

Nottinghamshire County Council

Application to Modify the S106 Agreement Pursuant to
the Outline Planning Permission 2015/1376

Land at Chase Farm (Former Gedling Colliery),
Adjacent to Arnold Lane and Land Off Lambley Lane
Gedling Nottinghamshire

Planning Statement
Submitted June 2023

1. Introduction

- 1.1 Nottinghamshire County Council is applying to modify the Section 106 Agreement associated with the residential development at Land at Chase Farm (Former Gedling Colliery). It is seeking to remove the obligation for the housing developer to provide a serviced site for a primary school and to vary the terms of the primary school contribution such that it can be used towards the expansion of secondary education provision, which is necessary to support the development. This statement supports the application by providing the background and justification for the proposed modification.
- 1.2 The following sections provide the background and history in relation to the planning obligation, followed by an explanation for the proposed modification. The County Council contends that a new primary school is not required for the development to be acceptable in planning terms and that further investment into secondary school provision within the vicinity of the site is essential to mitigate the long term impact of the development on education infrastructure.

2. Background

- 2.1 Nottinghamshire County Council is the Local Education Authority for Gedling Borough and is responsible under the Education Act 1996 for ensuring a sufficiency of school places for all children of statutory school age who are resident within the Borough and whose parents want them to be educated in a state funded school. The County Council is required to produce projections of pupil demand on an annual basis based on groupings of schools and their catchment areas, known as planning areas. Planning area projections inform decisions on where and when additional places need to be provided, either through delivery of new schools or expansion of existing schools.
- 2.2 As part of this duty, the County Council will make representations to the Local Planning Authority in relation to planning proposals setting out whether developer contributions are required to mitigate the pupil demand from new housing developments on education infrastructure. The County Council seeks developer contributions in accordance with its Developer Contributions Strategy 2021 and guidance from the Department for Education 2019¹, utilising both planning obligations secured through Section 106 Agreements and the Community Infrastructure Levy (CIL), where applicable.
- 2.3 In 2016, the County Council responded to a consultation from Gedling Borough Council in relation to the outline application for a phased development of up to 1050 dwellings at Land at Chase Farm. The County Council advised that a planning obligation should be secured for the delivery a single form entry primary school and that contributions would be required through the Borough Council CIL in order to mitigate the impact of the development on secondary education facilities.
- 2.4 The County Council subsequently entered into a Section 106 Agreement which secured a primary school contribution of £3,600,000 (index linked) and a serviced primary school site of 1.2 hectares from the housing developer to facilitate the construction of a primary school to serve the development. The delivery of additional secondary school places was intended to be funded through the Borough Council CIL, as set out in its former Regulation 123 List, now Infrastructure Funding Statement.

¹ *Securing Developer Contributions for Education 2019*

3. Planning History

- 3.1 Gedling Borough Council, Nottinghamshire County Council, Keepmoat Homes and Homes England (the Parties) entered into a Deed under Section 106 of the Town and Country Planning Act 1990 dated 3rd March 2017 in relation to the hybrid planning permission issued by the Borough Council under reference 2015/1376 (the Original Section 106 Agreement): A phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads, and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from Phase 1, and future accesses from Gedling Access Road.
- 3.2 The Parties subsequently entered into a variation of the Original Section 106 Agreement dated 7 January 2019 (First Variation) to amend the definition of "Development" to include reference to "Ancillary Applications" which means the following applications for full planning permission: 2017/1018 for the replacement of plots 1,2,3,169,170 and 171, 2017/1076 for the repositioning of plots 5, 6 and 7, 2017/1275 for the re-elevation of 110 plots, 2018/0249 for the replan of plot 14, 2018/0392 for the re-elevation of 71 plots, and 2018/0684 for the replan of 30 units.
- 3.3 The Parties subsequently entered into a second variation to the Original Section 106 Agreement dated 17 August 2020 (Second Variation) to amend the definition of "Ancillary Applications" to include reference to the following planning permissions: 2019/0304 for the re-plan of plots 229, 230 and 231, 2019/0586 in respect to plot 329, 2019/0759 in respect to alteration of house types, and 2019/0696 to vary condition 2 of the original planning permission (phasing plan).
- 3.4 The Parties subsequently entered into a variation of the Original Section 106 Agreement dated 17 December 2021 (Third Variation) to amend the definition of "Ancillary Applications" to include reference to the following planning permissions: 2020/1255 for a balancing lagoon and outline permission for local shops, access and parking, 2020/0667 for the erection of 31 dwellings, and 2020/0545 for redesign and landscaping for the Urban Square.

