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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**

**Rebuttal of SCC 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 CEng, MICE, BSc(Eng), ACGI  
on behalf of Hopkins Homes and Barratt David Wilson  
January 2025**

**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>Current Position</b>	<b>2</b>
<b>3</b>	<b>Current Areas of Disagreement</b>	<b>3</b>
<b>4</b>	<b>Conclusions</b>	<b>10</b>

## **1. Introduction**

- 1.1 This rebuttal responds to the evidence provided on behalf of SCC, which supports the reasons for refusal (IBC Reason 13 and ESC Reason 11) that are concerned with the lack of a satisfactory planning obligation. It is understood that the evidence is presented by Mrs Laura Ashton, and it is referred to as such.
- 1.2 The extent of disagreement between the Appellants and SCC is limited, and discussions will continue between the parties with the intention of minimising the extent of disagreement further.
- 1.3 As confirmed in my main proof, the planning obligation agreement will ensure the Appellants will the full extent of the mitigation sought by SCC, as considered necessary by the Secretary of State or his Inspector. This will ensure that IBC Reason 13 and ESC Reason 11 insofar as they relate to education, waste and library matters are overcome, and there is no reason to refuse the appeal on the basis of lack of provision for necessary infrastructure.

## 2. Current Position

2.1 Table 1 below summarises the position reached at the time of preparing my main proof, and remains the position at the time of preparing this rebuttal 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.*

2.2 Section 5 of Mrs Ashton's evidence refers to three appeal decisions where appeal Inspectors have supported SCC's infrastructure contribution requested. However, on reading those appeal decisions, it is clear that the contributions towards early years, education and libraries were not a matter of dispute at the appeals. Consequently, no detailed evidence was put forward. In the absence of such evidence, and with completed planning obligations in place, there was nothing before any of the Inspectors to suggest the case for any of the contributions should be scrutinised.

2.3 Section 3 of this rebuttal provides further information in relation to the four areas of disagreement currently identified – Secondary School, Sixth Form expansion, Libraries Improvements and SEND.

### 3. Current Areas of Disagreement

#### *Secondary School*

- 3.1 Table 1 provides more detailed breakdown of secondary school capacities, pupil numbers on roll and pupil forecasts than provided at Appendix 1 to my main proof. Please note that paragraph 4.17 of my main proof described my Appendix 1 as showing numbers on roll in September 2023. This is incorrect as the 'Actual numbers on roll' figure are for May 2023. Table 1 shows actual numbers on roll in September 2023. Claydon High School and Kesgrave High School are not included in Table 1, although they are relatively nearby, as they are not relied on and Kesgrave High School is itself affected by major development.

