

Tim Hartley
Hinckley and Bosworth Borough Council

Date: 23 September 2024
My Ref: 2024/0831/04
Your Ref: 24/00831/OUT
Contact: Emma Simkins
Phone: 01163052266
Email: planningobligations@leics.gov.uk

Dear Tim Hartley,

Leicestershire County Council Consultation Response – Planning Obligations

Proposal

Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access (re submission of 22/00167/OUT)

At

Location

Land North of Shenton Lane Market Bosworth Leicestershire

Summary of Infrastructure Requirements

Infrastructure Category	Location / Description	Amount
Waste	Barwell HWRC	£4,953.00
Libraries	Market Bosworth Library	£3,019.77
Primary Education	St Peters Church of England Primary Academy	£106,464.80
Secondary Education	The Market Bosworth School	£166,228.92
Post 16 Education	Bosworth Academy	£63,779.10
SEND Education	The Dorothy Goodman School	£56,448.43
Early Years Education	St Peter's Church of England Primary Academy	£156,026.00
Total		£556,920.02

Please Note

- An assessment of highways and transport issues will be carried out as part of the planning application. The Local Highway Authority will provide comments separately to this response and will set out any requirements for planning conditions or obligations to mitigate the impact of the development, in accordance with paragraph 55 of the NPPF.
- In the event that the requested developer contributions are not supported by the local planning authority or in circumstances where the applicant is disputing the requests that have been made, please inform the LCC case officer as a matter of urgency.
- To ensure that the contributions requested are not devalued because of rising construction costs (e.g. materials or labour), we request that where appropriate, the point at which indexation applies will be calculated from the date any subsequent legal agreement is completed.

However, for contributions relating to Education (including primary, secondary, early years and special education), indexation will be calculated at the date of the latest costs review (1 July 2021).

Early Years Education will be indexed at the latest cost multiplier review, which was 1 June 2023.

Where a costs review is carried out after a consultation response has been provided, but before planning permission is granted, indexation will apply from the date of the latest costs review.

Background

This response has been prepared on behalf of Leicestershire County Council. It sets out all requirements except those from the Local Highway Authority, which will be provided separately.

The response has regard to the National Planning Policy Framework (NPPF) 2023. This includes the requirement that development can be made acceptable through the use of conditions or planning obligations and the need to only include planning obligations where it is not possible to address unacceptable impacts through a planning condition. The request for planning obligations has regard to paragraph 57 of the NPPF, which states that planning obligations must only be sought where they meet the three tests.

An explanation of how each obligation request meets these tests can be found in the individual responses below.

The County Council's approach to requesting developer contributions as part of the planning application process is set out in its [Planning Obligations policy \(July 2019\)](#). This document was produced following stakeholder consultation and should be treated as a material consideration when dealing with planning applications.

The County Council's response has been prepared having regard to the Local Planning Authority's development plan and other material planning considerations.

Please contact the case officer, whose details are at the top of this letter, if any further information is required in support of this request.

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.

To ensure that the contributions requested are not devalued because of rising construction costs (e.g. materials or labour), the point at which indexation applies will be the date of the latest costs review (1 July 2021). Where a costs review is carried out after a consultation response has been provided, but before planning permission is granted, indexation will apply from the date of the latest costs review. Indexation applies to all contributions requested including primary, secondary, early years and special education.

Primary, Secondary, Post 16 Education and SEND

When calculating a contribution, LCC takes account of 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). The costs set out in this response take account of the latest costs data provided within the National School Delivery Cost Benchmarking Report. The latest costs review was carried out on 1 July 2021.

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

Education Sector	DfE Amount per Pupil	Pupil Yield Rate (Per House)	Pupil Yield Rate (Per Flat)
Primary	£18,356	0.3	0.043
Primary (SEND)	£65,664	0.00363	0.00052
High School (11-14)	£17,876	0.1	0.016
Upper School (14-18)	£18,355	0.3	0.016
Secondary (11-16)	£17,876	0.167	0.0267
Secondary (11-18)	£19,327	0.033	0.0053
Secondary (11-19) (SEND)	£81,531	0.004	0.00064
Post 16	£19,327	0.033	0.0053

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 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.

The table below sets out the calculations for both pupil yields and cost multipliers at the relevant schools likely to be affected by this development, along with the requested contributions broken down for each education sector, and the overall contribution required. Further information in support of our request may be included after the table.

