

The Planning Inspectorate
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Date: 17 August 2026
My Ref: 2024/1061/04
Your Ref: 6009226
Contact: Mark Johnson
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Dear Sirs,

APPEAL BY: David Wilson Homes East Midlands

APPEAL REFERENCE: 6009226

SITE: Land North of Barlestone Road, Newbold Verdon, Leicestershire

PROPOSAL: Outline planning application (all matters reserved except vehicular access) for the erection of up to 240 residential dwellings (Use Class C3), retention of the existing accesses off Barlestone Road and the creation of new accesses off Barlestone Road, land safeguarded for a cemetery and a healthcentre (Use Class E(e)), public open space and associated infrastructure

I write on behalf of Leicestershire County Council (LCC) in relation to the above planning appeal. This response sets out the County Council's justification for the developer contributions and how the requests accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (As Amended).

Regulation 122(2) outlines that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is

- 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.

Planning obligations to offset the impact of the proposed development upon infrastructure provided by LCC were requested by LCC Planning Obligations Team on 3rd April 2025, and by LCC Highway Development Management on 21st October 2025. These requests were included in the Planning Officer's report to HBBC's Planning Committee meeting of 4th November 2025, and the Officer's recommendation to grant planning permission was subject, *inter alia*, to the applicant entering into a s106 agreement to secure the obligations detailed in the report. It is therefore inferred by LCC that the requested planning obligations were agreed by the HBBC Planning Officer to be proportionate and necessary to make the development acceptable in planning terms.

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Reason 2 of HBBC's refusal of the application for planning permission concerns the absence of a s106 agreement to secure planning contributions towards, *inter alia*, highways, education, waste services, libraries and other infrastructure. The appellant's Statement of Case submitted in support of the appeal confirms that the appellant is willing to enter into a s106 agreement¹ and that the appellant is open to further dialogue on s106 matters to agree any amendments to planning obligations prior to the Inquiry².

This Statement sets out LCC's explanation and justification for its requested planning obligations, in accordance with the Regulations. The opportunity has been taken to re-assess the proposal's impact upon infrastructure provided by LCC, taking account of existing capacity as currently available, and in consequence the requested Primary Education Contribution is reduced and no request is made in respect of Secondary (11-18) Education. The requested Bus Pass Contribution is increased as a result of the increased charge for a bus pass by the relevant service operator.

As the appeal relates to an outline proposal, relevant contributions have been calculated based upon the maximum number of dwellings proposed, and assuming that all would come forward and as qualifying dwelling types. The County Council expects that any agreement for the relevant contributions would incorporate appropriate formulas to ensure that the contributions to be paid reflect the number and types of dwellings brought forward through reserved matters application(s), subject to the maximums specified in this Statement.

For ease, a summary of financial contributions requested is set out in the table below.

Infrastructure Category	Location	Amount
Libraries	Newbold Verdon Library	£7,247.45
Waste Management	Barwell HWRC	£11,887.20
Early Years Education	Newbold Verdon Primary School	£374,462.40
Primary Education	Newbold Verdon Primary School	£849,882.80
Secondary Education	Bosworth Academy (11-18)	£0.00
Primary SEND Education	Dorothy Goodman School, Hinckley	£57,206.48
Secondary SEND Education	Dorothy Goodman School, Hinckley	£78,269.76
Traffic Regulation Order	TRO Contribution	£12,995.00
Travel Packs	Travel Packs	£12,684.00
Travel Pack Admin Fee	Travel Pack Administration Fee	£500.00
Bus Pass Contribution	Bus Passes	£303,600.00
Travel Plan Contribution	Travel Plan Monitoring	£6,000.00
Highways Contribution	Junction Capacity Improvements Contribution (A447)	£778,098.00
Total		£2,492,833.09

¹ Paragraphs 6.3.14 and 8.1.2

² Paragraph 8.1.3

Education Contributions – An Overview

For developments of 10 dwellings or more (two bedrooms or larger), contributions are sought towards Primary, Secondary and Post 16 education provision.

For developments 100 dwellings or more (two bedrooms or larger), contributions are sought towards Early Years Education and to support children with Special Educational Needs and Disabilities (SEND).

Where the number and type of dwellings has yet to be established, calculations are applied on the basis that all of the dwellings proposed have two or more bedrooms. The methodology for calculating contributions is set out below.

