pupil movement information included in Appendix 2, provided by SCC supports this, and shows Coplestone High, Northgate High and St Alban's Catholic High all attract pupils from Ipswich Academy's catchment. St Alban's Catholic High is a faith school, does not have a catchment area, and attracts admissions on faith grounds from a wider area (with about half of pupils coming from the Ipswich North East planning area).
- 4.18 It is understood SCC's position is that the available capacity has been allocated to, and will be fully taken up by developments that already have planning consent – mainly the Henley Gate neighbourhood and the Fonnereau neighbourhood at Ipswich Garden Suburb (IGS). However, funding towards secondary education, and sixth form places, has been secured as part of the outline planning consents granted for those developments. This should mean that the demand from those developments is discounted as the places required have already been funded. Clarification has been sought from SCC about how these contributions are being considered and taken into account.
- 4.19 Furthermore, SCC's latest pupil forecasts only extend to September 2028. Beyond this date, SCC is assuming no change in the underlying demand from existing housing. This ignores the reducing demand being seen in primary schools now which will inevitably feed into secondary schools in due course. Primary pupil numbers on roll, and forecasts published by DfE illustrate this decline in demand, including the SCAP forecasts that show a clear decline in demand of almost 1200 places for primary school places across Ipswich between 2023-24 to 2027-28.
- 4.20 The above indicates there is scope to accommodate many, if not all, of the secondary pupils from the Proposed Development through redistribution of demand within the planning area and places being freed up as smaller cohorts progress from primary schools into secondary schools.
- 4.21 SCC's position is that its forecasts at a school level show considerable pressure on places at the three closest schools – Northgate High, Copleston High and Ormiston Endeavour Academy. This is particularly the case because these schools are affected by the two approved IGS neighbourhoods - and also the remaining neighbourhood and the HDL development. The latter two developments do not have consent, but are included in SCC's standard forecasts on the basis that they are approved local plan allocations.
- 4.22 SCC's forecasts do not take into account the potential for redistribution of demand to other schools, including St Albans Catholic High, nor the full effects of reducing demand from existing housing (due to the timescale). SCC considers that it will need to provide additional places in the relatively short term, indicating 2027-2029 as the expected start date for the proposed secondary expansions and 2031 as the latest (beyond which demand looks likely to ease). The Proposed Development will be barely underway at the

start of this period, and the development build trajectory will highly likely continue beyond 2031.

- 4.23 SCC's forecasts are based on a forecasts of housing completions that may prove over-optimistic - delays in housing completions would reduce or delay the expected pressure on places. The Proposed Development would increase demand within the catchment area of Northgate High, and children from the Proposed Development would generally have priority for places over children from other catchment areas – 'pushing back' potential pupils to more local schools. SCC's forecasts do not model such effects, which I accept is difficult to do with confidence. SCC's approach is, understandably, a 'cautious' one which seeks to ensure it secures all the funding it may need.
- 4.24 Whilst I consider SCC is being 'over-cautious' I can appreciate its view point and have suggested that it would be appropriate to incorporate a review of need within the planning obligation agreement. This would ensure the Proposed Development contributes appropriately to places if SCC provides them (including places provided in anticipation of need) and that the Proposed Development is refunded (and/or released from further contributions) in the event that places are not provided. However, CC has rejected this suggestion.
- 4.25 Appendix 1 provides summary information showing previous and forecast pupil numbers in Ipswich primary and secondary schools, and demonstrates how the number of pupils in primary schools reached a peak in 2017-2019 and has fallen substantially since. Forecast numbers for 2027-28 are over 1500 lower than at the peak, which represents over seven forms of entry and a reduction of over 12%. During this time housebuilding has continued.
- 4.26 The forecasts show secondary demand picking up in recent years with the forecasts increasing by over 1200 pupils from 2020-21 to a peak in 2027-28 – and reducing again after that. The peak is a little later than might be expected from considering the primary peak, although it may well be influenced by large housing completion figures being expected. Even so, the increase is broadly comparable with the primary peak – taking 5/7 of that to allow for 5 secondary year groups and 7 primary year groups.
- 4.27 Appendix 1 shows demand expected to peak in 2027-28 at 8,781 pupils. The Proposed Development will likely be in the very early stages at this time and unlikely to be creating much demand for secondary school places.
- 4.28 Appendix 2 shows pupil movement and capacity information, for secondary schools in Ipswich and nearby, as described at paragraph 4.16 onwards, above. This shows that while all schools in the North East Ipswich secondary planning area are at or close to capacity, there are places in South West Ipswich, and there is a substantial imbalance in the pattern of movement.
- 4.29 Appendix 2 shows there were 495 spare secondary places as of January 2024, and a total capacity of 8,740 places. This is very close to the forecast peak and if the forecasts prove approximately correct it is likely that some additional provision would need to be made to

