

Gloucestershire County Council Community Infrastructure Planning Application Representations

To Case Officer: Mr Tony Pope
From: S106 Infrastructure Team - Economy and Strategic Planning
Date: 18 th July 2025
Application Ref: P0672/25/OUT
Site: Land North Of, Carisbrook Road, Mitcheldean, Gloucestershire
Proposal: Outline application for the erection of up to 180 residential dwellings (including affordable housing) with public open space, landscaping and vehicular access points (all matters reserved except for means of access) UPRN: 010093514732
Summary: Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.
Date of Assessment: 3 rd July 2025

Thank you for consulting the County Council on the potential community infrastructure requirements arising from the above proposal. The comments are made “without prejudice” and are an officer-level response to your consultation.

IMPORTANT INFORMATION: The education data/analysis behind the figures contained within this consultation response is ordinarily valid for a period of one (1) year from the date of the assessment that lies behind it [**i.e. one year from 3rd July 2025**]. However, in certain circumstances a re-assessment and therefore a revised consultation response will be required/provided; such circumstances will include (but is not exclusive to) situations where:

- There has been an agreed update in the PPRs used by the Council; or
- There is an adopted update in GCC’s Local Development Guide, or
- Other planning reason

Please note that should the assessment expiry date referred to above be less than 6 weeks you should contact Community Infrastructure - Developer Contributions Service community.infrastructure@gloucestershire.gov.uk to ensure that a re-assessment is undertaken prior to its expiry to guarantee that you are in possession of the Authority’s revised/up-to-date requirements in respect of the proposed development.

Can you please inform Community Infrastructure - Developer Contributions Service community.infrastructure@gloucestershire.gov.uk; when the application has a resolution to approve, either by committee or through delegated officer powers, so we can instruct our solicitors as soon as possible to avoid any delays with regard to Gloucestershire County Council (GCC) in the Section 106 (S106) process.

In any cases where GCC infrastructure is not supported, either through planning balance or viability, please can you inform community.infrastructure@gloucestershire.gov.uk in advance of the planning decision to give GCC the opportunity to further consider the impact of the development on strategic infrastructure and amend any representations as appropriate.

The requirements below would need to be addressed to make the development acceptable in planning terms through the delivery of necessary infrastructure. The funding of this infrastructure would be by Planning obligation.

In most cases the County Council will seek a charge towards the administration of any S106 agreements (i.e. to cover monitoring and compliance of S106 obligations – undertaking site visits and chasing up any payments outstanding). The monitoring charge will normally be part payable on completion of the agreement with the balance on commencement of the development.

Summary of Education Contribution Requirements

This is an assessment for an outline planning application for the erection of up to 180 residential dwellings (including affordable housing) with public open space, landscaping and vehicular access points (all matters reserved except for means of access).

This development will impact on: -

- 9161210 Longhope-Mitcheldean Primary Planning Area
- 9162100 Forest (N) Secondary Planning Area

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multipliers	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	The Longhope-Mitcheldean Primary Planning Area	180	£20,187.94	54.000	£276,574.78	13.70 places, plus transport assessment required for all places.
Secondary age 11-16	Dene Magna and/or the Forest © Secondary Planning Area	180	£27,766.44	26.460	£0.00	0 places
Secondary age 16-18	Dene Magna and/or the Forest © Secondary Planning Area	180	£27,766.44	9.000	£0.00	0 places

Multiplier x pupil yield = maximum contribution requested

All supporting data for this education request can be found in the corresponding education excel data sheet – the relevant tab number will be referred to in the body of the text below.

The schools factored into the review are determined by identifying the site from the LPA planning portal and then identifying the closest schools using the following publicly available tools to provide straight line distance, before calculating travel distances (if further information is required, please refer to tab 2 of the corresponding education excel data sheet).

Summary of Library Contribution Requirements

A contribution to GCC of **£35,280** is required (based on 180 dwellings), and which would be used at **Mitcheldean Community Library** *to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.*

Education Considerations

Primary Places Impact

The proposal is for 180 dwellings. This number of dwellings would be expected to generate an additional demand for 54.00 primary places. There is some surplus capacity available to credit to the application, therefore the County Council is seeking a contribution of **£276,574.78** towards additional places.

Spare capacity is >2miles away, therefore a transport assessment for all places will be required (if further information is required, please refer to tab 3 of the corresponding education excel data sheet).

- There are 3 schools in the 9161210 Longhope-Mitcheldean Primary Planning Area (PPA). The data for all schools has been provided.
- Mitcheldean Endowed Primary School is <=2miles from this development site – it is unlikely that this school could be expanded to accommodate additional children.
- There is currently some spare capacity to credit to this development in the PPA, but it is all >2 miles away.
- The shortfall of capacity will attract the need for contributions; and all places will attract the need for home-to-school transport.
- Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions.