School	Plann- ing Area	PAN	Capacity	Actual numbers on roll			Forecasts for Y7-11					Forecasts for sixth forms				
				11 – 16 NOR 2023 actual	sixth form NOR 2023 actual	School total 11-18 actual	2024	2025	2026	2027	2028	2024	2025	2026	2027	2028
Copleston High School	NE	326	1949	1600	342	1942	1632	1632	1630	1627	1617	340	340	358	362	360
Ipswich Academy	NE	210	1159	1033	0	1033	1005	1022	1014	1021	995					
Northgate High School	NE	252	1708	1261	450	1711	1262	1266	1275	1281	1272	433	451	455	460	459
St Alban's Catholic High School	NE	174	1013	857	161	1018	881	884	885	886	888	142	158	160	161	160
Chantry Academy	SW	210	900	951	0	951	983	1022	1051	1054	1049					
Ormiston Endeavour Academy	SW	180	918	691	0	691	785	852	929	975	975					
Stoke High School - Ormiston Academy	SW	172	876	771	0	771	817	844	859	885	893					
Westbourne Academy	SW	224	1398	1060	0	1060	1057	1070	1088	1097	1094					
<b>NE Ipswich totals</b>		<b>962</b>	<b>5829</b>	<b>4751</b>	<b>953</b>	<b>5704</b>	<b>5695</b>	<b>5753</b>	<b>5777</b>	<b>5798</b>	<b>5751</b>					
<b>NE Ipswich 6<sup>th</sup> form NOR</b>					<b>953</b>		<b>915</b>	<b>949</b>	<b>973</b>	<b>983</b>	<b>979</b>					
<b>NE Ipswich Secondary NOR</b>				<b>4751</b>			<b>4780</b>	<b>4804</b>	<b>4804</b>	<b>4815</b>	<b>4772</b>					
<b>SW Ipswich totals</b>		<b>786</b>	<b>4092</b>	<b>3473</b>	<b>0</b>	<b>3473</b>	<b>3642</b>	<b>3788</b>	<b>3927</b>	<b>4011</b>	<b>4011</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>NE Ipswich 6<sup>th</sup> form NOR</b>					<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>					
<b>NE Ipswich Secondary NOR</b>				<b>3473</b>			<b>3642</b>	<b>3788</b>	<b>3927</b>	<b>4011</b>	<b>4011</b>					
<b>Ipswich totals</b>		<b>1748</b>	<b>9921</b>	<b>8224</b>	<b>953</b>	<b>9177</b>	<b>8422</b>	<b>8592</b>	<b>8731</b>	<b>8826</b>	<b>8783</b>	<b>915</b>	<b>949</b>	<b>973</b>	<b>983</b>	<b>979</b>

*Table 1 – Ipswich & Nearby Secondary Schools – Capacities, Actual Numbers on Roll in September 2023 and forecasts for September in subsequent years including planned housing. Source: SCC*

- 3.2 Mrs Ashton's evidence explains at paragraph 8.35 that SCC has considered only the schools within three miles of the site. However, the table at Mrs Ashton's paragraph 8.37 (which uses the same information as Appendix 2 to my main proof) illustrates the extent of pupil movement taking place, including that there is a net in-migration from other school catchment areas to the schools she has focussed on. This shows why it is relevant to take a wider view.
- 3.3 The total forecast numbers on roll shown in Table 1 are slightly higher than in SCC's previous forecast. The secondary peak of 8,781 indicated in 2027/28 in Appendix 1 to my main proof is now shown as 8,826. It is reasonable to take account of natural year on year variation in demand between year groups, and also the secondary capacity based on PAN (published admission number) – which is 8,740 (1,748 x 5).

- 3.4 Allowing for a 2% reduction in capacity, based on DfE guidance, the effective capacity of the Ipswich secondary schools for 11-16 age pupils could be considered to be 8,565 (8,740 x 0.98). Forecast years in excess of this capacity are highlighted in pale yellow in Table 1. The peak demand is 8,826, which is 261 above the effective capacity of 8,565. On this basis an expansion of secondary school capacity by 300 pupils is a reasonable approach, and is required to meet existing needs.
- 3.5 As stated at paragraph 4.18 of my main proof, proposed development for two new neighbourhoods at Ipswich Garden have consent, with funding secured for additional secondary and sixth form places secured from those developments. These developments are expected to generate the need for almost 300 secondary places between them.
- 3.6 SCC has stated an intention to undertake two secondary expansions of 300 places each. A first phase expansion by 300 places appears justified, at least in the short term, and funding is secured, at least for the most part. It is unclear whether there will be any need to provide further secondary capacity beyond this, for reasons explained in my main proof, and it is this second stage expansion that would be relevant to the Proposed Development.
- 3.7 It is expected that further discussions will take place with SCC on this matter.

