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**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

Summary 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**

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December 2024**

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1. Introduction

- 1.1 My name is Jan Edward Kinsman and I am Associate Director at Educational Facilities Management Partnership Limited (EFM).

2. Policy and Legal Background

- 2.1 Policy and legal background relevant to education and other infrastructure provision to support development is set out in my main evidence, and refers to national and local matters including site specific requirements.
- 2.2 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).
- 2.3 SCC responded to IBC and ESC, setting out its requirements for Education and other contributions on 23 April 2024. This response sought a site for a new early years facility, provided a number of 'headline' contribution figures. Parts of some contributions will be secured through CIL which is payable on development in East Suffolk.
- 2.4 The planning applications were refused for a number of reasons, including the lack of a completed S106 agreement
- 2.5 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.
- 2.6 SCC now agrees that a primary education contribution is not required.

3. Service Requirement Mitigation Measures Sought by SCC

3.1 This evidence is concerned with eight “Service Requirements”. Productive discussions have been taking place between the Appellant Team and SCC, and 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.*

3.2 Each of the Service Requirements is considered in further detail in my main evidence.

3.3 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.

3.4 Some dwellings will likely straddle the IBC/ESC boundary, and this will be taken into account when calculating CIL and also contributions secured through planning obligations.

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, and also following discussions with the Appellants' Team. SCC's calculations now result in an expectation of approximately 75 places being needed.
- 4.2 £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, and is also agreed.
- 4.3 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. However, the Appellants wish to secure the right to choose whether or not to procure the Early Years facility directly. The direct procurement approach would not involve any contribution (or transfer of land) to SCC. Unless otherwise agreed, if this approach were taken the Appellants would need to ensure 90 places were provided.
- 4.4 SCC is willing to accept the developer procurement option in principle, subject to being satisfied about detailed arrangements that need to be included in the S106.

Early Years site

- 4.5 If SCC is to procure delivery of the Early Years facility, SCC requires a freehold transfer of a 0.32 ha site. This is agreed.
- 4.6 SCC would not require the transfer of the Early Years site if it is provided as an independent facility.

Primary School New

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

Secondary School New

- 4.8 SCC has revised its strategy for provision of additional secondary school places. Rather than establishing a new school at Ipswich Garden Suburb (IGS), 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.
- 4.9 The secondary pupil yields are set out in Table 5 on page 23 of SCC's Statement of Case. These are also agreed.

- 4.10 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.
- 4.11 The Proposed Development is located in the catchment area of Northgate High School. This is one of eight secondary schools in Ipswich, which are grouped into two planning areas, and there are also two schools in close proximity which serve large rural areas.
- 4.12 Northgate is effectively full, while there is some spare capacity at other Ipswich schools, and there is pupil movement between schools and the corresponding catchment areas. 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).
- 4.13 Funding towards secondary education, and sixth form places, has been secured as part of the outline planning consents granted for two neighbourhoods at IGS.
- 4.14 SCC's latest pupil forecasts only extend to September 2028, so do not recognise the reducing demand being seen in primary schools now which will feed into secondary schools in due course. Primary pupil number forecasts show a decline in demand of almost 1200 places across Ipswich between 2023-24 to 2027-28.
- 4.15 SCC's forecasts for Northgate and other local schools do not take into account the potential for redistribution of demand to other schools, and other factors. SCC considers that it will need to provide additional places in the relatively short term, indicating 2027-2029 as the expected start date. The Proposed Development will be barely underway at the start of this period.
- 4.16 My main evidence provides further details about 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.
- 4.17 Demand for secondary school places is shown to be increasing to a maximum in 2027-28 – and reducing again after that.
- 4.18 Pupil movement and capacity information shows that there are available places in South West Ipswich, and 495 spare secondary places as of January 2024, and a total capacity of 8,740 places, which is very close to the forecast peak. If the forecasts prove approximately correct it is likely that some additional provision would be needed.
- 4.19 As the Proposed Development will only to have a marginal impact on the peak, and funding for additional places has already been secured, the evidence available does not support the need for further contributions.

- 4.20 ONS population projections for Ipswich support the proposition that the demand for secondary and sixth form places will peak in the relatively near future, and calls into question the need for additional places on the scale being contemplated by SCC.

Sixth Form

- 4.21 The pupil yields used by SCC produce a disproportionate number of sixth form pupils compared to secondary. 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.
- 4.22 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.
- 4.23 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.

Household Waste

- 4.24 SCC's contribution request is agreed.

Libraries Improvement

- 4.25 SCC's contribution requirement is based on requirement for 30sqm per 1,000 population, an assumption of 2.4 persons per dwelling and a build cost, resulting in a contribution demand for "*£216 / dwelling for the support of improving services and outreach at Ipswich Library.*"
- 4.26 SCC has confirmed the contribution would be put towards the refurbishment of Ipswich County Library where the downstairs is in urgent need of improvements. I consider that the proposed works are to address an existing deficiency, unconnected with the Proposed Development, that should not be funded by the Proposed Development.
- 4.27 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. 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.

- 4.28 The assumption that floorspace is relevant suggests that there is pressure on library floorspace. This seems highly unlikely, in view of reductions in physical visits as people rely more on the internet (including borrowing e-books and other materials from libraries) – as evident in information provided by SCC in 2021.
- 4.29 The assumption all persons in new dwelling will be new and additional is mistaken. Consideration of information from IBC shows 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. However, no contribution towards libraries is justified.

SEND (Special Educational Needs and Disabilities)

- 4.30 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. It is understood that SCC only seeks such contributions from large developments.
- 4.31 SCC has explained that it is seeking funding for the percentage of school age children that have a EHC Plan that requires a special school or similarly specialist provision. 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.
- 4.32 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.
- 4.33 Furthermore, SCC’s calculation applies the 3% to the number of pupils expected from the proposed development, based on the DfE pupil yields. This is considered an inappropriate approach.
- 4.34 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.
- 4.35 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.
- 4.36 ONS population 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. 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.

- 4.37 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.

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.
- 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 Some of SCC's 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. At present, it is concluded that no contributions towards secondary or sixth form provision are justified.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.

- 5.9 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.