- When assessing forecast surplus or shortfall we look to the penultimate year of forecasts as they are calculated using NHS GP data; therefore, the final year of forecasts will not include all births for that forecast year.
- When considering forecast data and the schools within the scope for a development we can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places to calculate whether there are places to credit to a development.

	School(s) ≤2miles	All Schools Total
Total Capacity	210.00	434.00
95%	199.50	412.30
Forecast year 2027/28 for school(s)	199.00	372.00
Surplus/deficit of places available	0.50	40.30
Cumulative yield from existing permitted development	0.000	0.000
Surplus/deficit of places available to credit to development	0.50	40.30
Primary Yield from proposed development	54.00	54.00*
Number of places required		13.70

*Transport assessment required for all places

Secondary (age 11-16) Places Impact:

The proposal is for 180 dwellings. This number of dwellings would be expected to generate an additional demand for 26.46 secondary (age 11-16) places. There is adequate spare capacity forecast to be available; therefore the County Council is not seeking a contribution at this time (if further information is required, please refer to tab 5 of the corresponding education excel data sheet)

- There are 4 schools in the 9162110 Forest (S) Secondary Planning Area (SPA), Dene Magna School is the catchment and transport catchment school, it is also the only school within walking distance.
- The data for all Schools has been provided.
- As with primary, we review based on 95% capacity being full to allow for some flexibility

	Total Schools	All Closest School
Total Capacity	3,547.000	1,125.000
95%	3,369.650	1,068.750
Forecast year 2031/32 for school(s)	2,659.000	956.000
Surplus/deficit of places available	710.650	112.750
Cumulative yield from existing permitted development	117.931	0.000
Surplus/deficit of places available to credit to development	592.719	112.750
Secondary Yield from proposed development	26.460	26.460
Number of places required	0.000	0.000

Post 16 Places Impact

The proposal is for 180 dwellings. This number of dwellings would be expected to generate an additional demand for 9.00 secondary (age 16-18) places. There is adequate spare capacity forecast to be available; therefore the County Council is not seeking a contribution at this time (if further information is required, please refer to tab 5 of the corresponding education excel data sheet).

6th Form Data		Current Jan 2025		6th Form Forecast 2025						
Secondary School	6th form capacity	Y12	Y13	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
Dene Magna School	250	78	73	152	152	155	158	159	160	160
Total for Y12 and Y13		78	73							
Combined Totals		151		152	152	155	158	159	160	160
Total 6th Form Capacity	250									

Secondary age 16-18 Cumulative Yield

Surplus places available	90.00
Yield from Permitted Developments	40.113
Surplus/deficit remaining	49.887
Yield from this proposal	9.000
Surplus/Deficit of Places	40.887

Library Considerations

The nearest library facilities to the development site, based on the approximate distance from the grid coordinates provided, are as follows: -

- **The nearest library to GL17 OSA according to the Google Map is Micheldean Community Library. 1 minute driving time (0.4 miles from the development location)**
- Cinderford library is 11 minutes driving time (4.5 miles from the development location)
- Newent Library is 14 minutes driving time (6.9 miles from the development location)

Compliance with CIL Regulation 122(2) and paragraphs 58, 98 and 100 of the NPPF 2024 and DfE Guidance

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122(2) (as amended by the 2011 and 2019 CIL Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use S106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change in the amendments is the 'lifting' of the 'pooling restriction' and the 'lifting' of the prohibition on S106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority's published 'regulation 123 list' as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to S106 obligations contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both S106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122(2) continue to apply.

The Department for Education has updated its guidance in the form of a document entitled "Securing developer contributions for education (August 2023).

In the Introduction it is stated:

"The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.....DfE expects local authorities to seek developer contributions towards school places that you create to meet the need arising from housing development"

Para 2 makes it clear CIL and S106 will remain the standard means of securing developer contributions for local authorities before the new Infrastructure Levy is fully adopted.

Para 4 states:

“An infrastructure project may receive funding from both CIL and Section 106”.

Para 5 states:

“In two-tier local authority areas, the county council is often a signatory on the Section 106 agreement and the agreed education contributions are paid directly to the county council. This is considered best practice, ensuring efficient transfer of land and/or funding to the relevant local authority”.

Education Provisions and meeting CIL Regulation 122(2)

The proposal is for 180 dwellings. This number of dwellings would be expected to generate an additional demand for 54.00 primary places. There is some surplus capacity available to credit to the application, therefore the County Council is seeking a contribution of £276,574.78 towards 13.70 additional places at the Longhope-Mitcheldean Primary Planning Area.