#### *Sixth Form*

- 3.8 As explained in my main evidence, the pupil yields used by SCC produce a disproportionate number of sixth form pupils compared to secondary, which is a feature of the DfE pupil yields used by SCC. DfE has responded to my enquiry seeking clarification, including as follows:
- “‘Post-16’ includes any pupil in secondary school sixth forms and those in FE colleges up to age 19. Post-16 data includes young people aged 16-19 without Education, Health and Care Plans (EHCPs), and 16-25 for those with EHCPs.”*
- 3.9 DfE’s response makes clear that its Post-16 pupil yield, used by SCC as a sixth form pupil yield, includes children in education facilities other than school sixth forms - which leads to the disproportionately high figure. Further clarification has been sought from DfE, in terms of the number of children in each category in the Suffolk data. This information would provide the most appropriate way of adjusting the sixth form pupil yield. If DfE is not able to provide the detail, an alternative adjustment based on available information will be proposed for incorporation in the planning obligation agreement. SCC’s views on this, and on the principle of making an adjustment, have been sought.
- 3.10 The potential basis for a reduction in SCC’s demand was discussed at a meeting on 9 January. However, the basis for making a reduction was not agreed. This matter is considered further in paragraph 3.16 onwards, below.

- 3.11 Mrs Ashton's evidence refers, at paragraph 8.41 onwards to *"sixth form need"* being *"far greater in East Ipswich than in any other part of Suffolk"*. This assertion is based on figures presented in the table at paragraph 8.41. However, I believe the information in that table is misleading.
- 3.12 SCC's table shows that there are 1141 sixth form pupils in the sixth forms of Northgate, Copleston and Kesgrave High Schools. Mrs Ashton says this is 63.5% of the relevant age group of the population in the catchment areas of the schools. This may be correct, but not all 1141 pupils will be residents of those catchment areas. It is therefore misleading to suggest that this means there is higher demand for sixth form places in the local area.
- 3.13 Table 1 above shows that only some of the local secondary schools have sixth forms. As happens, three out of the four schools in the Ipswich North East planning area have a sixth form, while none of the four schools in the Ipswich South West planning area have one. Consequently, children wishing to study at a school sixth form in Ipswich have to attend one of the schools in the north east. It is highly likely that attendance at the sixth forms referred to by Mrs Ashton, and also St Albans Catholic High School, are based on the local opportunity available and include many children from outwith the Ipswich NE and Kesgrave catchment areas.
- 3.14 Suffolk One, mentioned in Mrs Ashton's evidence, is One Sixth Form College - a sixth form college located in south west Ipswich that provides a wide range of courses, including A levels and vocational qualifications. It is likely that Suffolk One draws from a very wide area, due to the wide range of courses offered.
- 3.15 Suffolk One is a school in DfE terms, rather than a further education college. Further education colleges do not come under the remit of SCC and therefore should not be included in the pupil yield calculation for sixth forms, as funding for places at such institutions would not be provided by SCC. Sixth form colleges that are schools, such as Suffolk One, should be included – and will be included if DfE is able to provide a breakdown of the figures used in its calculations. Also included, in the DfE pupil yield and to be excluded for sixth form calculation purposes, are those that fall into the category of *"16-25 for those with EHCPs"* (with the exception on any that would not be included in the SEND calculation).
- 3.16 It is understood that SCC might consider a reduction in its sixth form demand based on a local adjustment that could reflect the local situation, which as a result of the local offer available (including courses that are more usually offered by FE colleges) is higher than average. At the time of writing no calculation has been put forward in support of such an adjustment. Such an approach raises the issue of the geographic area over which the effect of a sixth form college should be considered, and the extent of adjustments (reductions) to be made in different locations. There would also be a consequential difficulty for SCC when considering other developments in ensuring a consistency of approach in varying circumstances.

- 3.17 It is considered that a more robust and defensible approach would be Suffolk-wide, which would be consistent with the approach taken with the DfE pupil yield figures that SCC has adopted. If DfE is able to provide the further breakdown of its figures, referred to in paragraph 3.9 above, then that information can be used to make a Suffolk-wide adjustment.
- 3.18 In the absence of further information from DfE, an alternative basis is provided in Table 2 below.

