

School Places and Early Years Developer Contributions Note: June 2025

Land to the North of Whychurch Farm and West of Crudwell Road,
Malmesbury

Planning Reference: LP/2005/02257

Introduction

1. This School Places and Early Years Developer Contributions Note has been prepared in relation to Gleeson Land's outline planning application (with all matters reserved except access) for residential development, including the construction of up to 149 dwellings, new vehicular access with footways and cycleways, public open space, landscape and associated infrastructure ("the Proposed Development") at the Land to the North of Whychurch Farm and West of Crudwell Road, Malmesbury ("the Site").
2. Wiltshire Council's Department of Children & Education (Education & Skill), in its capacity as Education Authority, provided a consultation response (dated 13/06/2025) in relation to the Proposed Development ("the Education Response"). S106 contributions are sought for early years provision and primary school places. The Education Response confirms that secondary school contributions are not necessary on the basis that there is sufficient spare capacity at Malmesbury School.
3. This Note has been within the context of the National Planning Policy Framework (NPPF) (paragraph 58), and s122 of the Community Infrastructure Levy Regulations 2010 ("the CIL Regulations"), that prescribe that planning obligations must only be sought where they meet all of the following tests:
 - (1) Necessary to make the development acceptable in planning terms.
 - (2) Directly related to the development; and
 - (3) Fairly and reasonably related in scale and kind to the development.
4. Having reviewed the Education Response, Gleeson Land accepts that the early years s106 contributions sought meets the CIL Regulations tests.
5. However, based on the information provided within the Education Response the primary school s106 contributions being sought currently fail the 'necessary' CIL Regulations test. This Note sets out our position and sets out the information required from the Education Authority in order demonstrate the contributions sought are 'necessary'.

Education Authority's Position

6. For ease of reference a copy of the Education response is included as **Appendix 1**. However, a summary of the relevant primary school points referred to in this note are provided below:
 - (a) The Proposed Development will generate need for 41 primary school places.
 - (b) The existing primary schools within 2 miles of the Proposed Development have a combined net capacity of 639 places.
 - (c) The January 2025 School Census showed the Number on Roll (NOR) to be 491 pupils.
 - (d) The Education Authority's latest primary school forecast peak at 484 places.
 - (e) The Education Authority outlines that there 185 primary school places are required in the area to meet the needs arising from housing registered / approved ahead of this application [the Proposed Development].

Gleeson Land's Position

7. It is accepted that the Proposed Development is projected to generate need for 41 additional primary school places. This being based on 131 qualifying homes x 0.31 pupil yield ratio. Qualifying homes being total homes less affordable homes (40%).
8. The Education response outlines there are two 'designated area' primary schools. However, there are three primary schools within two-mile distance of the Proposed Development. Collectively these primary schools have a total net capacity for 780 pupils. This reduces to 741 pupils based on the 95% of net capacity threshold – the point at which schools are deemed to be at fully operating capacity.

Primary	Status	Published Net Capacity	95% of Net Capacity
Malmesbury CE Primary School	Academy	420	399
Lea and Garsdon CE Primary School	Voluntary Controlled	210	200
St Joseph's Catholic Primary School	Voluntary Aided	150	143
Total Capacity (places)		780	741

Lea and Garsdon CE Primary School

9. With regards to the Lea and Garsdon CE Primary School it is accepted that it falls within the rural Malmesbury area. However, the Wiltshire School Place Plan 2023-27 confirms this school meet needs from Malmesbury town:

“Of these rural schools, Lea and Garsdon CE Primary School is the closest to the town and admits a number of town pupils for whom there is a daily school bus service. Lea and Garsdon CE Primary has been expanded to 1FE to create the additional places needed to meet demand from the town.”
10. The Education response refers to an aggregated capacity of 639 places within 2 miles of the development site [the Site]. This aggregated capacity appears to relate to the combined capacity of Malmesbury CE Primary School (420 PAN) and Lea and Garsdon CE Primary School (210 PAN).
11. A review of the latest available Department for Education (DfE) school capacity data indicates that the Lea and Garsdon CE Primary School had 74 unfilled places (35% of total net capacity) for the 2023/24 academic year. This reduces to 63 unfilled places before the 95% of total net capacity threshold is reached.
12. Based on Wiltshire pupil yield assumptions, around 334 additional dwellings would be required to yield need for 74 primary school places. Around 284 additional dwellings would be required to yield need for 63 primary school places.

St Joseph's Catholic Primary School

13. It is accepted that St Joseph's has a practising catholic families admissions policy so has a much wider than usual catchment area. However, it would be flawed to assume that no primary school aged children associated with the Proposed Development would attend St Joseph's.
14. The latest available DfE data indicates that St Joseph's Catholic Primary School had 56 unfilled places (38%) for the 2023/24 academic year. This reduces to 48 unfilled places before the 95% of total net capacity threshold is reached.
15. This indicates there are unfilled places at St Joseph's Catholic Primary School that practising catholic families within the Proposed Development could utilise.