SECTION 106 CALCULATION FOR DEVELOPER CONTRIBUTIONS

Date:	13/07/2022			
Site of Development:	Land north of Shenton Lane, Market Bosworth			
Configuration		No. of Pupils		Round up
No. of 2 bed+ flats/apartments:	0			
No. of 2 bed+ houses/bungalows:	125	Primary	37.50	38
Total	125	Secondary 11-16	20.88	21
		Post 16	4.13	5
		Special	0.95	1
		Total		65

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
St Peter's Church of England Primary Academy	252	289	-37	16	-21
		0	0		0
			-37	16	-21

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£18,356.00	21.20	£389,147.20

Secondary 11-16					
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
The Market Bosworth School	695	926	-231	60	-171
Bosworth Academy	1250	1,302	-52	18	-34
			-283	78	-205

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£17,876.00	20.875	£373,161.50

Post 16					
Nearest Post 16 Provider (top) and those 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	377	451	-74	8	-66

		0	0		0
			-74	8	-66

Claim:	Per Pupil	x No.	TOTAL
Pupil No. shown to up to 5 DP	£19,327.00	4.125	£79,723.88

Special					
Nearest Area Special School	School Capacity	Pupil Forecast	Surplus/ Deficit +/-	S106 Funded Places Discounted	+/- after S106 funded places discounted
Dorothy Goodman School Hinckley	368	376	-8	2	-6
The Fusion Academy	50	46	4	0	4
			-4	2	-2

Claim:	Per Pupil (Primary)	x No.	Per Pupil (Secondary)	x No.	TOTAL
Pupil No. shown to up to 5 DP	£65,664.00	0.45375	£81,531.00	0.50	£70,560.54
TOTAL REQUIREMENT	£912,593.12				

Please Note

This response needs to be read in conjunction with the 'Calculation for Developer Contributions' provided and Appendix 3: Education, of Leicestershire County Council's Planning Obligations Policy 2019.

In July 2021 the Primary Sector cost multiplier was increased to £18,356 per pupil place.

Where there are places included in a school forecast from existing agreed legal agreements, these have been discounted from the available capacity at the school in the catchment of the proposed development, as highlighted on page 5 of the response.

Request for Contributions towards Primary Education

The development yields 30 primary aged children. St Peters Church of England Primary Academy is the catchment primary school for the development and has a net capacity of 252 places and there will be a deficit of 12 pupil places if this development goes ahead. There are no other primary schools within a two mile walking distance of the development. A total of 6 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, meaning the overall deficit is 6 pupil places. The 30 pupils generated by this development cannot be fully accommodated in nearby schools. Therefore a part request for contributions in respect of the primary education sector of £106,464.80 is justified.

Request for Contributions towards Secondary Education

The development yields 17 secondary aged children. The Market Bosworth School is the catchment secondary school for the development and has a net capacity of 860 places and there will be a deficit of 25 places if this development goes ahead. Including all secondary schools within a three mile walking distance of the development the overall deficit is 109 pupil places. A total of 100 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, meaning the overall deficit is 9 pupil places. The 17 places created by this development cannot be fully accommodated in nearby schools. Therefore a part request for contributions in respect of the secondary education sector of £166,228.92 is justified.

Request for Contributions towards Post 16 Education

The development yields 4 post 16 aged children. Bosworth Academy is the catchment post 16 school for the development and has a net capacity of 401 places and there will be a deficit of 74 places if this development goes ahead. A total of 16 pupil places have been deducted that are being funded from S106 agreements for other developments in the area meaning an overall deficit of 58 pupil places. The 4 places created by this development cannot therefore be accommodated at nearby schools. Therefore a full request for contributions in respect of the post 16 education sector of £63,779.10 is justified.

Request for Contributions towards 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 yields 1 SEND child. The nearest SEND provision to the development is The Dorothy Goodman School which has a net capacity of 369 places and there will be a deficit of 66 places if this development goes ahead. Including all of the SEND schools in the vicinity of the development the overall deficit is 73 pupil places. A total of 10 pupil places have been deducted that are being funded from S106 agreements for other developments in the area meaning an overall deficit of 63 pupil places.

This development will yield 0.36 primary aged children with SEND, and 0.40 secondary aged children with SEND, and therefore a full request of £56,448.43 is justified.

Please note that Hinckley & Bosworth District Council's emerging local plan has highlighted a large increase in housing developments which could mean that new local schools could be required.

If Hinckley & Bosworth indicate that there could be areas where multiple developments combined necessitate a new school being built, then all developments would need to contribute towards land costs and a pro rata rate towards the cost of the new school.

We reserve the right to review and update all Section 106 returns up to the signing of the S106 agreement.

Summary

In order to provide the additional school places anticipated by the proposed development, the county council request a total contribution for education based on the table shown on page 4. This is calculated by the number of pupil places created by the development multiplied by the Department for Education (DfE) cost multiplier for each sector.

The total request for Education across all sectors for the proposed development equals: **£392,921.26**

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at either the named catchment school, within the DfE approved planning area serving the development, or any other school within the locality of the development, including the construction of a new school.

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.

