

EDUCATION PLANNING OBLIGATIONS POLICY

Version 1.7

Produced by People Directorate, School Organisation Team

the knot unites



Context

1. New housing development often places pressure on existing infrastructure. This infrastructure includes: facilities such as roads, parking, landscaping and affordable housing, as well as services such as the provision of education, social services, libraries, recreation, leisure, police and fire and rescue.
2. Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, sets in place the statutory basis for obtaining funding from developers, through Planning Obligations. S106(1)(d) specifically allows for the making of payments to Local Authorities on a specified date or dates or periodically.
3. The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities (LPA) and decision-takers both in drawing up plans and as a material consideration in determining applications. The NPPF was published in March 2012 and replaces, inter alia, Circular 05/2005: Planning Obligations. The NPPF sets out the Government's planning policies for England, how these are expected to be applied and how the planning system is to contribute to achieving sustainable development.

4. The NPPF states in paragraph 162:

“Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands”.

5. The NPPF states in paragraph 72:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted”.

6. The NPPF states in paragraph 204 that planning obligations should only be sought where they meet the 3 tests outlined in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 as amended:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

7. The NPPF states in paragraph 176:

the knot unites



STAFFORDSHIRE COUNTY COUNCIL EDUCATION PLANNING OBLIGATIONS POLICY

“Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.”

8. The NPPF states in paragraph 38:

“For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.”

9. The NPPF gives guidance to local councils in drawing up local plans and on making decisions on planning applications. The Government aim is for every area to have a clear local plan reflecting the vision and aspirations of local communities, consistent with the framework and against which planning applications for planning permission will be judged.
10. LPAs must prepare a local plan which sets out planning policies in a local authority area and planning decisions must be taken in accordance with this plan unless material considerations indicate otherwise. Independent planning inspectors must assess all local plan documents that local authorities in England prepare for an examination. The process should have fully involved everyone who has an interest in the document and they should have had the chance to comment.
11. The County Council will continue to work closely with all 8 Borough/District Councils and respond as appropriate to each Local Plan consultation. All of the Draft or Adopted Local Plans recognise that where appropriate additional education infrastructure will be necessary to mitigate the impact of residential development over the period of the Local Plan.
12. Staffordshire County Council does not have sufficient resources to construct buildings and other infrastructure to keep pace with the rate of new development. Therefore in keeping with the legislation, contributions towards providing additional educational infrastructure have been, and continue to be sought from developers, in response to Local Plan Consultations and through Planning Obligations.

Procedure

13. The County Council will identify and obtain planning applications from LPAs for any residential development which falls within one of two thresholds. The thresholds are a residential development of 10 or more dwellings, or a site of greater than 0.2 hectares.

the knot unites



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

14. Upon receipt of a planning application the School Organisation Team considers how many additional pupil places the development will add and undertakes a detailed review of local school places and pupil projections.
15. Where there are projected to be insufficient places available at local schools the LPA will be advised of the necessary education infrastructure required to mitigate the impact of the development and the likely associated costs. Developers will be expected to contribute financially towards any shortfall in places that are directly related to the development.
16. Where the level of development on one or more sites in an area is of sufficient size to exceed the capacity of the existing provision the County Council requires the developers to fund the construction of a completely new school and provide the necessary land, access and relevant services.
17. Where a school place strategy has been identified and fully costed to increase the capacity of an existing school(s) to accommodate the children generated by residential development(s), the necessary education contributions for a particular development will be based on this. This will include where applicable the necessary additional land, access and relevant services.
18. In order to achieve the short deadlines for responses to planning application consultations, it may be necessary to calculate an education contribution utilising the building cost multipliers (see Annex 2). However, we reserve the right to amend the necessary education contributions at a later date if/when a school place strategy has been finalised.
19. The County Council will put in place policies to ensure forward planning of future needs for school facilities against local plan residential allocations and windfall potential. To ensure fairness, proportionate contributions will be sought from those developments, which in combination with other proposals, lead to a requirement for additional facilities taking into consideration the relevant legislation.
20. In determining the number of children expected from any proposed development consideration is given to local factors including analyses of completed developments and therefore the child yield calculated may be different than that stated in Annex 1. The calculation is applied pro rata depending upon the number of houses proposed.
21. Local spare capacity in existing schools where relevant may be taken into account and may reduce or even avoid the need for contributions.
22. The majority of Staffordshire schools include residence in the school's catchment area as a high priority when determining who is to be offered a school place.
23. The number of pupils at the schools will normally be the projected roll in the academic year three years after the planning application has been received. The County Council reserves the right to use a longer projection period where other factors are known. The projection will exclude the effects of the proposed development being considered.