cater for the peak and adjacent years, in recognition of year on year variation in demand and other factors.

- 4.30 The Proposed Development is likely only to have a marginal impact on the peak. Furthermore, funding for additional places has already been secured from two major sites, as noted at paragraph 4.18 above. The evidence available does not support the need for further contributions.
- 4.31 ONS population projections for Ipswich is shown in Appendix 3. The projections show an expectation of a steady rise in all ages, and decreasing numbers in all child age groups over the remaining Local Plan period relative to 2024 or earlier years. The first table shows the numbers, and the second table shows percentage change by age group with 2024 being the baseline of 100%. The third table shows the corresponding household projections, also from ONS, which can act as an indicator of dwellings.
- 4.32 What can be drawn from this information is that it is unreasonable to assume that the number of SEND places needed will continue to increase or that it will do so in direct proportion to the number of new dwellings. Taking 2024 as a starting point, the only age group expected to rise above 2024 levels in the plan period is sixth form – and it is expected to peak and fall back below 2024 levels by 2030. The development will be being built out over this time and is unlikely to have much impact on sixth form places in the early stages of its construction.
- 4.33 This information supports the proposition that the demand for secondary and sixth form places will peak in the relatively near future and then drop back. It calls into question the need for additional places on the scale being contemplated by SCC, including 600 secondary places.
- 4.34 In conclusion, the need for additional places funded by contributions from the Proposed Development is not adequately supported by evidence and should not be required. However, there may be further discussions with SCC which holds more up to date information than is publicly available.
- 4.35 It should also be noted that the Appellant will provide the full extent of any of the contributions currently in dispute, as sought by SCC, if the Secretary of State or his Inspector agrees with SCC that they necessary and meet the requirements of CIL Regulation 122. This will be achieved via a ‘blue pencil’ provisions in the planning obligation agreement, with alternative contribution amounts payable if considered necessary.

#### *Sixth Form*

- 4.36 SCC continues to seek a contribution based on the pupil yields in Table 5 on page 23 of its Statement of Case.

