
**Town and Country Planning Act 1990 Section 78 Appeal
Following the Non-determination of a Planning
Application by Shropshire Council for development at
LAND AT PATSHULL ROAD, ALBRIGHTON, SHROPSHIRE**

**Rebuttal to Education Proof of Evidence by Rachel
Reynolds**

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CONTENTS

1.0	Introduction and Scope.....	3
2.0	Changes to the NPPF	4
3.0	Summary Of Key Points of Disagreement	5
4.0	Need for Additional School Places	6
5.0	Conclusion	15

1.0 INTRODUCTION AND SCOPE

- 1.1 This document response to the Proof of Evidence submitted by Rachel Reynolds on behalf of Shropshire Council “the Council”.
- 1.2 This rebuttal focusses on matters relating to secondary education demand, the need for a school site, the deliverability of new school places and the pupil yield methodology for SEND pupils.
- 1.3 These matters are responded to in the context of the statutory responsibilities of the Council with Section 14 of the Education Act 1996, paragraph 100 of the National Planning Policy Framework (NPPF), Department for Education (DfE) national guidance for local authorities and Regulation 122(2) of the CIL Regulations.
- 1.4 Firstly, I will summarise the key points of disagreement. I will then respond to each main point raised by Ms Reynolds in her Proof of Evidence. Finally, I will clarify the correct position with regards to education infrastructure and planning obligations relating to Education.

2.0 CHANGES TO THE NPPF

- 2.1 The newly published revision to the NPPF in August 2026 contains several sections that relate to the provision of education and community infrastructure.
- 2.2 Policy HC1 (a) states that development plans should be informed by an understanding of existing deficits in the availability of community facilities and public service infrastructure, and additional requirements expected over the plan period arising from proposed development and wider changes to the local population.
- 2.3 This policy supports the need for an education demand model and robust evidence base to be used to forecast school place demand arising from planned housing and for sufficient sites to be available to support the need for additional school places.
- 2.4 Policy HC3 (1a and b) reinforce the need for proposals to be informed by the understanding of the need for any associated improvements and provide for new or improved community facilities and public service infrastructure to make the development acceptable in planning terms. This policy supports the Appellant's approach in providing a Service Secondary School Site.
- 2.5 Policy HC4 (1) highlights that substantial weight should be given to the benefits where new and improved public service infrastructure or community facilities would be provided.
- 2.6 Policy HC4 (2) highlights that local communities should be engaged in the design of proposals and that LPAs should collaborate with developers in a positive and proactive manner.
- 2.7 All of these new policies are strongly relevant to the Appellant's scheme that provides substantial contributions to education infrastructure and a serviced secondary school site.

3.0 SUMMARY OF KEY POINTS OF DISAGREEMENT

The points of disagreement relating to Education matters for this development are:

3.1 Need for additional Secondary Education Places – the Council has consistently stated that there is no need for additional secondary school places on a new school site. The Council’s position is that additional housing will not generate demand for a new secondary school site to house secondary place demand of any type. The Appellant’s position is that the only secondary school in this part of Shropshire does not have the capacity, physical space or support of the Academy Trust for an expansion that could accommodate the deliverable housing in this area and a secondary school site within the proposed development is necessary.

3.2 Deliverability of a Secondary Education project on the Proposed Site – the Council has stated that they do not believe that a viable new secondary school could be delivered on the secondary school site and that DfE policy would not support a small secondary school. The Appellant has put forward a range of solutions and set out the funding mechanisms that the Council has available to deliver a sustainable scheme when it is needed.