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 request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £18,356 per place is applied to the likely number of children generated. This cost multiplier was implemented from 1 June 2023 and brings the cost multiplier for Early Years Education in line with the Primary Education cost multiplier, as recommended by the [Department for Education's guide to Securing Developer Contributions](#) (point 19).

Further rationale will be included below if the proposed development is for 100 or more 2+ bedroomed dwellings.

Justification for Contributions Sought for Early Years Education

When calculating an Early Years provision contribution, a yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more is applied.

The table below explains how the total yield of 8.5 Early Years children per 100 dwellings is broken down into age groups. Based on information and data provided by Early Years providers, the County Council will not require a contribution to fund 100% places for all age groups for the following reasons;

- There is not a significant demand for children up to the age of one.
- The government offer a Free Early Education Entitlement (FEEE) for 40% of 2 year olds and due to the volume of parents returning to work, take up is quite high.
- 100% of three year olds in Leicestershire take up their FEEE place, but this figure reduces to 50% for take up by four year olds as they enter school.

Age Group	Yield Rate (Per 100 2+ bed dwellings)
Early Years	3.4 children per year group
1 year olds	25%
2 year olds	75%
3 year olds	100%
4 year olds	50%
Total	

Having investigated the impact on Early Years childcare on the proposed development, it has been determined that this development will see an increase of 8.5 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 44 spaces. In the Summer period 2024, there were 44 children aged 2, 3 and 4 years who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies, 1-year olds and non FEEE 2-year-olds. This means that there are no surplus places.

There are 2 other developments within Market Bosworth with a planned housing total of 194 dwellings. This creates 16.49 places that are required. One of the developments is already contributing for the places, and therefore will be discounted, however there is still a deficit of 6.205 places. Together with the 8.5 places from this development there is a total deficit of 14.705 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 St Peter's Church of England Primary Academy 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.

This request for an education contribution is based on **100** houses dwellings with two or more bedrooms. No claim is made on one-bedroom dwellings. Based on the table above, this site generates:

Age Group	Number of Children
1 year olds	0.875
2 year olds	2.55
3 year olds	3.4
4 year olds	1.7
Total	8.525

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 £156,026.00 [8.5 pupil places x £18,356]

Please Note

- We request some flexibility in the use of this contribution so that it may be used for the provision, improvement, remodelling or enhancement of current facilities at existing Early Years providers or schools in the locality of the development which the residents of the development would usually be expected to attend, or the creation of new premises.

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).

Library Stock

The DCMS sets out that the standard provision of library materials (lower threshold) should be 1,157 items of stock per 1,000 population, or 1.157 items of stock per person. The average price per item added to stock in Leicestershire libraries (June 2017) is £8.70.

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

The formulae used to calculate contributions for libraries is therefore;

Total Assumed Occupancy (300)

$$\begin{array}{ll} x & \mathbf{1.157 \text{ (items of stock per person)}} \\ x & \mathbf{£8.70 \text{ (average price per item of stock)}} \\ = & \mathbf{£3,019.77} \end{array}$$

The nearest library to this development is **Market Bosworth** Library and it is estimated that the total assumed occupancy of **300** arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby.

This contribution would be used at to provide improvements to this 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 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.

Waste Contributions – An Overview

The methodology for calculating the civic amenity 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 Contributions

The nearest HWRC to this development is **Barwell HWRC** and the proposed development of 100 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 - 100

Multiplied by

Waste Site Rate for Barwell HWRC of £49.53

Equals £4,953.00

This contribution would be used for site reconfiguration, including the development of waste infrastructure, to increase the capacity for this Household Waste and Recycling Centre, 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.

Highways and Sustainable Transport

Paragraph 104 of the National Planning Policy Framework (2021) states that transport issues should be considered at the earliest stages. It also states that opportunities to promote walking, cycling and public

transport should be identified and pursued and that safe and suitable access shall be achieved for all users. Paragraph 112 states that applications should give priority first to pedestrian and cycle movements and should facilitate access to high quality public transport. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.

An assessment of highways and transport issues will be carried out as part of the planning application. The Local Highway Authority will provide comments separately to this response and will set out any requirements for planning conditions or obligations to mitigate the impact of the development, in accordance with paragraph 55 of the NPPF.

Additional Information

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% depending upon which is the greatest 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 will be discussed when the S106 is being prepared.

Review of Response

This response reflects LCC's requirements for developer contributions, calculated at the date at the top of this response. In the event that planning permission is not granted (with a signed S106 agreement) within 12 months of the date of this response, the Local Planning Authority is requested to re-consult Leicestershire County Council to check whether there have been any material changes to circumstances that affect the required developer contributions.

Please inform the LCC case officer in the event that the requested developer contributions are not supported by the local planning authority or in circumstances where the applicant is disputing the requests that have been made.

Kind regards,

Emma Simkins

Planning Obligations Team
Leicestershire County Council