- 4.37 It is observed that the pupil yields used by SCC produce a disproportionate number of sixth form pupils compared to secondary. SCC has taken its figures from calculations provided by DfE, and is unable to confirm details of the underlying figures. The following paragraphs demonstrate why the sixth form pupil yield looks disproportionately high.
- 4.38 DfE publishes information about the numbers of pupils on roll in schools as of January each year, known as PLASC. The January 2024 PLASC figures for Suffolk show 6,638 pupils in the sixth form year groups (Years 12, 13, and 14 (63 pupils were in Year 14)). This compares to 39,211 pupils in Years 7 to 11 inclusive. Sixth form as percentage of total is therefore 14.5%.
- 4.39 The 'stay on' rate in Suffolk looks to be less than 50% from Y11 to Y12 and the number in Y13 is fewer again. This is an indicative calculation, as it does not compare the pupil numbers with the corresponding January 2023 cohort to get a more precise percentage 'stay on'. The figures for January 2024 are Y11 7613, Y12 3461 & Y13 3114.
- 4.40 On the basis of the DfE pupil yield figures for this development (based on 660 dwellings all with 2+ bed houses) the number of secondary pupils is 99, and the number of 6th form pupils is 34, giving a total of 133. Sixth form is therefore 25.5%. The difference between 14.5% (observed for Suffolk overall) and 25.5% (calculated from DfE pupil yields) seems too great to attribute to differences in the occupation characteristics of new housing compared to all housing.
- 4.41 A discussion with DfE has been sought, to identify the reason for this apparent anomaly in sixth form pupil yield. The Appellant accepts that this is not a matter that SCC should be expected to address, and the use of DfE figures is not a matter of disagreement. The Appellant accepts the need for contributions on the basis of DfE pupil yields, subject to further consideration should discussions with DfE result in any pertinent information becoming available.
- 4.42 It is agreed that the cost per place should now be £29,939 – an increase on the figure in SCC's Response and its Statement of Case, which presented last year's figures.
- 4.43 Based on the information currently available, and the assessment undertaken for secondary school places, it is not clear that a contribution for sixth form places can be supported by appropriate evidence. I have to conclude that no contribution has been justified by the evidence provided to date. Nonetheless, Further discussion will continue with SCC to clarify sixth form provision and pupil information, and ensure that the planning obligation provides the necessary mitigation.

#### *Household Waste*

- 4.44 SCC's contribution request remains as stated in its Response and Statement of Case.

- 4.45 The Appellant accepts that the projects undertaken and planned are serving to improve capacity, as well as improving the facilities in general. There is evidence of a lack of capacity, and the contribution sought is agreed as confirmed in the submitted Statement of Common Ground.

#### *Libraries Improvement*

- 4.46 SCC's contribution request remains as stated in its Response and Statement of Case.
- 4.47 Section 2 of Planning Obligations: good practice advice states the three tests set out at paragraph 2.5 above and continues as follows:

*"The following evidence is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation (or the local planning authority's requirement for one) meets the tests:*

- the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance*
- quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development*
- details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands*
- the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands*
- and details of the facilities or infrastructure on which any financial contribution will be spent."*

- 4.48 SCC's Section 106 Developers Guide to Infrastructure Contributions in Suffolk (CD DG3), explains at paragraph 4.37, *"it is the intention of the County Council to continue to request contributions when justified and based on local need."* The Developers Guide is supported by a Topic Paper 8 (CD DG3.8) which considers contributions for libraries and archives and refers to a standard charge approach promoted by the Museums Libraries and Archives (MLA) Council, which was abolished in 2012. The topic paper explains that an Access Model will be used outside the main urban areas, deprivation will be considered within the urban areas, and to support significant development a new library may be sought. Paragraph 1.17 states, *"Developer contributions calculated in accordance with the above methodology will be requested where existing facilities are unsuitable to cater for increased use arising from a planned development. The contributions will be used either to fund improvements to existing facilities, or to fund the provision of new facilities."*