4.0 NEED FOR ADDITIONAL SCHOOL PLACES

Level of Development

- 4.1 Paragraphs 5.1 and 5.2 of Ms Reynolds' proof of evidence sets out that the 112 secondary pupils generated by the development is insufficient to justify a new secondary school. This is not disputed but has never been the basis for why a serviced secondary school site has been offered by the Appellant.
- 4.2 The school site is needed to accommodate demand from multiple, deliverable housing sites. This is the basis of sound strategic planning for housing and to underpin sustainable development.
- 4.3 No single development is ever likely to generate demand for a standalone secondary school. This does not mean that secondary school sites should not be reserved within developments.
- 4.4 The Appellant has been proactive in identifying the unusual characteristics of this part of Shropshire where there is no secondary school within six miles of Albrighton. This is well beyond the statutory travel distance of three miles.
- 4.5 In addition, the only secondary school, Idsall School, is close to the administrative border of two other local authorities and is operating close to capacity. The Appellant has responded to this situation by providing a large reserved, serviced school site that can accommodate the long-term secondary education need for this development and others in the area.
- 4.6 Paragraphs 6.1 and 6.2 of Ms Reynolds' proof of evidence set out that the Council has reviewed current and relevant planning applications in the area and does not identify pupil yields at the level suggested by the Appellant in the SoCG.
- 4.7 Ms Reynold's Proof does not contain any data that supports her assessment that the likely level of development is not equivalent to the level set out in my Proof of Evidence.

- 4.8 Appendix A of my Proof of Evidence sets out a list of housing sites and planning references that are recent, deliverable and within the zone of influence of Idsall School and the Proposed Development. These sites will undoubtedly generate secondary pupil place demand that will significantly impact on demand at Idsall School.
- 4.9 Shropshire Council has been responding to these recent applications by requesting full education contributions for primary and secondary places generated by each development. It is not credible that the secondary pupil yield for these new developments can be absorbed by Idsall School.
- 4.10 My analysis of secondary pupil yield from known housing sites is conversative as it excludes the possibility of any additional speculative sites coming forward between now and when a new Local Plan is adopted. The site allocations from the withdrawn Local Plan are included within the analysis, as these are highly likely to be sites retained and supported for new housing. The level of new housing in the area will not be lower than that set out in the withdrawn Local Plan.
- 4.11 It is essential that infrastructure requirements to support Local Plans and long-term development are based on a robust evidence base. Ms Reynolds' proof does not contain any evidence that the Council has developed an education demand model or a school organisation strategy that considers likely demand and the long-term growth of communities in this part of the borough.
- 4.12 For the reasons set out in detail in Sections 3 and 4 of my Proof of Evidence, it is not viable for Idsall School to expand to accommodate this level of additional demand, so a new school site is needed.

Admissions and Cross Border Movement

- 4.13 Paragraphs 4.3 and 4.4 of Ms Reynolds' Proof of Evidence set out that over 33% of pupils attending Idsall School at the time of the Spring 2026 census lived

outside of Shropshire. The Appellant had requested the base data and postcode information in a Freedom of Information request submitted to the Council in order to be able to review the data, but this data had not been provided by the Council by the time that evidence was exchanged and has not been able to be reviewed.

- 4.14 The Council's position is that these pupils from other local authorities would increasingly be denied places in Year 7, as demand increases from areas inside Shropshire.
- 4.15 This is undoubtedly true, however local authorities have responsibilities to coordinate on cross border movement to ensure that pupils on both sides of the administrative borders are not disadvantaged and give rise to unintended consequences with rising transport costs on both sides of the border and long travel distances for young people.
- 4.16 The Council would not be acting in accordance with the national guidance on dealing with cross border movement (see paras. 4.13 to 4.15 of my Proof of Evidence).
- 4.17 Additionally, their strategy of relying solely on Idsall School for all secondary provision in the future, even if it were physically possible to accommodate this level of demand, does not provide any diversity in the choice of places available. This would appear to be contrary to Section 14 3(a) of the Education Act 1996.

Idsall School Expansion

- 4.18 I note that there is no evidence presented by Ms Reynolds that Idsall School can or will expand to accommodate additional secondary pupil place demand.
- 4.19 Paragraph 4.3 of Ms Reynolds' proof appears to suggest that all secondary place demand will be met by denying pupil places to young people who reside

close to Idsall School, but just over the administrative border into Telford and Wrekin. There is no acknowledgement of the consequences of this approach for young people or how this would align with national guidance and legislation.