4. The Proposal

- 4.1 The County Council is applying to remove the obligation for the developer to provide the primary school site (1.2ha) and to modify the terms of the primary school contribution (£3.6m (index linked)) to enable it to be used towards expanding secondary school capacity within the vicinity of the development. This statement sets out the County Council's justification for seeking to modify the S106 Agreement and comments on the implications of not providing a primary school at Land at Chase Farm.

Primary Education

- 4.2 The County Council produced an Education Statement in April 2016 following consultation on the proposals for Land at Chase Farm, which confirmed that the development of 1050 dwellings would yield sufficient pupils to sustain a single form entry primary school and that there was no available capacity forecasted in local schools that could accommodate the growth in pupil population. On this basis, the County Council advised that a new primary school should be provided onsite.

4.3 Since this time, the demand for school places across Nottinghamshire has evolved and the number of pupils on-roll at primary school has gradually reduced largely due to falling birth rates which has been reflected nationwide. Moreover, the County Council has supported the delivery of a new one form entry primary school at Land at Teal Close (Rivendell Academy), which has increased the supply of places within the planning area and will prevent pupils that are resident at Land at Teal Close from needing to seek a school place at existing schools in the Carlton Planning Area, thereby releasing additional capacity to support the demand from Chase Farm.

4.4 The latest pupil projection data which was submitted to and approved by the Department for Education (DfE) in October 2022 indicates that there will be a surplus of places at schools within the Carlton Planning Area over the next five years. Table 1 shows that there is forecast to be approx. 300 primary school places available across the planning area during each academic year. The projected demand is inclusive of the demand for school places anticipated from the housing at Chase Farm during the projection period (which equates to 704 of the 1050 dwellings permitted).

Table 1 – Carlton Primary Planning Area projections 2022/23 to 2026/27

School Name	Planning Area	PAN		Net ca	Proj Yea	School years						Whole school projection		
		FA	IJ			R	1	2	3	4	5	6	TOT	surplus / deficit place
Planning area summary	Carlton	615	120	4000	2022-23	501	512	535	550	502	523	533	3656	+344
Planning area summary	Carlton	615	120	4000	2023-24	523	503	520	539	555	515	532	3687	+313
Planning area summary	Carlton	615	120	4000	2024-25	499	524	507	522	538	567	521	3678	+322
Planning area summary	Carlton	615	120	4000	2025-26	505	499	528	526	521	549	574	3702	+298
Planning area summary	Carlton	615	120	4000	2026-27	513	507	505	545	528	534	556	3688	+312

4.5 It is recognised that housing developments should provide for safe and convenient cycling and walking routes to education facilities, in accordance with the Aligned Core Strategy 2014, and the ambitions of the emerging Greater Nottingham Strategic Plan, which places emphasis on the principles of the “20 minute neighbourhood” where communities can access their everyday needs with a short 20-minute walk (equating to approximately one mile). There are three primary schools within a one mile walking distance of the centre of Chase Farm (Poole Avenue), including Stanhope Primary School (0.7 miles), Phoenix Infant School (0.9 miles), and Haddon Primary School (1.0 miles). The number of places forecast to be available at each of these schools is shown in Table 2.

4.6 In Table 2, the pupil demand arising from Chase Farm (105 pupils) has been attributed to Haddon Primary School, which consequently displays a deficit of places. However, it is unlikely that all pupils would attend the same school. There is forecast to be sufficient capacity at Stanhope Primary School (+111) and Phoenix Infant School (+61) to offset the undersupply at Haddon Primary School (-51). The closest school to the development, Stanhope Primary School, is a 16 minute walk from centre of Chase Farm (Poole Avenue) and has the second largest forecast surplus capacity within the planning area, sufficient to accommodate the growth in pupil population.

