

Jane Steel

From: Emma Baumber2
Sent: 28 February 2025 11:43
To: Planning Folder New
Subject: Additional Information/Response 24/01061/OUT - LCC Contributions Primary Education

From: Jessica Graham <
Sent: 28 February 2025 08:26
To: Emma Baumber2 <Emma.Baumber@hinckley-bosworth.gov.uk>
Cc: Nightingale, Tom Emily Holder
Subject: RE: Barlestone Road, Newbold Verdon - Illustrative masterplan and parameter plan / Minerals

Hi Emma,

As discussed in our meeting on Wednesday, EFM have reviewed the updated response from LCC Education and we have the following response. Please can you review and issue to Education.

LCC agrees in their response to the application at Barlestone Road that the local Primary School - Newbold Verdon Primary School - has a physical capacity for 315 pupils. The school has intentionally reduced its admission number (not its physical capacity) due to a lack of demand for places (down to 210 places). While the school is only offering 30 places per Year Group, it has operated at a higher number, and has the physical capacity to immediately do so again if required. It is clearly excessive to request funding to expand provision that has intentionally shrunk its capacity, while the actual physical capacity is still available. No capacity works are necessary to bring the school back up to 315 available places.

This exact issue was dealt with at an Appeal in 2019 in Birmingham in relation to Secondary School provision (APP/P4605/W/18/3192918) where the Inspector stated:

I agree that that the assessment of capacity in local secondary schools should be based on the physical capacity of the local schools rather than their PAN. This is preferable as physical capacity can be measured and agreed by reference to a standard formula. It is also an important distinction given that planning obligations should not be requested or used other than for capital work to increase the physical capacity of a local school or schools to provide any additional places that are required.

This demonstrates that PINS supports the approach of using actual physical capacity over admission numbers, which can be manipulated to make it look like there is less capacity than there really is.

LCC discuss whether reducing capacity by 50% constitutes "far in excess of PAN". We state categorically that it does. We are not discussing a small number of pupil places, but a full 0.5FE's worth of provision. That figure far exceeds the 72 pupils that this development is expected to accommodate when fully built out.

Finally, LCC state that the 0.5FE's worth of capacity could be utilised for SEND provision, but nothing has been agreed, and this is all purely speculative at this stage. This cannot be relied upon, because there is no plan in place.

On the basis of the above, planning obligations for Primary School provision are clearly excessive, and do not fulfil the tests of CIL Reg 122.

Kind regards,

Jess