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

24. The County Council uses the standard Department for Education (DfE) “Net Capacity Method” formula to determine the number of pupils that a school can accommodate in permanent buildings. Temporary accommodation will be excluded from the formula.
25. The number of pupils arising from a new residential development will be based on figures obtained from the 2001 Census. (See Annex 1.)
26. The amount of money per place will be based on the latest DfE cost multipliers. Where the figures have not been updated by the DfE they may be adjusted in line with rates of inflation and the updated policy will be publicly available (see Annex 2).
27. Each planning application will be treated individually but taking into consideration a holistic view based on the relevant Borough/District Local Plan. Factors which may lead to an adjustment to the above calculation include:
 - (a) Specialist accommodation for elderly persons e.g. sheltered housing will normally be excluded from calculations
 - (b) Developments of purely one and two bedroom flats will normally be excluded.
 - (c) Social or Affordable housing. Following a planning appeal decision at Hounslow, there can be no request for secondary places from social/affordable housing under nomination from the district council or a registered social landlord. However, primary places will be still included in the calculation. “Affordable” housing offered on the open market will be included.
 - (d) Catholic pupils will be taken into consideration in the calculation.
 - (e) Pupils going into independent education. No account will be taken of the proportion of children going into private sector schools since most areas of Staffordshire have little independent school provision.
 - (f) Other local factors may be taken into account on a site by site basis.
 - (g) The additional costs in educating pupils with special educational needs will not be taken into account in the calculation.

Early Years Provision

28. It is a statutory requirement for the County Council to provide childcare places for all three-year olds. Where the development falls within an area identified as being full in terms of early years provision, a contribution towards provision for early years will be sought.
29. The number of nursery pupils arising from a new residential development will be based on figures in Annex 1.
30. The amount of money per nursery place will be based on the figures in Annex 2.



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

Procedure for Negotiation

31. Principles:

- (a) Negotiations with Developers are confidential as they relate to commercial matters, but the resulting completed Agreement will be registered as a Local Land Charge.
- (b) Negotiations will be related to education need, but may take account of wider issues affecting the development.
- (c) Staff of the Democracy, Law and Transformation, Place and People Directorates acting together will conduct negotiations.
- (d) The final negotiated contribution will be agreed with the County Commissioner for Access for Learning before the agreement is finally completed.
- (e) The outcome of preliminary negotiations (Heads of Terms) will be reported to the Corporate Director of Democracy, Law and Transformation prior to the preparation of a formal legal agreement.
- (f) Monies will be specifically allocated and carefully monitored according to the requirements of each agreement by the Corporate Director of People and the Corporate Director of Democracy, Law and Transformation.
- (g) The County Council will seek to recover its reasonable costs towards legal and administrative expenses. Legal costs are charged at an hourly rate, and will be reviewed from time to time.

Procedure for Payment

32. The arrangements for payment are open to negotiation with developers. In most cases, the County Council would request payment on or before commencement of the development. It shall be the responsibility of the Local Planning Authority granting the approval to inform the County Council as soon as any trigger points for payments have been reached.

33. Where future payments are requested, then, the contribution will be index-linked.

Procedure for Monitoring Payment

34. a) Following completion of a Planning Obligation, the Democracy, Law and Transformation Directorate will provide copies to the People and Place Directorates and the relevant clauses relating to the Education contribution will be highlighted.
- b) The Democracy, Law and Transformation Directorate will review payment trigger dates and advise the People and Place Directorates accordingly if monies are received.
- c) Where appropriate, the People Directorate will need to take further steps in order to monitor the progress of developments to ascertain whether trigger dates/events have taken place.
- d) The People Joint Finance Unit will monitor income and expenditure and provide statements upon request.