Early Years Education

Leicestershire County Council (LCC) reviews the capacity of Early Years providers during the Summer Term, when demand is highest. This review does not include children aged two or younger where they are not in receipt of the Free Early Education Entitlement (FEEE).

Upon receipt of a consultation, a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling).

A cost multiplier of £18,356 per place is applied to the number of children. This mirrors the [DfE Guidance on Securing Developer Contributions](#) recommends that the cost of an Early Years place should be the same as the cost of a Primary School place (paragraph 36).

Having investigated the impact on Early Years childcare on the proposed development, I have determined that this development will see an increase of 20.40 Early Years children to the area, and therefore, a full contribution will be required to ensure there is childcare available to meet this demand. Please see the calculations below on where this figure is reached.

There are currently 2 providers within a one-mile distance of the proposed development site, providing a total of 66 spaces. In the Summer period 2026, there were 90 children aged from 9 months old to 4 years old who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies and non-funded children. This means that there is a deficit of 24 places.

There are 3 other developments within Newbold Verdon with a planned housing total of 414 dwellings. This creates 35.195 places that are required. One of these developments has to have 20.315 places discounted as they are contributing to the early years places they are creating. The remaining developments create 14.875 places still required.

This deficit along with the additional 20.40 places from this development creates a total deficit of 35.275 places, so a full claim is justified.

This contribution would be used to accommodate the early learning capacity issues created by the proposed development at Newbold Verdon Primary School, a new school being built or, by improving, remodelling, or enhancing existing facilities at other schools or other early learning provision within the locality of the development.

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This request for an Early Years Education contribution is based on 240 houses with two or more bedrooms. Based on the table above, this site generates:

Age Group	Number of Early Years children generated by the development (240 houses)
1-year olds	2.04
2-year-olds	6.12
3-year-olds	8.16
4-year-olds	4.08
Total	20.4

A cost multiplier of £18,356 per place is applied to the total number of children likely to be yielded from this development. This mirrors the [DfE Guidance on Securing Developer Contributions](#) which recommends that the cost of an Early Years place should be the same as the cost of a Primary School place (paragraph 36 of the guidance).

Therefore, the total amount sought in respect of Early Years Education is £374,462.40 [20.40 pupil places * £18,356]

Primary, Secondary, Post 16 Education and SEND

This request for contributions towards Education is based on 240 houses. Leicestershire County Council use pupil yield calculations to determine the number of children likely to be generated by developments. Whilst the yield figures are rounded up to the nearest whole number for ease, the calculations for any contributions requested, are against the likely yield.

The number of pupils likely to be yielded by this development is set out in the table below.

Education Sector	Pupil Yield Rate (per house)	Likely Yield	Rounded Up
Primary	0.3	72.00	72
Secondary (11-18)	0.033	48.00	8
Primary (SEND)	0.00363	0.8712	
Secondary (11-19) (SEND)	0.004	0.96	

To assess whether a financial contribution is justified, LCC looks at the current net capacity figure against the average of the two-year and four-year forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

When calculating a contribution, LCC takes account of the pupil yield and school capacity against the average cost per pupil place for extensions and re-build projects set out in the Department for Education's annual National School Delivery Cost Benchmarking Report (NSDCBR). Adjustments are made to take account of local factors. The latest (2021) figures have applied an uplift of 1.04%.

The figures are calculated against the pupil yield rates set out below.

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Education Sector	DfE Amount per Pupil	Amount Requested (if no capacity)	Amount Requested (current capacity)
Primary	£18,356	£1,321,632.00	£849,882.80
Secondary (11-18)	£19,327	£153,069.84	£0.00
Primary (SEND)	£65,664	£57,206.48	£578,206.48
Secondary (11-19) (SEND)	£81,531	£78,269.76	£78,269.76
Total		£1,610,178.08	£1,506,359.04

When the County Council has increased the capacity of a school using S106 funding, it will include the pupils from the development the S106 funding relates to in the forecast pupil numbers for that school/s. Where this applies, no S106 funded places are deducted from calculation.

Where the County Council has not increased the capacity of a school but are holding S106 funds to do so, the places that funding is intended to provide will not be included in the forecast numbers for that school/s. Where this applies, S106 funded places are deducted from the calculation.