- 4.49 Policy CS10 f) in the Ipswich local plan (CD DP1) indicates that a library will be provided as part of the Ipswich Garden Suburb development, although I now understand (by way of email dated 17 December 2024) this is not being pursued by SCC due to revenue cost implications. SCC's Response refers to the documents mentioned in the previous paragraph and to more recent Arts Council/The National Archives guidance (CD OT9), which purposes to help local authorities secure developer contributions. This guidance states, *"For additional Library capacity the applied average standard is 30m2 per 1,000 population."* The 30sqm per 1,000 measure has been a recommendation for many years – I believe going back to guidance produced in 1964 when the world was a very different place, as were libraries. It is agreed that this measure is widely recognised and used by library authorities when seeking contributions, but my experience is that it is not a standard for provision that authorities seek to achieve if there is a shortfall. Indeed, this guidance suggests that a contribution based on that figure may be appropriate irrespective of what the contributions will be used one – although it also includes an example of the variable figures used by Cambridgeshire County Council.
- 4.50 SCC's Response approach explains that its calculation is based on 30sqm per 1,000, an assumption of 2.4 persons per dwelling and a build cost. This results in a contribution demand for *"£216 / dwelling for the support of improving services and outreach at Ipswich Library."* SCC's Statement of Case confirms the indicative contribution, based on 660 dwellings would be £142,560.
- 4.51 On 8 November 2024, I asked, *"About libraries, I understand that the contribution would be used for refurbishments. Please advise if this is correct. Please could you also provide details of the assessment that results in a necessity for library contributions in this case."* SCC responded as follows,
- "The application site comes under the catchment 'Ipswich Combined', which is all of the Ipswich libraries. When all combined the internal area occupied by libraries is 4,084m2 and the population based on 2019 census was 163,870. Modal space is calculated based on (30m2/1000 catchment). This would recommend a size of 4,916m2 -so the combined libraries of Ipswich are 83% of the modal size (undersized for population). This uses the MLA recommendation which is covered in Arts Council 2023 Guidance on seeking and securing developer contributions for library and archive provision in England.*
- "£216 / dwelling for 660 dwellings would require a contribution of £142,560.*
- "The contribution would be used for refurbishments of Ipswich County Library where the downstairs is in urgent need of improvements to facilities including children's library and improved access and toilets, and retain it as the flag ship library in Suffolk."*
- 4.52 I consider that the *"urgent need"* for refurbishment is an existing deficiency, unconnected with the Proposed Development, that should not be funded by the Proposed Development.

- 4.53 No assessment has been provided, and no evidence has been offered to demonstrate that the existing provision will be able or unable to meet the additional demand arising from the proposed development, as suggested by the Planning Obligations: good practice advice referred to in paragraph 4.38 above. Nor is the contribution request related to the proposed work. Indeed, it is unsatisfactory and lacks coherence to seek contributions on the basis of a shortfall in floorspace and then spend funding on refurbishment or other improvements that do not address the floorspace shortfall.
- 4.54 The assumption that floorspace is relevant suggests that there is pressure on library floorspace. This seems highly unlikely as footfall to libraries is generally falling as people rely more on the internet (including borrowing e-books and other materials from libraries). This was evident for Suffolk in a Freedom of Information response in 2021 that may be found at Appendix 4. This shows declining numbers of active borrowers (page 4 of 7), visits (page 5 of 7) and items issued (page 5 of 7) for Ipswich County Library – highlighting added.
- 4.55 I should also add that the assumption that new dwellings will contain 2.4 persons may be reasonably accurate, but it is not reasonable to assume that these will all be new and additional people to the area as it takes no account of wider demographic changes. Ipswich Borough Council's Authority Monitoring Report 18, 2021/22, (CD OT8) shows that from 2005 to 2020 there were 6,962 net additional dwellings completed accompanied by a population increase of 12000 persons. This is a net increase per new dwelling of 1.72, not 2.4, which would produce a figure of £154 per dwelling were SCC's approach to libraries be considered appropriate in principle.
- 4.56 However, my conclusion is that no contribution towards libraries is justified.

*SEND (Special Educational Needs and Disabilities)*

- 4.57 SEND contributions appear to have been recently introduced by SCC, and were not secured from the Henley Gate neighbourhood or the Fonnereau neighbourhood at IGS. They are not referred to in SCC's Section 106 Developers Guide (CD DG3). It is understood that SCC only seeks such contributions from large developments.
- 4.58 SCC first provided its calculation for a SEND contribution by way of an email on 18 November 2024. That calculation indicated 3% of pupils had SEND requirements, and resulted in a SEND pupil yield of 0.016 per dwelling - to be combined with a cost per place of £96,806, reflecting the much higher costs of specialist places in special schools, and indicating a contribution requirement for over £1m.
- 4.59 In response, at a meeting online on 26 November 2024 and by email on 3 December 2024, it was pointed out that the calculation looked reasonable in terms of pupil numbers with SEND requirements but appeared to include pupils who were not in special school provision, and should not be costed at about four times normal costs. These pupils would



likely be in mainstream schools, and will be included in the DfE mainstream pupil yield figures – this assumption now appears incorrect.