- 4.20 In paragraph 5.4 of her proof, Ms Reynolds references a planned expansion of secondary education provision. No details are provided on the size and location of a planned expansion, whether the Multi-Academy Trust has approved such an expansion, whether Secretary of State approval has been sought for an expansion of the academy or when an expansion will take place.
- 4.21 If an expansion has been planned as an onsite expansion at Idsall School, this would be contrary to the public statements made by the current Head Teacher (see Appendix C of my proof of evidence).
- 4.22 There is no reference in Ms Reynolds' proof of evidence to the need to maintain any level of operational surplus or as to how the considerable number of additional post-16 pupils would be accommodated at Idsall School.
- 4.23 In paragraph 3.3, Ms Reynolds highlights that 40 post-16 pupils will be generated by the Proposed Development, but this is not factored into the assessment of additional place need anywhere else within her proof of evidence.
- 4.24 Cumulative demand for additional post-16 places from all known and deliverable developments in this area will outstrip available capacity at Idsall School. This must be factored into capacity assessments and the strategy for 11 to 18 provision. Small sixth forms are not viable, and an expansion of school based sixth form provision at Idsall School is likely to be the best solution for additional cumulative post-16 demand.
- 4.25 This is likely to place further pressure on teaching and support space for Year 7 to Year 11 pupils at Idsall School. It reinforces the view that new provision for Year 7 to Year 11 pupils at the Proposed Development, potentially as a

satellite site for Idsall School or as new standalone mainstream and SEND provision, could be the best long-term solution for this area. This would only be possible with the secondary school site being provided within the Proposed Development.

Viability of New Secondary Provision

- 4.26 It is agreed that the secondary pupil yield from the Proposed Development is not enough to underpin a viable secondary school. This does not mean that Secondary School Site should not be provided at the Proposed Development to meet the needs of the Proposed Development and other housing development in the area.
- 4.27 As set out in paragraphs 3.15 to 3.18 of my proof of evidence, the secondary and post-16 yield from recently approved developments and identified site allocations is 536 pupils.
- 4.28 This is a conservative estimate as it does not include the effects of any additional speculative sites that may come forward and be approved before the new Local Plan is adopted and only considers sites within three miles of both Idsall School and the Proposed Development. It is likely that new housing beyond these distances will exert further pressure on secondary places.
- 4.29 Paragraph 5.3 of Ms Reynolds' proof of evidence references the non-statutory Department for Education document on Securing Developer Contributions for Education. There is a statement in the non-statutory guidance note about the sizes of new schools that the Secretary of State is likely to support. This is two forms of entry for primary and four forms of entry for secondary.
- 4.30 This is not an absolute statement and in practice, the Secretary of State is approving provision smaller than these sizes where it is demonstrated to be financially viable. For example, there are multiple new primary schools being approved with one form of entry and being future-proofed for additional

expansion, where necessary. An example is Woodford Primary School in Stockport.

- 4.31 Similarly, there are many examples of Funding Agreements being approved and signed by the Secretary of State for Education for secondary provision that is smaller than four forms of entry (600 pupils).
- 4.32 All new maths schools (standalone academies) have been approved and opened in the past five years with substantially less than 600 pupils. Some of the smallest have less than 150 pupils and receive less base revenue funding per pupil, as they cater for 16 to 18 year-olds. The largest has a capacity of just 260 pupils (Lancaster University School of Mathematics) and was a project that I led from business case to opening.
- 4.33 Additionally, I am leading the development of several new schools across England that are all-through academies within new strategic housing developments. Examples are a new all-through school at Handforth Garden Village in Cheshire East, a new all-through school in Harborough (Leicestershire) and a new three forms of entry, expandable Year 7 to Year 11 standalone secondary school being planned in Market Harborough. These schemes are all being scoped to viably operate as small schools but are scalable to expand in size over time.
- 4.34 There is no evidence that the Department for Education would not support a financial plan for new secondary provision on the Proposed Development if the new provision showed a credible plan for meeting the minimum viable number of pupils.
- 4.35 Given the number of pupils currently living in Albrighton and travelling long distances to attend Idsall School, it is highly likely that new provision would meet the minimum viable number in the medium term and allow demand to be balanced across this part of the borough, without displacing pupils who live in Telford and Wrekin but close to Idsall School.