Where the County Council has used S106 funds, but the capacity of the school has not been increased (e.g., improvement or enhancement of facilities), the pupils from the developments the S106 refers to will not be included in the forecast numbers for that school. Where this applies, S106 funded places are deducted from the calculation.

Primary Education

The development yields **72** primary aged children. **Newbold Verdon Primary School** is the catchment primary school for the development and has a net capacity of **315** places and there will be a deficit of **88** places if this development goes ahead. The overall deficit including all schools within a two-mile walking distance of the development is **118** pupil places. A total of **72** pupil places have been added that are being funded from S106 agreements for other developments in the area leaving a deficit of **46** places. The **72** pupils generated by this development can be fully accommodated at nearby schools. Therefore, a part request for contributions in respect of the primary education sector of **£849,882.80** is justified.

Secondary Education 11 - 18

The development yields **48** 11-18 aged children. **Bosworth Academy** is the catchment school for the development and has a net capacity of **1,675** places and there will be a deficit of **45** places if this development goes ahead. There are no other secondary schools within a three-mile walking distance of the development. A total of **106** pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a surplus of **61** places. The **48** pupils generated by this development can be fully accommodated at nearby schools. Therefore, there is **no request** for contributions in respect of the secondary education sector on this occasion.

Request for Contributions towards Primary Special Education and Disabilities (SEND) Education

The Council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more.

This development will yield **0.87** primary aged SEND children. The **Dorothy Goodman School Hinckley** has a net capacity of **420** and there will be a deficit of **44** places if this development goes ahead. The overall capacity of all special schools within the area is **76** deficit places. A total of **15** pupil places have been deducted that are being funded from S106 agreements for other developments in the area meaning an overall deficit of **61** pupil places. Therefore, a full request for contributions towards Primary SEND of **£57,206.48** is justified, which is calculated by taking the number of deficit places for primary aged children, multiplied by £65,664.00.

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Request for Contributions towards Secondary Special Education and Disabilities (SEND) Education

The Council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more.

This development will yield **0.96** secondary aged SEND children. The **Dorothy Goodman School Hinckley** has a net capacity of **420** and there will be a deficit of **44** places if this development goes ahead. The overall capacity of all special schools within the area is **76** deficit places. A total of **15** pupil places have been deducted that are being funded from S106 agreements for other developments in the area meaning an overall deficit of **61** pupil places. Therefore, a full request for contributions towards Secondary SEND of **£78,269.76** is justified, which is calculated by taking the number of deficit places for secondary aged children, multiplied by £81,531.00

Total Requirement: £985,359.04

SECTION 106 CALCULATION FOR DEVELOPER CONTRIBUTIONS				
District Site Reference:	24/01061/OUT			
Date:	20/07/2026			
Site of Development:	Land north of Barlestone Road, Newbold Verdon			
Configuration		No. of Pupils		Round up
No. of 2 bed+ flats/apartments:	0			
No. of 2 bed+ houses/bungalows:	240	Primary	72.00	72
Total	240	11-18	48.00	48
		Special	1.83	2
		Total		122

Primary					
Catchment school (top) and schools within 2 miles walking distance of the development	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Newbold Verdon Primary School	315	403	-88	41	-48
Barlestone Church of England Primary School	210	240	-30	31	1
			-118	72	-46

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£18,356.00	46.30	£849,882.80

11-18					
Catchment school (top) and schools within 3 miles walking distance of the development	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Bosworth Academy	1675	1,720	-45	106	61
		0	0	0	0
			-45	106	61

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Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£18,118.00	0.00	£0.00

Special					
	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Nearest Area Special School					
Dorothy Goodman School Hinckley	420	464	-44	15	-29
The Fusion Academy	80	112	-32	0	-32
			-76	15	-61

Claim:	Per Pupil (Primary)	x No.	Per Pupil (Secondary)	x No.	TOTAL
Pupil No. shown to up to 5 DP	£65,664.00	0.8712	£81,531.00	0.96	
		£57,206.48		£78,269.76	£135,476.24

TOTAL REQUIREMENT	£985,359.04
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This request is compliant with Regulation 122 as it is necessary to provide increased capacity within the nearest schools likely to be affected by the development in order to accommodate the likely pupil demand created by the development and to ensure there is sufficient capacity within those schools. This contribution is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Library Contributions – An Overview

LCC has a statutory responsibility under the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service. Calculations are based on figures set by the Museums, Libraries and Archives Council (MLA) in their Public Libraries, Archives and New Development: A Standard Charge Approach paper (May 2010). LCC also refers to guidance set by the Department of Culture Media and Sport (DCMS) and their Public Library Standards guidance (2001).