- 4.60 Based on the PLASC information for January 2024 figures, referred to in paragraph 4.17 above, the number and percentage of pupils in specialist SEND places was calculated as shown in Table 2, below. In Table 2, SEND refers only to pupils in special schools.

Education phase/provision	Pupils
Primary mainstream pupils	54232
Secondary mainstream pupils (Y7-11)	39211
6 <sup>th</sup> form pupils	6638
Total mainstream pupils	100081
SEND pupils	1599
SEND pupils (%)	1.60%

*Table 2 Pupils Numbers on Roll in January 2024 (Source: PLASC, published by DfE)*

- 4.61 At a further meeting online on 18 December 2024, SCC explained how it had arrived at its figure of 3%. In addition to approximately 1600 pupils in mainstream schools, it included 535 pupils in specialist units within mainstream schools, 469 pupils in independent schools, and 393 pupils in “Bespoke/Alternative Provision” and 36 on a waiting list. Other than the 1600 pupils in special schools, most of the provision in use has not involved SCC in providing high cost places and a substantial amount is likely to be independent of SCC.
- 4.62 SCC confirmed by email on 19 December 2024 that all pupils in its 3% calculation have Education and Healthcare (EHC) Plans. Children with SEND have to be assessed for their needs, and some can be supported in mainstream schools. For those for who a mainstream school is unsuitable, an ECH Plan is drawn up that names a specific school or specialist provision that is suitable for their particular needs to which the child is then admitted.
- 4.63 Whilst the desire of SCC to provide more high cost places is understood, it is considered unreasonable to seek developer funding on the basis of around twice what SCC has historically provided, especially when this burden is to be placed on only a limited number of larger developments. In effect, these developments will be disproportionately funding such places. It is also highly unlikely that SCC would ever get to the point where it was sole provider, especially for those pupils in bespoke and alternative provision, although SCC is seeking funding on that basis -and in effect the Proposed Development is being asked to fund places that SCC will not build.
- 4.64 Furthermore, SCC’s calculation applies the 3% to the number of pupils expected from the proposed development, based on the DfE pupil yields.
- 4.65 The DfE pupil yields, for calculating mainstream primary and secondary pupil place requirements, are based on pupils resident in new dwellings. They do not take account of

wider demographic changes. This can be a reasonable approach for mainstream education, as general reductions in demand elsewhere may not release school places to meet local needs - especially for early years and primary places. However, new births excepted, every child living in a new dwelling lived in a dwelling before his/her family moved. Many moving into this proposed development will have lived in Suffolk.

- 4.66 Indeed, all children moving into the Proposed Development will already have provision secured through their EHC Plans and those places will remain available to them - and should they change school or institution that will free up a place somewhere else.
- 4.67 It is recognised that housing and population growth go together, and in the longer term additional SEND needs will arise as a result of population growth – if there is also growth in the relevant age group. Not all residents in new housing are new and additional.
- 4.68 When considering the additional SEND requirements, it would be more reasonable to consider population growth at a County level, and also the expected change in population structure.
- 4.69 ONS population projections for the County are shown in Appendix 5. The projections show an expectation of a steady rise in the ‘All Ages’ population, and decreasing numbers in all child age groups over the remaining Local Plan period relative to 2024 or earlier years. The first table shows the numbers, and the second table shows percentage change by age group with 2024 being the baseline of 100%. The third table shows the corresponding household projections, also from ONS, which can act as an indicator of dwellings.
- 4.70 What can be drawn from this information is that it is unreasonable to assume that the number of SEND places needed will continue to increase or that it will do so in direct proportion to the number of new dwellings. Taking 2024 as a starting point, the only age group expected to rise above 2024 levels in the plan period is sixth form – and it is expected to peak and fall back below 2024 levels by 2030. The development will be being built out over this time and is unlikely to have much impact on sixth form places in the early stages of its construction.
- 4.71 This information does not support the need for funding any SEND places, and certainly does not support funding to the extent being demanded by SCC. Notwithstanding this, the Appellant is willing to discuss SEND issues further in order to try to reach agreement on a mutually acceptable approach.

