

## **Local Development Guide Refresh**

### **Draft Local Development Guide Refresh 2021 - Targeted Consultation Summary Note**

#### **Introduction**

The purpose of the note is to provide a high-level summary of the representations received during the recent targeted consultation process undertaken on the draft Local Development Guide (LDG). This note will also outline officer views on what the next steps are, so that GCC can move towards finalising the LDG refresh and seek formal approval from Cabinet to adopt the revised LDG.

#### **The Engagement Process**

A three-week pre consultation took place between 25th February and 23rd March 2020 with the six Gloucestershire district councils ahead of the targeted consultation.

The consultation included the circulation of the draft LDG to senior planning colleagues in each of the six district councils.

A four-week consultation took place between 1<sup>st</sup> May and 29<sup>th</sup> May 2020 with the targeted consultees. This was extended by a further three weeks to the 19<sup>th</sup> June 2020 in respect of Covid 19 as requested by consultees.

The targeted consultation included the circulation of the draft LDG to approximately 350 consultees.

#### **Stakeholder Engagement**

A total of 53 representations were received. Each was classified under one of five stakeholder groups:

- **Consultants on behalf of Developers – 23 responses**
- **Consultants/Planners – 10 responses**
- **Trusts - 4 responses**
- **Councils – 9 responses**
- **Others – 7 responses**

The majority of responses, approximately 62%, were from Planning Consultants either directly or on behalf of Developers.

Notable stakeholders commenting on the draft plan include:

<p><b>Consultants on behalf of Developers</b></p>	<p>Black box – Taylor Wimpy  RPS – Miller Homes  RPS – Richborough Estates  Consultant for – Redcliffe Homes  Consultant for – McTaggart and Mickel  Consultant for – Redrow  Consultant for – Persimmon  Pegasus x2  Tetlow King Planning  Associated Planning for - L&amp;Q Estates  White Planning - Dunstall Partnership  Ridge and Partners for Bloor Homes  Strategic Planning Manager Persimmon Homes  Operations Director - EPDS Consultants  Ridge and Partners LLP for Metacre  Tetlow King Planning on behalf of West of Chelt Development  Santec on behalf of Vistry Homes (previously Bovis and Linden Homes)  David Lock Assoc. on behalf of Hallam Land Management  Ridge and Partners LLP - on behalf of Sharpness Development LLP  Savills on behalf of Vinci St Modwen and the DIO  Knight Frank on behalf of Spitfire Bespoke Homes Ltd  LRM Planning on behalf of the Trustees of Mrs C Ground's No. 6 Settlement</p>
<p><b>Consultants/Planners</b></p>	<p>Bruton Knowles  SF Planning x2  Powells  Grass Roots Planning  Gladman  Rapleys  Home Builders Federation  EPDS  Senior Land and Planning Manager MF Freeman Group of Companies</p>
<p><b>Trusts</b></p>	<p>CPRE  Woodland Trust  Wildlife Trust  RSPB</p>
<p><b>Councils</b></p>	<p>Cotswold District Council</p>

	<p>GCC Highways          Transport Planning GCC          Libraries – GCC          Forest of Dean District Council          Cheltenham Borough Council          Tewkesbury Borough Council          Stroud District Council          Public Health GCC</p>
<b>Others</b>	<p>DfE          P Duncliffe Ltd          Paul Holliday          Gfirst LEP          FOI Request          Coal Authority          Land Promoters &amp; Developers Federation</p>

Notable stakeholders that have not provided comments on the draft LDG include:

- Homes England
- Neighbouring Authorities
- Utility Companies

**Focus of representations received**

The majority of feedback was focused on the changes to the Pupil Place Ratio (PPR) increases to the Education S106/CIL contributions.

Based on the information provided and to assist with outlining a high-level summary of the comments received these have been classified under five headings including:

- Pupil Product Ratios
- Timescale and duration of the consultation
- CIL v S106 and the concern over the potential of “double dipping”
- Viability and economic recovery
- Unlawful process of consultation

The overwhelming concern from over half of the consultees in relation to the changes in the Pupil Product Ratios (PPR’s) was that the PPRs had been increased with the refresh of the LDG that was out for consultation. There were also concerns regarding the question of S106 v CIL and the potential for “double dipping”. The timescale and viability issues were also high on the list of concerns. There was also a consultee comment that argued that the consultation process may have been unlawful. Most wanted a revised LDG that was a collaborative version between GCC and the six Local Planning Authorities (LPAs).

When reflecting on the feedback received, the following headlines stand out:

- The belief that the PPRs have been increased with this refresh of the LDG
- The issue of 'double dipping' or paying twice has been raised on numerous occasions
- The process of consultation was unlawful

### **Proposed response to representations received**

When each of the 53 representations was received and processed a further classification was made in relation to how the Council should respond. It was agreed that we

- Review the document
- Revise the LDG where it made sense to do so following feedback

### **Emerging Themes**

Based on the assessment undertaken to date there are three main emerging themes that needed to be addressed before the LDG can move towards being formally adopted.