Unfilled Capacity

16. Notwithstanding unfilled capacity at St Joseph's, the figures provided within the Education Response suggest that against the forecast peak (484 pupils) there are 123 primary school places available before the 95% of net capacity threshold is reached (capacity: $639 * 0.95 = 607 - 484$ forecast peak).
17. However, the Education Response infers that 185 places are already required to meet needs arising from housing registered / approved ahead of the Proposed Development. No information is provided as to which developments contribute to this 185 place need. Drawing on the Education Authority's pupil yield assumptions, around 835 dwellings would be required to fill 185 primary places.
18. Analysis of planning history records for housing developments suggests there have only been three planning applications not listed within the Wiltshire Housing Land Supply Statement: April 2022. The relevance of the HLS Statement April 2022 being that it contains the trajectory of housing commitments that we understand underpin the forecast referred to in the Education Response. Collectively these three developments comprise 168 dwellings. A review of the planning history records for these three sites show the anticipated pupil yield for the qualifying homes being 42 primary places.

Site Name	Planning Reference	Dwellings	Pupil Yield
Land West of Milbourne, Malmesbury	PL/2023/04996	92	25
Land off Park Road	19/05898/OUT	50	11
Land South West of Park Road	20/08341/OUT	26	6
Combined Total		168	42

19. A review of planning history records within the Malmesbury confirm that in addition to the developments already informing the pupil forecast, there are three developments that collective are expected to require 42 primary school places. These three developments would reduce the unfilled places total to 81 places (123 unfilled places – 42 new places = 81 residual unfilled places).
20. A residual of 81 residual unfilled primary school places is considered a minimum given that St Joseph's Catholic Primary School had 56 unfilled places (38%) for the 2023/24 academic year.
21. The Proposed Development is expected to generate need for 41 primary school places. This appears to be a level of need that can be accommodated in full within the existing primary school headroom (81 unfilled places – 41 places from the Proposed Development = 40 residual unfilled places).
22. With sufficient unfilled primary school places to meet the needs arising from the Proposed Development it would not be deemed 'necessary' against the CIL Regulations test to seek s106 contributions towards primary school places.

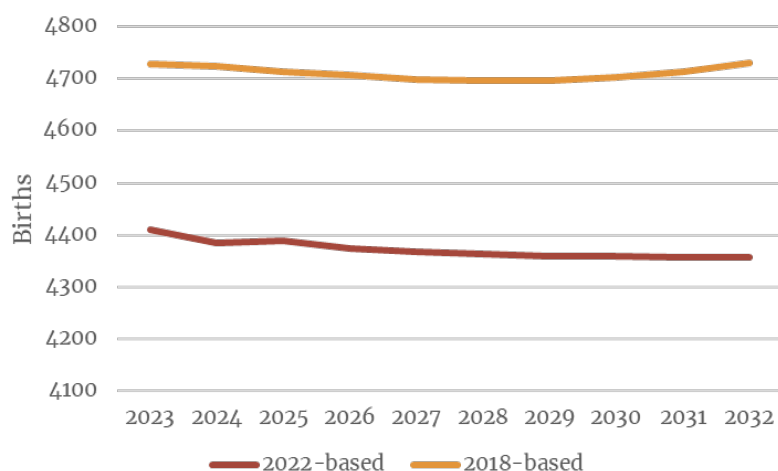
Declining Birth Rate

23. With regard to birth rates the Wiltshire School Places Plan 2023-2027 outlines:

“The number of births reported by the Health Authority in the Malmesbury area shows the birth rate peaked in 2012/13 and after a drop in 2013/14 was then fairly constant until 2017/18. The figures reported from 2018/19 show a marked decline.”
24. The section covering 'Implications for Primary Provision from 2022/23 also highlights that additional demand from new housing in Malmesbury is expected to be partially offset by the declining birth rate.
25. In mid June 2025 the Office for National Statistics released the 2022-based sub national population projections. Projected birth over the first 10-years continues the downward trend. Births dropping from 4,408 in 2022 to 4,356 in 2032. Compared to the 2018-based projections (that are likely to have underpinned the Wiltshire forecast) it is noted, as illustrated within the graphic below, that Wiltshire's projected births

within the 2022-based projections are notable lower previously projected. The lower projected number of birth will naturally result in lower forecast demand for primary school places.

Wiltshire Births (Projected): 2023 to 2032



Source: ONS 2018-based and 2022-based SNPP and Gleeson Land analysis

Conclusion

26. For primary school s106 contributions to be considered ‘necessary’ under the CIL Regulations, the Education Authority would need to provide:
- i) Details of the extent to which unfilled places at St Joseph’s RC Primary School have been taken into consideration as part of the capacity calculation.
 - ii) Confirmation that sites within the Wiltshire Housing Land Supply April 2022 trajectory have informed the school place forecasts.
 - iii) Confirmation that up-to-date trend and projection data on Wiltshire’s declining birth rate has been appropriately taken into account when considering exiting primary school capacity.
 - iv) A comprehensive schedule of registered / approved housing developments that have not informed the school place forecast.