4.7 A new pedestrian crossing close to the junction of the spine road into Chase Farm has been installed which will provide safe passage across Arnold Lane (A6211), thus ensuring that these local schools will be accessible via a safe walking route. There may be scope to install a further pedestrian crossing to serve the west of the development to further reduce walking distances, especially to Stanhope Primary School. It is estimated that the cost of installing a signalled crossing

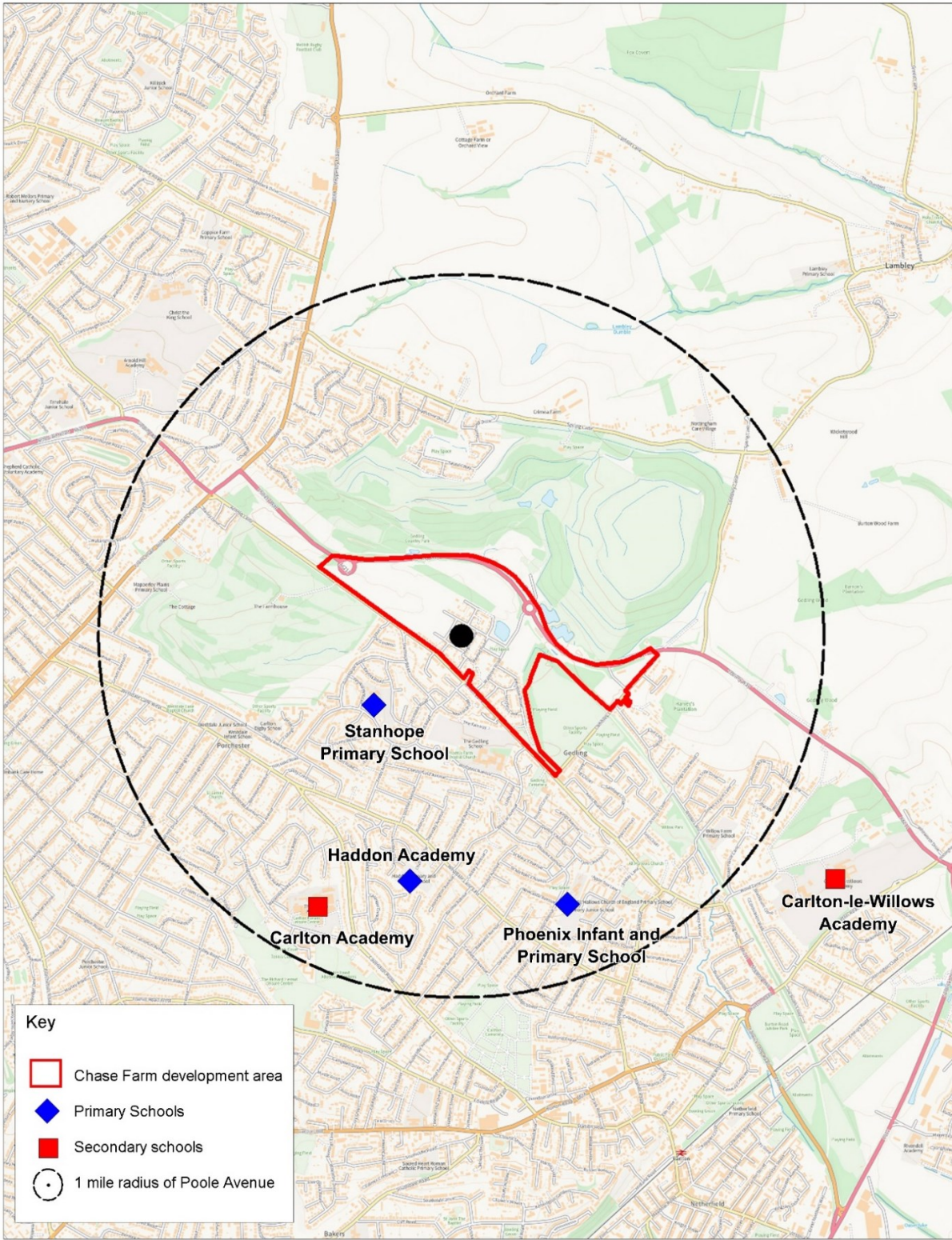
would be £100,000, plus the cost of an associated footway from the site entrance along Arnold Lane. It is proposed that this cost could be deducted from the value of the education contribution as part of the proposed modification agreement.