**Theme 1** – The belief that the PPRs have been increased with this refresh of the LDG.

#### Officer Response

The PPRs or pupil yield figures are reviewed annually. They do not always change, but if relevant information or data changes, then this can influence the need to review and update the figures in use. The current PPRs were updated in November 2019 and have been in operation since then. This information including the link to the PPR report is provided in all community infrastructure consultation responses and is on the LDG page of the Gloucestershire County Council (GCC) website.

<https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

The PPRs have not been increased with the refresh of this LDG. This refresh of the LDG simply reflects the PPRs that have been in operation since November 2019.

The current PPRs were updated in November 2019 following receipt of a report from an independent research company, which was commissioned to survey and assess the numbers of children arising out of new housing developments. At that time GCC consulted with a number of local and national housing developers and they agreed to work with GCC to commission a wider study across the county.

A collaborative approach was agreed between the developers and GCC, agreeing the methodology and approach undertaken and that the findings of the report would be collectively accepted. That work was completed in the Summer of 2019 and the final report and findings were published on GCC's website in November 2019.

<https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

The latest LDG refers to the latest PPR figures updated in 2019.

Other concerns raised were the question of why should affordable housing pay for education contributions and do current and operational PPRs take account of pupil migration across planning areas and local authority boundaries.

In answer to these two specific questions, GCC currently discounts all one-bedroom properties from the PPR calculations and therefore only 2 beds or more of 10 dwellings or more are considered qualifying for education contributions. Almost 100% of homes with 2 or more bedrooms are allocated to families with children and therefore the number of children in affordable housing is always substantially higher than private ownership or private rental and this puts extra pressure on the number of school places required. All properties are backfilled with more families with children and therefore it does not reduce the number of children in area when families move or houses are reallocated.

Additionally, CIL contributions discount affordable housing so no funding is allocated through CIL and GCC must therefore include the affordable housing in the PPRs calculations that inform S106 assessments. If GCC excluded them, then it would not be able to provide sufficient school places to meet demand from new housing development.

The PPR does not take into account migration or movements between planning areas as they relate to the assessed yield from a number of developments across the county. GCC's pupil projections do, however, take into account a number of factors when calculating the numbers of pupils expected across the county and in specific planning areas.

Pupil projections are reviewed and updated annually as part of the school planning process and in order to inform the annual Schools Capacity Survey (SCAP) provided to the Department for Education (DfE). There are two key data sources that inform future projections:

- Anonymised birth and population data, relating to pre-school children, based on GP patient registers and provided by NHS Digital; and
- Pupil numbers from the DfE School Census.

GCC produces pupil projections for individual schools across both the primary and secondary school phases. Bespoke automated systems generate figures in the early stages of the process. To inform the process of forecasting primary school numbers, GCC uses the health data to track the numbers of births and location of pre-school age children across the county.

**Theme 2** – The issue of S106 v CIL, ‘double dipping’ or paying twice has been raised by a number of consultees

Officer Response

CIL is a District-wide levy to be used for development across the District. There is no guarantee that CIL money will be available for education – or any GCC infrastructure for that matter. CIL is paid to the LPA. The use of it is subject to the priorities of the LPA not GCC. Furthermore, in most cases, it will not meet the full infrastructure spending gap but will be just a contribution to it.

CIL is a contribution to a central pot; S106 is site-specific and therefore helps to mitigate the impact of development and has an important role to play in responsible place planning.

S106 agreements can be required when they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development (reg 122).

In a two tier authority system, the District LPAs set the CIL rate and receive the CIL from appropriate developments. The level at which it is set in the 5 applicable LPAs in Gloucestershire does not provide sufficient funding to meet the costs of the essential infrastructure requirements for Education, Highways, Libraries, Social Care, etc. Therefore any developments that create a shortfall in school places, as a direct result of the development, are expected to provide an additional S106 contribution of funds and/or land where applicable.

The District Councils are responsible for determining how any CIL is allocated. After affordable housing discounting, contributions to town or parish councils to meet local district requirements and 5% goes to the District Council for administration, there is very little CIL funding available to allocate to the county for infrastructure. Additionally the funding is received by the LPA on a drip feed basis and does not meet the timescales for delivering infrastructure. At the time of writing (February 2021), none of the three Joint Core Strategy (JCS) authorities (Cheltenham Borough Council, Tewkesbury Borough Council and Gloucester City Council) have distributed any of their CIL monies.

**Theme 3** – The process of consultation was unlawful

Officer Response

There were a number of concerns regarding the timing and length of the consultation period in relation to Covid 19 and the fact that home working had just been introduced. In light of the number of requests for an extension to the consultation period, an extension was granted.

The targeted consultation that took place for this emerging GCC guidance is considered by officers to be lawful.

Finally there were calls for a new LDG to be co-authored between GCC and the six LPAs. Work has started on this process and it is proposed that a new co-authored LDG will be produced for the next LDG refresh.

### **Next steps**

Based on the representations received, the following actions have been identified to finalise the LDG:

### **Policy Review**

Lead Officer / Consultant/ Management Team	Review the document – the document has been reviewed and rewritten where it made sense to do so following feedback from the consultation process.
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### **Approval Process**

The aim is for the revised LDG to be adopted at Cabinet in March 2021..