Expenditure

35. Once payment has been received, the staff in the People Directorate in consultation with the relevant parties, will determine how the monies should be spent in accordance with any relevant provisions of the completed Agreement.

the knot unites



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

Annex 1

Formula for calculating the number of pupils generated from housing

The standard Formula for calculating the number of pupils attributable from new housing is 3 children per year group per 100 houses. It is based on research into the actual number of children generated by new housing, derived from the 2001 Census. However a different child yield may be utilised where evidence can be provided of analyses of completed developments indicating an alternative child yield. The determined child yield is applied pro rata.

Developers are encouraged to contact the School Organisation Team prior to submitting a planning application to identify the likely education requirements and necessary contributions for a particular housing development.

Please email the School Organisation Team at school.organisation@staffordshire.gov.uk providing details of the site, dwelling numbers and dwelling type breakdown (if known).

Our standard calculation of three pupils per year group per 100 houses is consistent with the formulas used by several other Local Authorities.

Phase of Education	Pupil Ages	Number of year groups	Total number of pupils generated from 100 houses
Early Years/Nursery provision	2 – 4	2 *	3
Sixth Form provision	16 - 18	2 **	3
2 tier system ***			
Primary schools	4 – 11	7	21
Infant schools	4 – 7	3	9
Junior schools	7 – 11	4	12
Secondary schools	11 – 16	5	15
3-tier system ****			
First schools	4 – 9	5	15
Middle schools	9 - 13	4	12
High schools	13 – 16	3	9

Notes:

* There are 2 year groups in early years, but the total number of pupils generated is based on 1 year group, as pupils normally attend part-time.

the knot unites



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

** There are at least 2 year groups in Sixth Forms, but the total number of pupils generated is based on 1 year group, as average staying-on rates are around 50%.

*** Staffordshire operates a predominately 2-tier system of primary and secondary schools. In some areas the primary provision is provided in separate infant and junior schools.

**** In the Biddulph, Codsall, Leek, Penkridge, Stone and Uttoxeter areas there is a 3-tier system of first, middle and high schools.

the knot unites



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

Annex 2

Contribution per pupil place

The contribution is for capital, based on the cost of providing additional educational infrastructure. The basis for the amount is the latest DfE capital building cost multiplier, taking into account the Staffordshire weighting (0.9).

The cost multipliers to be used from March 2009 are as follows:

Phase of Education	Cost multiplier per pupil including weighting
Early Years/Nursery, First and Primary (including infant and junior schools)	£11,031
Middle	£13,827
Secondary and High	£16,622
Sixth Form	£18,027

The cost multiplier figures are set by the DfE and inflated where relevant by SCC.

Developers are encouraged to contact the School Organisation Team prior to submitting a planning application to identify the likely education requirements and necessary contributions for a particular housing development.

Please email the School Organisation Team at school.organisation@staffordshire.gov.uk providing details of the site, dwelling numbers and dwelling type breakdown (if known).

This policy document provides the broad approach to planning obligations for necessary education infrastructure. It provides the basis for calculating likely educational contributions and enables indicative figures to be provided to developers - without undertaking an exhaustive analysis – and is particularly helpful at enquiry and pre-application stages.

Where it is deemed appropriate, the County Council reserves the right to determine an educational contribution using a different methodology. This may be where a more precise cost for providing additional and necessary educational facilities is known, where a development is of a large size or where one or more separate developments are to be phased across an area.

the knot unites



**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY**

Version Number	Summary of Changes
1.0	Original – November 2003
1.1	Update of DCSF cost multipliers added for 2004/05
1.3	Update of DCSF cost multipliers added for 2005/06
1.4	Update of DCSF cost multipliers added for 2006/07
1.5	Update of DCSF cost multipliers added for 2008/09
1.6	National planning policy update to reflect the National Planning Policy Framework (NPPF) March 2012 and general SCC directorate name updates
1.7	Update of Threshold Changes and out of Catchment % February 2016

the knot unites