4.8 The County Council does not consider that the sustainability of the development at Land at Chase Farm will be undermined by the absence of a primary school onsite, or that it will conflict with the requirements of the Aligned Core Strategy or emerging Greater Nottingham Strategic Plan. The school site was reserved only on the basis that there were forecast to be insufficient school places within the locality at the time that the Aligned Core Strategy was adopted (2014) and planning application determined (2016). This was in accordance with Policy 12: Local Services and Healthy Lifestyles of the Aligned Core Strategy which supports new, extended or improved community facilities *where they meet a local need*. Given the proximity of the local schools and their projected surplus capacity, the provision of a new school onsite is not considered to be necessary to meet local need. Therefore, proceeding with the development without a new primary school would continue to accord with Policy 12 of the Aligned Core Strategy. The County Council considers that the decision to proceed with the development of a new school should be based on latest evidence of local need and the provision of a school within the site is not integral to the functionality of the development.

Table 2 – Carlton Primary Planning Area Average Five Year Projection by School

Planning area	DfE no.	School	LA / academy	District	Net Capacity	Average 5 Year Projection	Pupils from housing commitments, 5 yrs	Surplus / Deficit Places
Carlton	3018	All Hallows C of E Primary School	LA	GEDLING	150	203	3	-56
Carlton	2699	Burton Joyce Primary School	Academy	GEDLING	315	286	27	+2
Carlton	2227	Carlton Infant Academy	Academy	GEDLING	200	155	7	+38
Carlton	2226	Carlton Junior Academy	Academy	GEDLING	240	220	9	+11
Carlton	2024	Haddon Primary and Nursery School	Academy	GEDLING	210	156	105	-51
Carlton	2033	Netherfield Primary School	Academy	GEDLING	420	344	101	-25
Carlton	2234	Parkdale Primary School	Academy	GEDLING	420	409	7	+4
Carlton	2239	Phoenix Infant and Nursery	LA	GEDLING	180	118	1	+61
Carlton	2236	Porchester Junior School	Academy	GEDLING	180	172	3	+5
Carlton	2238	Priory Junior School	LA	GEDLING	233	225	1	+7
Carlton	2044	Rivendell Primary	Academy	GEDLING	210	71	0	+139
Carlton	3690	Sacred Heart Catholic Academy	Academy	GEDLING	210	212	0	-2
Carlton	3352	St John's C of E Primary School	LA	GEDLING	210	197	0	+13
Carlton	2237	Standhill Infant School	LA	GEDLING	135	131	1	+3
Carlton	2911	Stanhope Primary and Nursery	LA	GEDLING	417	305	1	+111
Carlton	2244	Willow Farm Primary School	Academy	GEDLING	210	211	2	-3
Carlton	1008	PLANNING AREA TOTAL		GEDLING	3940	3415	268	+257

4.9 The development of a new primary school in this locality would have a detrimental impact on the viability of the existing schools, which are projected to admit below their capacity. If the demand from Chase Farm (105 pupils) was removed from the projection data in Table 2, there would be a forecast surplus of 54 places at Haddon Primary School, as well as the surplus of 111 places at Stanhope Primary School and 61 places at Phoenix Infant School, which would remain intact. The County Council cannot undermine the sustainability of existing schools and any proposal to develop a new school would be susceptible to resistance from local schools and potentially the DfE.



Key

- Chase Farm development area
- ◆ Primary Schools
- Secondary schools
- 1 mile radius of Poole Avenue

**Nottinghamshire
County Council**

Chase Farm, Gedling, 'Primary and Secondary Schools'

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Secondary Education

- 4.10 The County Council's Education Statement of April 2016 identified an insufficiency of secondary school places at the catchment school, the Carlton Academy. Since this time, the County Council has funded a 300-place expansion of the Carlton Academy, which was completed in 2020, but there remains a forecast deficit of secondary school places across the planning area over the ten year forecast period, including at both the Carlton Academy and Carlton-le-Willows Academy.
- 4.11 The County Council is committed to funding the expansion of Carlton-le-Willows Academy by 450 places, which is expected to complete in time for September 2023. This additional capacity will temporarily remove the deficit of school places within the planning area during the 2023-24 academic year but would be insufficient to meet the shortfall from 2024-25 onwards, which is forecast to exceed 450 places (see Table 3). To address the residual deficit in places, the Redhill Academy Trust is proposing to expand the Carlton Academy by a further 150 places. However, this is dependent on external funding being made available. The project is anticipated to cost £6m.

