

Strategic Infrastructure

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Please ask for: Simon Excell

Phone: 01452 328479

Our Ref: SE/ND03022021

Your Ref:

Date: 03rd February 2021

Dear Mike,

RE: Emerging Local/City Plan 2011-2031 – Viability

It is acknowledged that Gloucester City Council and Tewkesbury Borough Council both submitted their emerging Plans to the Planning Inspectorate in 2020 for consideration by an independent Inspector. The hearing sessions in respect of the Tewkesbury Plan are due to commence on the 16 February 2021, with Gloucester City, I understand, still awaiting confirmation of hearing session dates.

As you are both aware, Gloucestershire County Council has sought to actively engage in recent planning appeals where the appellants have been seeking to challenge the approach to contributions, in particular education contributions. Most of these arise from a misinterpretation of the CIL charging schedules adopted for both Authorities, with appellants suggesting that the impact arising directly from proposed developments, in respect of school places, may only be addressed by CIL contributions and that contributions to meet the direct impact of a proposed development cannot be sought through a planning obligation.

This current trend in appeals has led ourselves, Gloucestershire County Council, to revisit the background documentation associated with, in particular, emerging Local Plans.

We have identified a significant issue with the viability assessments submitted in support of these emerging Local/City Plans, in that both viability assessments state “*although it is worth noting here that education costs as requirements are expected to be offsite for the allocated sites and covered by CIL.*”

This statement is factually incorrect and is inconsistent with the now superseded 123 Regulation List which sought S106 Contributions towards education when it is ‘directly related to that development’.

This is reinforced within the adopted Infrastructure Funding Statements for both Authorities which both similarly advise that **S106 Contributions** “*will continue to be sought alongside the CIL to secure infrastructure which is “necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development”*”.

The Infrastructure Funding Statements proceed to list schemes on which CIL will be spent. No education infrastructure is identified. From the Gloucestershire County Council Infrastructure Funding Statement, it is evident that no CIL contributions have been received towards any of the infrastructure requirements of the County Council to date, including education.

The viability assessments for both Local/City Plans have assumed that education infrastructure will be covered by CIL and accordingly have failed to correctly identify or address the S106 costs associated with development proposed within the Plans. Accordingly the conclusion of the assessments is considered to be unreliable and flawed.

This is a matter that needs to be addressed with some urgency given the advanced stage of your emerging Plans.

We have already requested to put forward our case at the relevant Tewkesbury Plan’s Hearing sessions and will also do so for the Gloucester City Hearing sessions, when the dates are known in due course.

We would welcome an urgent discussion on this matter.

Yours sincerely



Simon Excell
Lead Commissioner – Strategic Infrastructure

Cc: Ian Kemp – Programme Officer.