- 4.36 The above statements do not factor in the strong case for developing new SEND provision with additional mainstream provision. This would further increase the viability of new provision on the school site within the Proposed Development and align with current Department for Education policy, as well as substantially reduce transport costs for the local authority.
- 4.37 Paragraph 5.6 of Ms Reynolds' Proof of Evidence states that educational need must be demonstrated through robust evidence. My view is that the Appellant has done this by reviewing the deliverable housing developments, school place capacity and all publicly available information. In contrast, the Council has not presented any evidence on an education demand model for the area or credible plans for how secondary pupil place demand can be met at existing sites.

Deliverability of New Provision

- 4.38 Paragraph 5.9 states that the Council has no capital programme, basic need allocation or operational strategy for delivering new secondary school provision on the site.
- 4.39 As set out in paragraph 7.6 of my Proof of Evidence, the Council retained CIL Receipts of £33.7m at the end of 2025 and this amount will continue to rise substantially with the level of new housing being approved and planned in the area. This is further reinforced with the recent planning reforms being enacted by the UK Government.
- 4.40 Education Officers have been requesting education contributions for the full pupil yield for most new housing developments in the area and setting out their case for CIL monies to be allocated for new provision and expansions to existing provision. The Council can use monies already held and those that will be received to fund the construction of new provision at the Proposed Development.

- 4.41 In addition, the Council has received capital monies through the High Needs Capital Funding allocation, and this can also be used for new SEND provision at the Proposed Site.
- 4.42 As set out in paragraphs 5.3 and 5.4 of my Proof of Evidence, the Council is currently spending over **£21 million each year** on home to school transport and over £17 million of this figure is on SEND home to school transport.
- 4.43 The development of new permanent provision at the Proposed Development could be justified on the basis on an invest to save scheme. The Council could save substantial sums in their revenue budget through borrowing capital funds through a range of mechanisms supported by the UK Government if there is an affordability gap once CIL monies and capital grants have been applied.
- 4.44 The reference to the Council having no capital programme is surprising as school expansions appear to be planned in several areas of the borough.
- 4.45 The land meets Regulation 122(2) as it directly relates to the Proposed Development, is clearly necessary as Idsall School is beyond reasonable travel distance with no clear plan for expansion and is fairly related in scale and kind.

Status and Use of Secondary School Land

- 4.46 Paragraph 5.10 of Ms Reynolds' Proof of Evidence suggests that the land would transfer into public ownership and would remain undeveloped with no education function.
- 4.47 This is not the case, as the School Site would remain with the Appellant until the Council serves a School Land Notice. The Appellant would be responsible for maintaining the land until such time as the Council serves the School Land Notice and there would be no ongoing maintenance or security costs for the Council until the site transfers or if the Council chooses not to serve the School Land Notice. This will be set out in the Section 106 Agreement.

4.48 The School Land would be maintained by the Appellant and would remain in agricultural use. I am informed that the education site is sufficient in size such that it would be viable to continue in agricultural use until the Council served a School Land Notice.

5.0 CONCLUSION

- 5.1 I have reviewed the Education Proof of Evidence submitted by Ms Reynolds on behalf of the Council.
- 5.2 I am satisfied that there is no evidence presented that changes my view about the need for a Secondary School Site to be provided within the Proposed Development.
- 5.3 The Secondary School Site is needed to provide a deliverable solution for secondary school place need generated by the Proposed Development and other known and approved, deliverable housing developments in the area.
- 5.4 There is no evidence presented by the Council that they have undertaken an education demand analysis exercise for the wider area to support the new Local Plan or to identify the education infrastructure needed to support speculative developments and recent consents.
- 5.5 There is no evidence presented by the Council that there is a deliverable school expansion project at Idsall School or that the Marches Academy Trust and school leadership support such an expansion.
- 5.6 There are deliverable solutions for new secondary provision and for SEND provision on the Secondary School Land at the Proposed Development.