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Land At Junction of Newark Road, Coxmoor Road, Sutton in Ashfield V/2022/0629
Addendum to Nottinghamshire County Council Secondary School Provision Statement

This addendum has been prepared to respond briefly to the issues raised by the appellant in its Education Rebuttal dated 7th January 2025, which commented on the County Council's Secondary School Provision Statement issued to the District Council on 19th December 2024.

Pupil Projection Data

Firstly, the appellant claims that there is double counting of pupil demand. This is not the case. The County Council's evidence identifies 19 planning applications that have come forward in the pupil planning area which would create additional demand for school places, which is not included in the current pupil projection data. The County Council only includes housing commitments (i.e., permitted housing) within its forecasts, in accordance with advice from the DfE. As such, any planning application that had not been approved at the time the projection data was produced will not have been included. The case being presented by the Council is that, if all these additional sites were permitted, there would not be sufficient places and thus each site should make a proportionate contribution towards addressing the combined deficit.

To confirm, the list of pending applications has been verified against the housing commitments counted in the projection data and there is no duplication. It is acknowledged that the statement prepared by the Council states that *"the latest projection data (School Capacity Survey 2024) was published in October 2024 and includes demand from consented developments as of April 2024"* however this should read *"as of January 2024"*. For clarity, the pupil demand within the current projection data is based upon the housing trajectory in the Ashfield Housing Monitoring Report April 2023, excluding allocations without permission. However, any allocations which subsequently obtained permission during 2023 were also included, hence the data includes demand from consented developments as of January 2024.

CIL Regulation Compliance

Secondly, with regards the following statement at Para 2.15 of the rebuttal statement: *"NCC is not acting appropriately in seeking to secure payments from the Appeal site to reflect an assumption of child yields from sites that do not have planning permission and may not come forward. If they do, they will have to mitigate their impact based on the best evidence at the time"*. The County Council's opinion is that this would represent a piecemeal approach to infrastructure planning which could result in an unacceptable impact on educational infrastructure. If the County Council adopted this approach to each pending planning application and each application was permitted, then there would be a deficit in school places and no funding to support the expansion of capacity. This would be exacerbated further if the remaining draft allocations also came forward and secured planning permission. Whilst it is accepted that there is no guarantee that all sites would be consented, given the housing land supply position of the District Council and relatively advanced status of the emerging Ashfield Local Plan (which still falls short of the overall housing requirement for the full plan period), the County Council would reasonably assume that many, if not all, of the sites listed within its Secondary School Provision Statement, both allocated and windfall, will secure consent.

There is recent evidence of speculative development securing permission in the district (see for example, Ashland Road West Sutton in Ashfield V/2020/0184 and Land off Laburnum Avenue Kirkby in Ashfield V/2020/0627) and draft allocations receiving consent in advance of the local plan being adopted (see for example Hardwick Lane H1Sq, V/2024/0063), due to the presumption in favour of sustainable development. The County Council considers that there is a very genuine risk of cumulative permissions creating a deficit of secondary school places.

The CIL regulations do not preclude the Council from considering development cumulatively provided that evidence exists that the impact of the development, in combination with others, would be otherwise unacceptable and that the value of the contribution is fairly related to the impact of the development. Given that the contribution sought is relative to the share of the deficit being created by this proposal, the Council believes it is fairly related in scale and kind. Should the need for additional school capacity never materialise, the funds would be returned to the developer that made the payment in accordance with the terms of the S106 Agreement.

Infrastructure Delivery Plan

Noting the context above, the County Council has worked with the District Council to agree an Infrastructure Delivery Plan which considers the cumulative impact of development and seeks to plan in a holistic rather than piecemeal manner and ensure that all sites make a fair contribution towards the cumulative impact that they would have on education infrastructure.

It is acknowledged that the October 2024 Infrastructure Delivery Plan (IDP) Update produced by the District Council (CD 12.26, p.16) states that in Kirkby and Sutton there is forecast to be sufficient places to meet future needs, however the infrastructure requirements which are itemised in the IDP Schedule explicitly include secondary education in Kirkby and Sutton (p.V), as displayed below. The District Council has confirmed that the discrepancy is an error within the text that had not been updated following updates to the infrastructure schedule made as a result of further dialogue between the District and County Council. It has confirmed that the information in the IDP Schedule is correct, and the text will be amended as part of any modifications that are necessary following the conclusion of the examination in public.

Infrastructure	Location	Description	Priority	Estimated cost	Funding secured	Funding source	Lead	Partners	Timescale for Delivery - Years			Comments/ delivery notes
									0 - 5	5 - 10	10 - 15	
Primary Education	Expansion of existing primary school in Huthwaite	Based on the proposed sites in the Regulation 19 Draft Local Plan a requirement up to a half form entry (105 places) will be required in the Huthwaite school planning area. Financial contributions will be sought from site allocations mainly: H1Sj; H1Sk; H1St and H1Sag for an increase in school places.	High	£2.1m	£0.03m (S106)	S106 developer contributions (100%)	NCC	ADC	✓	✓		Source: Notts County Council education places strategy
Secondary Education.	Sutton / Kirkby area	Based on the proposed sites in the Regulation 19 Draft Local Plan a requirement of 3 form entry (450 places) will be required in the Sutton-Kirkby area. Developer contributions will be required from all the proposed residential allocations @ £27,518 per place.	High	£12.4m	£0.65m (S106)	S106 developer contributions (100%)	NCC	ADC.	✓	✓	✓	Source Notts County Council.

Please note that whilst the IDP Schedule above refers to a 3 form entry expansion (450 places), the Council is only seeking a contribution towards 248 places, in light of the latest projection data published in October 2024, which shows an enlarged level of surplus capacity.

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13th January 2025