Destination	Number of pupils		Percentage
School sixth form	3108		
Sixth form college	338		
subtotal		3446	53.78%
Further education	2853		
Other education destination	109		
Total		6408	

*Table 2 – Calculation of Sixth Form Pupils as a Percentage of Post-16, Based on Extracts from DfE Data on 'Key stage 4 local authority level destinations' for 2022/23*

*Note: Other education destinations include independent schools, specialist post-16 institutions, special schools and education combination destination.*

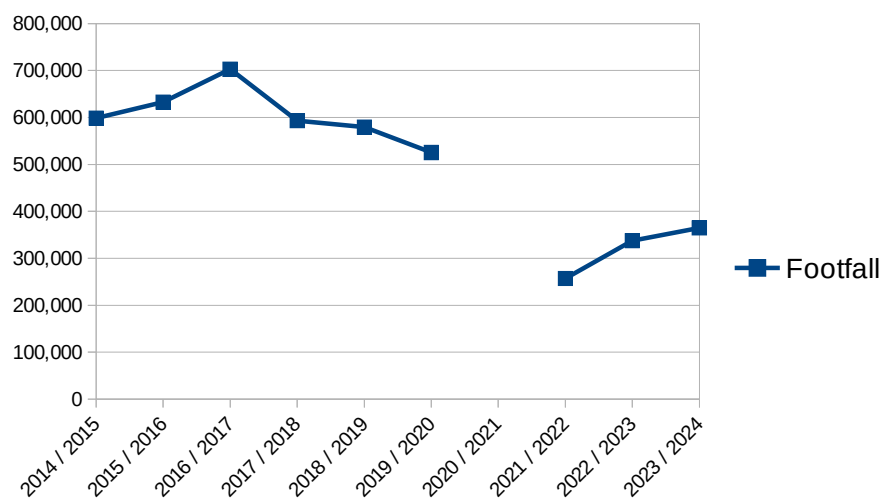
*Source data: <https://explore-education-statistics.service.gov.uk/data-tables/permalink/0bd8b218-b92d-4abe-77da-08dd2da39723>*

- 3.19 In Table 2, the latest available 'destination' information for pupils that have completed Key Stage 4 (GCSE level) in Suffolk has been used to calculate sixth form destinations as a percentage of all destinations that are included in the DfE Post-16 pupil yield calculation. The result is 53.78%. This percentage should be applied to SCC's sixth form pupil yields, and any consequential contribution figures.
- 3.20 In practical terms, this means the indicative sixth form figure contribution should be £547,440.60 (53.78% of £1,017,926) and the 'per dwelling amount (for a house with 2+ bedrooms) should be £829.46 (53.78% of £1,542.31). The above calculation has been put to SCC for consideration and, in the absence of further information from DfE, the latter figure will be included in the planning obligation agreement as an alternative figure if SCC do not agree it.
- 3.21 Notwithstanding the above, the Appellant's substantive position remains that no contribution is required due to the falling demand in future years evidenced in my main proof.



### *Libraries Improvement*

- 3.22 Mrs Ashton's evidence refers to SCC's Library Needs Assessment (OT27) and information about library use (OT28).
- 3.23 The Library Needs Assessment is centred around the population characteristics of the existing population and how the library service can be better focussed to meet existing needs. It does not include an assessment of the implications of population growth from new housing – other than in a general way which assumes a greater population will increase demand. There is no assessment of the capacity of the existing library facilities to meet needs.
- 3.24 Mrs Ashton highlights the trend on increase in library activity over the last three years, shown in OT28. However, pre-Covid information is lacking. It is assumed that the statistics are comparable with the information previously provided to me and included at Appendix 4 of my main proof, which they appear to be for three out of the four measures. Comparison with the information presented in Appendix 4 to my main proof shows that what Mrs Ashton sees an an increasing trend is more likely a recovery towards – but still below – pre-Covid activity levels. Furthermore, it should not be forgotten that the information in Appendix 4 shows a general decline in activity over the seven years pre-Covid.
- 3.25 The following figures show the comparisons graphically.