The DCMS sets out that the standard provision of library materials (lower threshold) should be 1.157532 items of stock per 1,000 population. The average price per item added to stock in Leicestershire libraries (June 2017) is £8.70. The cost per 1,000 population is therefore £10,063.56, or £10.06 per individual.

The MLA's assumed occupancy rates for new dwellings are as follows.

Dwelling Type	Assumed Occupancy
1 bed open market or affordable	1.5 persons
2 bed + open market or affordable	3.0 persons
1 bed student accommodation	1.0 person

Library Contributions for this Development

The formulae used to calculate contributions for libraries is therefore:

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Total Assumed Occupancy (720)

x	1.157 (items of stock per 1,000)
x	£8.70 (average price per item of stock)
=	£7,247.45

The nearest library to this development is Newbold Verdon Library and it is estimated that the total assumed occupancy of 720 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby.

The contribution is sought to provide improvements to the library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development.

This request is compliant with Regulation 122 as it is necessary to provide increased materials the nearest library to the development in order to accommodate the demand created by the development. This contribution is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Contributions towards Waste Management Facilities – An Overview

The methodology for calculating the waste management contribution per household is based on the cost of maintaining the existing waste service against the number of assessed households proposed by a development which would use the local waste facilities. It is assumed that residents will use the closest Household Waste Recycling Centre (HWRC) to their home to deposit their waste.

Each HWRC has an individual site rate set against it, which is used as the cost multiplier against the number of proposed dwellings. Individual site rates (shown in the calculation below as D) are calculated as follows:

D is $(A \times B) / C$; where

A is the capital cost of providing the HWRC reference site

B is the percentage size of the HWRC site compared to the site used for A

C is the number of households using the HWRC site at a review date

Uses such as student halls, nursing homes and retirement homes are exempt from HWRC contributions.

Waste Management Contributions for this Development

The nearest HWRC to this development is Barwell HWRC and the proposed development of 240 dwellings would create additional pressures on the site.

The formulae used to calculate contributions for civic amenities pertaining to this development is;

Number of dwellings - 240

Multiplied by

Waste Site Rate for Barwell HWRC of £49.53

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Equals £11,887.20

This contribution would be used towards site reconfiguration and/or development of waste infrastructure to increase the capacity for the Barwell HWRC Household Waste Recycling Centre (HWRC) or any other HWRC directly impacted by this development.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.

This request is compliant with Regulation 122 as it may be necessary to reconfigure the site and/or develop waste infrastructure to increase the capacity for Barwell HWRC or any other HWRC likely to be directly impacted by this development. This request is directly related to the development being considered and fairly and reasonably related in scale and kind to the development.

Contributions Sought by the Local Highways Authority

Policy DM17 (*Highways and Transportation*) of the Hinckley & Bosworth Site Allocations and Development Management Policies DPD (2016) supports development proposals that, amongst other things: (a) seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services; (c) demonstrate that there is not a significant adverse impact upon highway safety; and [in the case of development that generates significant movement] (d) the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The Policy goes on to state that, where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).

Junction Capacity Improvement Contribution

The application subject of this appeal was supported by a Transport Assessment. The results of modelling contained within the Assessment show that the Bosworth Lane / Bosworth Road / A447 Staggered Crossroads junction ("Junction 3") operates overcapacity in the Do Minium future year scenario of 2033. As explained in the LCC Highway Development Management observations on 21st October 2025, LCC has identified draft proposals to signalise the junction, which would offer significantly capacity benefits in future years give the additional pressure cumulative development traffic is likely to have on the junction. When considering the level of traffic generated by the proposed development, LCC requests a contribution of £778,098.00 towards these works. This would negate any further assessment of the impact upon this junction.

The scheme has a current cost estimate of £1,300,000. LCC calculated there would be approximately 137 (two-way) additional trips through the junction in the AM peak hour. These were derived from the information submitted in support of the application subject of this appeal, along with application references 24/01079/OUT (126 dwellings - Land North of Station Road Market Bosworth) and 25/00515/OUT (200 dwellings and a shop (Use Class E(a)) - Land South of Bosworth Lane, Newbold Verdon).

