

Appendix 3 F – Appellant Seeking Clarification Over Education Obligation

From: Guy Wakefield <GWakefield@ridge.co.uk>

Sent: 29 November 2022 12:01

To: Middleton, James <JMiddleton@worcschildrenfirst.org.uk>; Jay Singh <jay.singh@wychavon.gov.uk>

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Subject: RE: Land north of Droitwich Spa - education contributions

Hi James,

Thanks for your assistance on this. It has made things much clearer, but I would welcome your views and/or clarification on the following points.

It appears that we are agreed that there is sufficient capacity in Witton and Westacre Middle Schools to accommodate some of the pupils arising should they wish to transfer to either of these schools in Year 5. Accordingly, it will not be necessary to make a contribution sufficient to secure a 0.05 places per dwelling in years 5 and 6 as these places already exist. I hope that you are able to provide some information on the proportion of pupils that transfer to middle schools and that we can agree a proportionate reduction on this basis.

I note that the Council now relies upon a pupil product ratio of 0.05 primary school pupils per year group per dwelling and 0.04 secondary school pupils per year group per dwelling rather than the 0.028 pupils per year group per dwelling relied upon by the Development Plan and set out in the latest Supplementary Planning Document. I don't know if you are aware but the introduction of such a new formulaic approach outside of the plan-making process is contrary to the explicit wording of the PPG 23b-004-20190901. Furthermore:

- It would not be consistent with the Development Plan as required by paragraph 14 of Securing Developer Contributions for Education,
- If it was to be applied it would mean that the Development Plan does not set out the levels of educational infrastructure required such that the Development Plan would not accord with paragraph 34 of the NPPF,
- It has not been tested at examination as required by the PPG 23b-004-20190901 and PPG 23b-013-20190315,
- Its viability has not been tested alongside the other policies of the Development Plan as required by the PPG 23b-004-20190901, PPG 23b-005-20190315, PPG 23b-011-20190315 and paragraph 14 of Securing Developer Contributions for Education.

Indeed, the consequences of the introduction of such a new formulaic approach outside of the planned system would not only be explicitly contrary to national planning policy, national planning guidance and national educational guidance it would have significant consequences for the operation of the Development Plan which would also need to be taken into account in this appeal. For example, if the number of pupils arising was to be calculated using this new approach, it would place a significantly greater financial burden on development proposals which is likely to undermine the deliverability of numerous sites and potentially the Development Plan as a whole contrary to the PPG 23b-003-20190901, PPG 23b-005-20190315 and PPG 23b-037-20190901. Similarly, the new approach assumes that a significantly greater number of children will be resident in each new home than assumed by the Development Plan, such that there will be a greater need for larger homes.

For all of these reasons, national policy and guidance are clear that should newly arising evidence demonstrate that a significantly different pupil product ratio is appropriate this should trigger a review of the Development Plan which allows the resultant need for housing and viability of policies to be considered in a holistic way, rather than being unilaterally introduced without the corresponding effects also being taken into account.

I therefore trust that as required by national policy and guidance the pupil product ratios relied upon by the Development Plan will continue to be applied, or that if the LEA seek to introduce a new formulaic approach, then agreement will be reached that the Development Plan is inconsistent with national policy and out-of-date for yet another reason.

I'm very grateful for your continued co-operation on this matter.

Kind regards

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