*Figure 1 - Footfall*

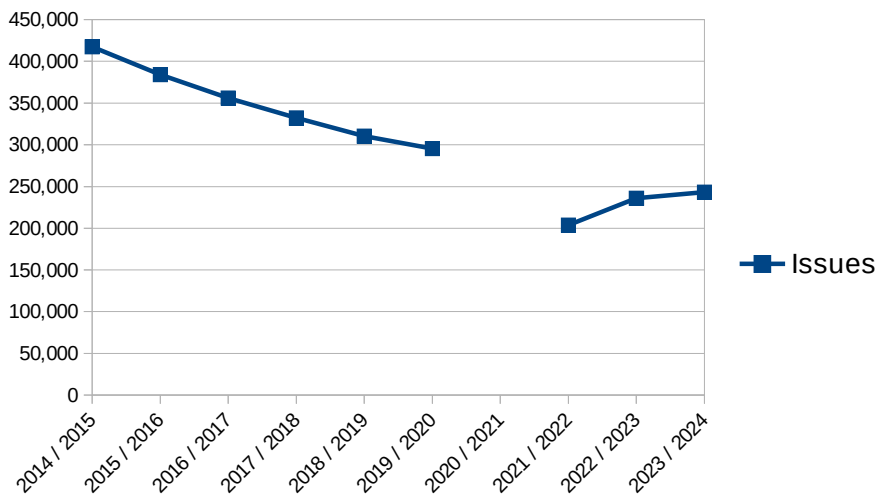


Figure 2 – Issues

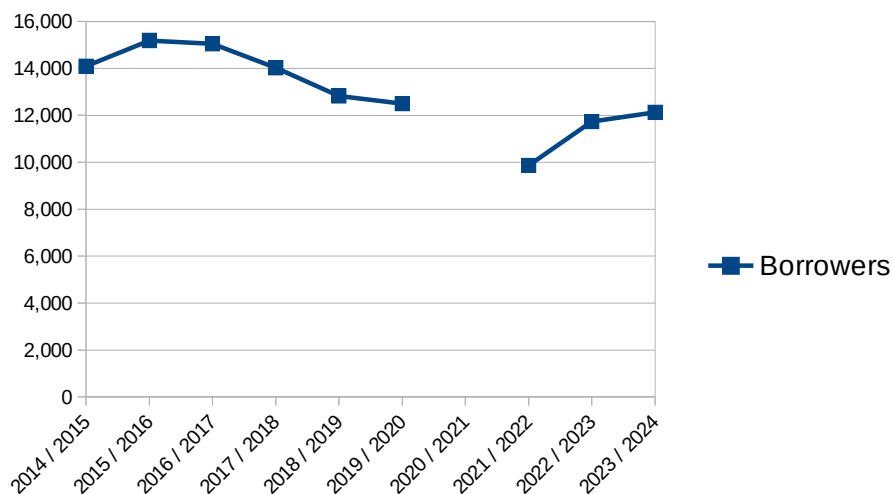


Figure 3 – Borrowers

- 3.26 None of the measures provided indicates that the libraries considered are under undue pressure or lack capacity to accommodate greater demand.
- 3.27 It remains the case that no relevant 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.
- 3.28 It also remains the case that the contribution requested is unrelated to the proposed library improvement work, or any assessment of the proportion of the works that could reasonably be attributed to the Proposed Development.

*SEND (Special Educational Needs and Disabilities)*

- 3.29 At the time of writing the requirement for a contribution remains an area of disagreement.

#### **4. Conclusions**

- 4.1 Further discussions have taken place and are expected to continue with a view to trying to narrow down areas of disagreement further.
- 4.2 At present the areas of disagreement relate to secondary school, sixth form expansion, library improvements and SEND, as stated in my main proof. In the absence of clarification sought from DfE, the basis for a potential adjustment to the sixth form contribution demanded by SCC is set out in this rebuttal, if a contribution is considered necessary.
- 4.3 It remains the case that the planning obligation agreement will ensure the full extent contributions sought by SCC will be made available if they are considered necessary, with the potential for alternative contribution amounts to be payable if considered appropriate - or for contributions not to be required.