

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(as amended)**

**Appeal by Hargreaves Land Limited, G. N. Wright,  
M. M. Wood, M. J. Wood, and J. D. Wood**

**LAND NORTH OF HEMINGFIELD ROAD,  
HEMINGFIELD, BARNSELY**

**EDUCATION MATTERS**

**Barnsley Metropolitan Borough Council**

**SUMMARY EDUCATION PROOF OF EVIDENCE**

**Ben James Hunter**  
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PINS Reference: APP/R4408/W/25/3359917

LPA Ref: 2024/0122

Date: 8<sup>th</sup> May 2025

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**1 Background**

1.1 My name is Ben James Hunter. My qualifications and experience are detailed in my main Proof of Evidence dated 6<sup>th</sup> May 2025.

1.2 I was instructed by the Appellant to prepare a Proof of Evidence to assist the Inspector in determining whether the education contribution requests from BMBC fulfilled the tests of CIL Reg 122 (2). This is the Summary Proof.

**2 Summary of Evidence**

2.1 The Barnsley Metropolitan Borough Council (“BMBC”) education team has provided the following request for planning obligations in relation to education:

Number of Dwellings	Pupils per 100 houses	Pupil Yield	Cost per Place	Total Amount
<b>Primary</b>				
165	21	35	16,000	560,000
180	21	38	16,000	608,000
<b>Secondary</b>				
165	15	25	16,000	400,000
180	15	27	16,000	432,000

*Table 1: BMBC Education Planning Obligation Request*

2.2 Further data was provided by BMBC officers to support their request for education planning obligations, as reproduced below in Table 2. The request for planning obligations is not supported by this data. Indeed, the Councils own information identifies a considerable quantum of surplus places currently in the school system, and forecast in the future:

Primary				Forecast NOR					
School	Distance from Development (miles)	PAN	Capacity	24/25	26/27	27/28	28/29	29/30	30/31
The Ellis CoFE ((VA)) Primary School	0.4	30	210	203	203	202	201	198	195
Jump Primary School	1.2	30	210	213	213	208	204	203	198
Kings Oak Primary Learning Centre	1.3	60	420	406	406	398	387	374	356
High View Primary Learning Centre	1.3	60	420	410	410	412	408	415	404
Greenfield Primary School	1.7	40	280	264	264	248	234	223	216
Wombwell Park Street Primary School	1.7	45	315	309	309	298	309	318	321
		<b>265</b>	<b>1,855</b>	<b>1,805</b>	<b>1,805</b>	<b>1,766</b>	<b>1,743</b>	<b>1,731</b>	<b>1,690</b>
Surplus or Shortage of Places (no.)				50	50	89	112	124	165
Surplus or Shortage of Places (%)				2.7%	2.7%	4.8%	6.0%	6.7%	8.9%

  

Secondary				Forecast NOR					
School	Distance from Development (miles)	PAN	Capacity	24/25	25/26	26/27	27/28	28/29	29/30
Netherwood Academy	2	320	1,600	1,318	1,341	1,411	1,436	1,441	1,406
Kirk Balk Academy	2.4	270	1,350	1,334	1,348	1,356	1,349	1,345	1,312
		<b>590</b>	<b>2,950</b>	<b>2,652</b>	<b>2,689</b>	<b>2,767</b>	<b>2,785</b>	<b>2,786</b>	<b>2,718</b>
Surplus or Shortage of Places (no.)				298	261	183	165	164	232
Surplus or Shortage of Places (%)				16.1%	14.1%	9.9%	8.9%	8.8%	12.5%

Table 2: BMBC School Forecast

2.3 What the two Tables above demonstrate is that the development is expected to accommodate a maximum of 38 and 27 primary/secondary school aged children respectively when fully built out; however, there is expected to be as many as 165/232 spare places respectively in schools that could serve this development. On that basis, the need for planning obligations towards additional infrastructure provision is entirely unjustified.

2.4 To summarise the primary school position, which is dealt with in detail in the main Proof of Evidence:

- A development of up to 180 dwellings is expected to accommodate a maximum of 38 primary school aged children on site when fully built out;
- Across Barnsley, birth numbers are falling, and in 2023 they were the lowest they had been in over two decades;
- The closest primary school to this development is having its numbers inflated by pupils attending from outside of the administrative area;

- The six closest schools to this development site had, as of the 2023/24 academic year, 61 spare places, which exceeds the child yield of this site;
- BMBC confirm in their consultation response that roll numbers are expected to fall, so that by the 2030/31 academic year the six closest schools to this development are forecast to have 165 spare places, which is over four times the child yield of this development, and also exceeds the child yield of the rest of the safeguarded land of circa 520 dwellings (the very top end, based on the Council's SHELAA, which is 109 primary school aged children);
- When assessing the trends in pupil demand at Primary Planning Area level, the two Primary Planning Areas that contain schools that could directly serve this development are forecast to have a combined 639 spare places, which is the housing equivalent of over 3,000 dwellings prior to any expansion being required; and
- The request for planning obligations demonstrably deviates from BMBC's own SPD on education planning obligations and is therefore contrary to their own Policy.

2.5 On the basis of the above, primary school planning obligations are clearly not necessary to make the development acceptable in planning terms, and should therefore not be a requirement of the Section 106 Legal Agreement.

2.6 To summarise the secondary school position, which is also dealt with in detail in the main Proof of Evidence:

- The existing spare capacity in the two schools that directly serve this development have almost five times the child yield of 520 dwellings, which itself is an absolute worst-case scenario;
- BMBC is expecting the schools to have spare capacity into the next decade; and

- In the longer term, the numbers working through the Primary School phase are lower, and this any minor increase in roll numbers is expected to be short-term.

2.7 On the basis of the above, secondary school planning obligations are clearly not necessary to make the development acceptable in planning terms, and should therefore not be required in the Section 106 Legal Agreement.

### 3 Conclusion

3.1 BMBC has provided evidence to the Appellant which demonstrates that planning obligations are clearly not necessary to make the development acceptable in planning terms. This is because, from both a primary and secondary school perspective, the number of spare places far exceeds the child yield of the development when fully built out, as well as the totality of the safeguarded land site.

3.2 The request for Planning Obligations from BMBC is directly contrary to their adopted SPD, which outlines the methodology for which the planning obligations should be secured, and requires existing school surpluses to be taken into account.

3.3 The above Summary Proof of Evidence, and the related full Proof of Evidence, therefore confirms two points: firstly, that planning obligations are not CIL Reg 122 (2) compliant and should therefore not be set out in the Section 106 Legal Agreement; and second, that there is no primary or secondary school reason why this development cannot be granted planning permission.

Signed:



**Ben Hunter**

Associate Director – Education and Social Infrastructure  
EFM

8<sup>th</sup> May 2025