## **5. Conclusions**

- 5.1 SCC's Response identified a number of service requirements in response to the Proposed Development, including a new early years facility on site in accordance with Local Plan and SCC policy and a number of financial contributions.
- 5.2 For dwellings in East Suffolk some contributions will be funded via the CIL charge, and arrangements will be included in the planning obligation agreement to ensure appropriate payments are secured in respect of any dwellings that straddle the Ipswich/East Suffolk boundary.
- 5.3 Considerable progress has been made on agreeing the requirements that should be included in the planning obligation agreement to support the proposed development. This has included the Appellant accepting an increase in the scale of the early years facility and an increase in the site area required for that facility, and SCC accepting that direct provision is a potential approach – with further details do be agreed as part of planning obligation discussions. It has also included SCC accepting that primary education requirements can be accommodated in full, due to available capacity at the catchment primary school, obviating the need for a primary education contribution. The requirement for a household waste contribution has also been agreed.
- 5.4 For reasons set out in this evidence, some requirements have not been agreed. In particular insufficient consideration has been given to the substantial reductions in demand for primary school places that are currently being experienced and forecast in primary schools. These reductions will feed into secondary schools and sixth form demand in due course.
- 5.5 SCC expects it will need to be providing additional secondary places within a few years, whereas I expect additional demand to be accommodated in part through a combination of reducing demand from existing housing, a redistribution of demand between secondary schools in Ipswich and nearby areas and other factors including as a result of potential delays in housing delivery.
- 5.6 Furthermore, if SCC's forecasts prove accurate the timing of the demand from the Proposed Development will be minimal during the years when the shortfalls emerge and funding has already been secured that will enable those shortfalls to be addressed. At present, it is concluded that no contributions towards secondary or sixth form provision are justified.
- 5.7 Discussions with SCC are likely to continue to clarify the information available, seeking to further narrow areas of difference and to ensure that the planning obligation provides appropriate and necessary mitigation for secondary education, and sixth form provision.

- 5.8 The evidence put forward by SCC in support of a library contribution fails to address the key issue of need, and the supporting calculations are inconsistent with the proposed approach to mitigation – and also incorrect. No contribution is justified.
- 5.9 SCC’s approach to SEND seeks to place unfair burdens on a limited number of developments, which are expected to fund provision of infrastructure beyond what SCC has provided itself - or is ever likely to provide. Children moving into the Proposed Development who require specialist places will already have a place, so the immediate impact of the Proposed Development will be neutral. In addition, the calculations take no account of wider population change which expects a reduction in school age children and therefore a reduction in SEND needs in absolute terms. At present, it is concluded that no contributions towards SEND provision is justified, and the evidence certainly does not support funding to the extent being demanded by SCC.
- 5.10 Further discussion with SCC would be welcomed with a view to further reducing points of disagreement, and ensuring the planning obligation agreement provides for the necessary infrastructure.
- 5.11 The Appellant will provide the full extent of any of the contributions currently in dispute, as sought by SCC, if the Secretary of State or his Inspector agrees with SCC that they necessary and meet the requirements of CIL Regulation 122. This will be achieved via a ‘blue pencil’ provisions in the planning obligation agreement, with alternative contribution amounts payable if considered appropriate. This will ensure that IBC Reason 13 and ESC Reason 11, which refer to the lack of a completed S106 agreement, present no barrier to granting consent for the Proposed Development in respect of any of the matters considered in this evidence.