Dividing the £1,300,000 scheme cost by 137 cumulative trips results in a contribution requirement of £9,489 per trip.

The application subject of this appeal forecasts 82 AM trips through the junction. As such, £9,489 * 82 development trips = £778,098.00.

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Whilst application 24/01079/OUT was dismissed at appeal (Appeal Ref: APP/K2420/W/25/3372919), a proportional contribution towards the scheme was sought. The Planning Inspector states within Paragraph 30 of the appeal decision:

"I am satisfied that the contributions sought meet the tests for planning obligations under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and as expressed in the National Planning Policy Framework (the Framework). As these contributions are necessary to offset the impact of the development on local infrastructure..."

Application 25/00515/OUT has been granted planning permission subject to S106 agreement and a proportional contribution has been agreed towards the scheme.

Sustainable Travel Contributions

The application the subject of this appeal was also supported by a Travel Plan. To help mitigate the transport impacts of the development during the operational phase, by contributing to the establishment of sustainable travel behaviours, the Travel Plan proposes (among other things): the provision of travel packs and discounted travel vouchers for residents.

These contributions are sought in the interests of encouraging sustainable travel to and from the site by future occupiers of the proposed dwellings, achieving modal shift targets and reducing car use.

- To promote sustainable travel in the area, Leicestershire County Council will seek to provide Travel Packs at a cost of £52.85 per dwelling (totalling **£12,684.00** for 240 dwellings); however, if the developer should wish to provide their own travel packs, then this could be an electable option but there would be a £500.00 administration charge for LCC to review and approve the developer's draft Travel Pack prior to distribution.
- To promote travel to and from the development site using public transport (the bus network), then the developer is requested to provide contributions towards the provision of up to 2 x 6-month bus passes per dwelling at an average of £632.50 per pass, at a total of **£303,600.00** for 240 dwellings; however, the developer may elect to provide bus passes directly to qualifying new residents.

The contributions outlined above for Sustainable Travel are compliant with CIL Regulation 122 as they are all necessary to encourage sustainable modes of travel, for well-being, and to discourage travel by private car as supported by Local Plan policies.

Travel Plan Monitoring

A contribution of **£6,000.00** is sought towards STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring.

The Travel Plan submitted with the application sets out the arrangements that would be put in place for monitoring implementation and performance of the Plan, and this includes an undertaking to submit all monitoring information to LCC with a review report. STARS contributions are sought to offset the cost to LCC of reviewing information required to be submitted to it in the Travel Plan for the development, and in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use, and to enable LCC to provide support to the applicant's appointed Travel Plan Co-ordinator.

This request is compliant with Regulation 122 as the contribution is specific to funding travel plan monitoring for this proposed development. There are no other S106 agreements funding travel plan monitoring for this development.

No other developments are providing contributions for any of the above requests from the LHA, and therefore the requests are directly related to the development being considered and fairly and reasonably related in scale and kind to the development subject to this appeal.

Traffic Regulation Order

The Transport Assessment submitted with the application proposes a reduction in speed limit along the site frontage, and this would necessitate a Traffic Regulation Order. To offset the cost to LCC of making the required Traffic Regulation Order, and in the interests of highway safety, LCC seeks a contribution of £12,995.00.

This request is compliant with Regulation 122 as the contribution is specific to funding a Traffic Regulation Order for this proposed development. There are no other S106 agreements funding the making of a Traffic Regulation Order for this development.

Monitoring Fees

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 allow for a sum to be paid in respect of the cost of monitoring planning obligations. In this respect the county council charges £300.00 or 0.5% of the total value of the contribution (including where contributions on outline applications are formulaic), depending upon which is the greatest sum, for each planning obligation.

For large scale developments of more than 500 dwellings, a negotiated monitoring fee may be appropriate to reflect the costs and time associated with monitoring. This sum will be discussed with the appellant as the S106 agreement is being prepared.

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Should the Inspector wish for a representative from the County Council to appear during the Inquiry to answer any questions pertaining to the above, we would be happy to provide a representative, and ask that you please inform me in advance, where possible.

I would be obliged if the Planning Inspectorate can send a copy of the decision letter to me once the decision is made.

Yours faithfully,

Mark Johnson
Team Manager, Planning Obligations and Systems