The primary contribution is necessary to make the development acceptable in planning terms because it will be paid to the County Council in a timely way as the development progresses and allocated and will be spent towards improving capacity and suitability at the local schools in the school planning area to enable children from this development to attend a local school. Without these contributions, the local schools would not be able to provide for and accommodate the additional growth resulting from this development.

This primary contribution that is required for this proposed development is directly related to the proposed development in that the contribution has been calculated on local forecast data and current school capacity and the contribution has been calculated based on specific approved DfE multipliers and formulas relative to the numbers of children generated by this development. The calculations result from recent evidence-based studies undertaken by the Education Authority and by updated DfE Pupil multipliers.

This primary contribution will be allocated and spent towards creating new primary places either at the local existing schools and/or within the planning area to enable children from this development to attend a local school.

The developer contribution is fairly and reasonably related in scale and kind to the development. The contribution requirement has been calculated using an up-to-date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings. Any existing capacity has been accounted for.

The contribution will be required to be paid on specific triggers relative to the progress and impact of the development. This will enable the Education Authority and local schools to plan appropriately and in a timely way to provide for the additional capacity to accommodate additional children arising from this development.

Library Provisions and meeting CIL Regulation 122(2):

The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to library provision to mitigate the impact of increasing numbers of library users arising from this development.

The contribution is directly related to the development as it is to be used at the library nearest to the application site which is **Mitcheldean Community Library** and is based on the total number of new dwellings generated by the development (**180 dwellings**).

The contribution is fairly and reasonably related in scale and kind to the development as it is calculated using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (in this case **180 x £196 = £35,280**).

CIL/S106 Funding Position

GCC has a statutory duty to:

- provide additional school places to enable children from this development to have a school place and,
- provide a comprehensive and efficient library service to all who live, work or study in the County.

Developer contributions from S106/CIL are the only funding available to the LA to support additional education and library infrastructure arising from new development.

Local Authorities with responsibility for Education do not get funding from central government to deliver new school places to meet demand arising from new development. There is no Basic Need funding available and the DfE expects local authorities to seek and secure developer contributions towards new school places that are created as a result of housing development. Basic Need funding is allocated primarily to meet population growth in existing communities. It is allocated where there is clear evidence submitted by a LA that there is growth forecast from an increase in the birth rate/migration in existing areas - not from new housing.

Local Authorities with responsibility for statutory library provision, such as GCC, do not receive funding from Central Government to increase library services to meet demand arising from new development in the county.

Opportunities to apply for grant funding from external bodies arise only very infrequently, and there is also no guarantee that a grant application for a library improvement project will be successful.

GCC has been, and will continue to be, reliant on funding library capital improvement projects via developer contributions. To illustrate this point, in the financial years 2016/17 to 2018/2019

(inclusive), developer contributions secured via S106 agreements were the principal source of libraries capital funding.

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of this development as it occurs.

The level of CIL charged on a development is unlikely to cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of this development.

A request is therefore made to give the appropriate weight to the need for essential additional education and library infrastructure in the area of the development. This will ensure the development is fully accountable for the impact of the proposal and will enable the LA to fulfil its statutory obligations to provide sufficient and local early years and school places and a comprehensive library service.

Background Education Information

Pupil Product Ratios (PPRs) are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

Gloucestershire County Council (GCC) has recently reviewed its PPRs and as of 1 April 2024 Gloucestershire County Council has adopted the Department for Education (DfE) pupil Yields. **An updated position statement** has been produced which supersedes Gloucestershire County Council's previous position on Pupil Product Ratios as outlined within the Interim Position Statement (June 2021).

The Position Statement has been published on our website at: [position-statement-on-pupil-product-ratios-february-2025.pdf](https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershire-school-places-strategy-and-projects/) (gloucestershire.gov.uk)

The School Places Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2025-2030. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. The 2025-2030 update was approved by Cabinet on 5 March 2025 and came into effect on 13 March 2025.

<https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershire-school-places-strategy-and-projects/>

The DfE published a 'Local Authority School Places Scorecard 2023' in June 2024 showing the average cost per additional school place for each LA, indexed at 1Q 2023 prices. To update the figures to the current year, we have applied the percentage increase or in the BCIS All-in Tender Price Index (TPI) between 1Q 2023 and 1Q 2024 (2.9%). GCC calculates the percentage increase using the BCIS indices

published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency. The DfE Scorecard is published at:

[Local authority school places scorecards - GOV.UK](#)

This application has been assessed for impact on various GCC community infrastructures in accordance with the “Local Development Guide” (LDG) adopted 2014 and updated 2016 and 2021. The LDG is considered a material consideration in the determination of the impact of proposed development on strategic infrastructure.

<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-developer-guide-infrastructure-and-services-with-new-development/>

Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

Background Library Information

Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.

New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.

Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution and calculated using the County Council’s established per dwelling charge of £196.00.

Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.