Table 3 - Carlton Secondary Planning Area projections 2022/23 to 2031/32

DfE No	School Name	District	Planning area	PAN	Net cap	Proj Year	School years							Whole school projection	
							7	8	9	10	11	12	13	TOTAL	surplus / deficit places
	Planning area summary	Gedling	Carlton	470	2903	2022-23	605	547	554	529	522	241	241	3239	-336
	Planning area summary	Gedling	Carlton	470	2903	2023-24	567	613	552	555	531	268	239	3325	-422
	Planning area summary	Gedling	Carlton	470	2903	2024-25	565	573	618	551	555	276	261	3399	-496
	Planning area summary	Gedling	Carlton	470	2903	2025-26	555	569	575	624	550	288	267	3428	-525
	Planning area summary	Gedling	Carlton	470	2903	2026-27	605	561	573	575	630	287	279	3510	-607
	Planning area summary	Gedling	Carlton	470	2903	2027-28	593	610	564	571	573	316	278	3505	-602
	Planning area summary	Gedling	Carlton	470	2903	2028-29	564	598	612	561	570	297	308	3510	-607
	Planning area summary	Gedling	Carlton	470	2903	2029-30	569	568	599	610	561	296	288	3491	-588
	Planning area summary	Gedling	Carlton	470	2903	2030-31	573	570	567	595	607	289	284	3485	-582
	Planning area summary	Gedling	Carlton	470	2903	2031-32	531	572	566	560	589	312	276	3406	-503

- 4.12 Due to the prioritisation of the Gedling Access Road (GAR), the County Council has been unable to secure any funding from the Gedling CIL for the Carlton Academy. The Borough Council has ringfenced the CIL until £4.48m is collected for the GAR and, as of the end of March 2022, the proceeds collected totalled approximately £4m². This means there is no excess CIL available to support a secondary school expansion at this time. The future availability of secondary school places to support the growth in pupil population associated with Chase Farm is therefore in doubt.
- 4.13 The Carlton Academy is a 1.3 mile walk from the centre of Chase Farm (Poole Ave) and therefore within a sustainable walking distance. Carlton-le-Willows Academy is the next closest school to the development and a 1.5 mile walk from the site centre. Should the expansion of Carlton Academy not be secured then secondary aged pupils at Chase Farm would likely need to travel to secondary schools outside of the planning area, which would involve unsustainable travel patterns.

² Gedling Borough Council Infrastructure Funding Statement 2021-22

5. Conclusion

- 5.1 Nottinghamshire County Council is applying to modify the terms of the primary school contribution secured through the S106 Agreement to enable the funding to be used towards the expansion of secondary school capacity within the vicinity of the development. Since the time that the outline planning application was submitted, the demand for school places has evolved and the latest pupil forecasts indicate that there will be sufficient places at the closest primary schools to the development to accommodate the demand arising from the new housing over the next five years. As such, there is no justification for using developer funding or other public funds to build a new school which is not necessary, and which could undermine the viability of existing schools.
- 5.2 There is a forecast deficit of secondary school places within walking distance of Chase Farm, which cannot be rectified through the expansion programme at Carlton-le-Willows Academy. There is no current prospect of the County Council securing any funding towards secondary education provision through the Borough Council CIL due to the prioritisation of other infrastructure which has supported the development. Therefore, the County Council is proposing to amend the planning obligation to facilitate the expansion of Carlton Academy. Carlton Academy is the catchment school for Chase Farm and its expansion would directly benefit the residents of the new housing by ensuring there are sufficient school places within an acceptable walking distance. Failure to secure this modification will place further strain on secondary school places, resulting in a development which is not appropriately mitigated, and will place further pressure on the CIL which is already overcommitted.

