

Appendix A

Local Plan Supplementary Planning Guidance 14

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Education Contributions from Residential Developments



**Rochford District
Council**

Education Contributions from Residential Developments

1. Introduction

- 1.1 This guidance sets out the basis on which local authorities, working in partnership with Essex County Council (ECC), as the Local Education Authority (LEA), will seek to negotiate contributions from developers towards the provision of additional school places. It is important that it is read in conjunction with the documents listed in paragraph 9.2.
- 1.2 The use of planning obligations has become a key mechanism in the planning system for addressing the impact of new development. Education is one of a range of services and facilities which local authorities may seek to provide through developers' contributions.
- 1.3 The final decision as to whether or not this level of contribution is justified and the priority that education should receive, in any particular case, will rest with the local planning authority. ECC will however be party to all legal agreements requiring a contribution towards education.

2. Policy Context

- 2.1 The power of a local planning authority (LPA), to enter into a planning obligation with the owner of land, is contained within section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). Government advice is contained within Circular 1/97 – Planning Obligations. This states that where a development creates a need for particular facilities, it will usually be reasonable for planning obligations to be sought to overcome these impacts. As with the provision of other facilities, educational requirements may be acceptable if they are directly related to the development proposal, the need for them arises from its implementation and they are related in scale and kind.
- 2.2 The Essex and Southend on Sea Replacement Structure Plan reinforces the approach set out in Circular 1/97. Policies BE5 & H4 are worded to reflect the guidance and set out the circumstances where planning obligations may be required and how they should relate to the proposed development. In addition, many planning authorities within Essex have their own policies, contained within local plans and other documents. Notwithstanding this, Circular 1/97 allows the planning authority to seek appropriate contributions in the absence of policy.

3. Demand for and Supply of School Places

- 3.1 The Essex School Organisation Plan (SOP) sets out the current availability of places in each area and is published during the autumn term of each year. The plan also includes a forecast predicting the picture in five years time based on birth rates, feeder school numbers, historical trends, housing development and other local factors likely to affect admissions to particular schools. The forecast methodology is outlined within the document along with an evaluation of the accuracy of previous plans. A consultation draft is published each year, usually during the summer term, for public comment. Developers are particularly encouraged to comment on any assumptions made about the progress of particular developments over the plan period and current market trends likely to alter completion rates.

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- 3.2 The capacity of each school is assessed in line with the Department for Education & Skills (DfES) Schools Circular 0739/2001. The net capacity figures published in the SOP may however include some temporary accommodation that can not be relied upon to provide sufficient school places in the future. School accommodation without permanent planning permission, and for which there is no long-term demand from the existing population, should be discounted from any assessment of the need for additional permanent places.
- 3.3 It is generally accepted that schools should not operate at 100% of their capacity, as it is important to retain some level of surplus to facilitate parental preference and for contingency planning. The Audit Commission document Trading Places (1996 updated 2002), for example, suggested a target figure of 5% surplus places. While contributions will only be sought to mitigate potential unmet demand generated by housing development, a deficiency may be deemed to exist without the certainty of every local place being filled.

4. Forecasting Pupil Numbers

- 4.1 The potential number of pupils for which additional school places must be provided, if the development proceeds, is calculated using the method set out in the Essex County Council Schools Service document 'Developer Contribution Guidelines'. The method takes account of development size, density and type of tenure and is the same method used to forecast the implications of new housing in the SOP. The number of each type of dwelling is multiplied by its appropriate factors, as shown in appendix A, to forecast the numbers of additional primary and secondary school places required. Units unlikely to house children, such as single bed properties, are discounted from the calculation. The factors used are designed to allow for children moving to the development, who will not need to change school or who are being privately educated.

5. The Cost of Additional School Places

- 5.1 Where sufficient suitable space exists to increase the capacity of an existing school, contributions will only be sought for building and establishment costs, and not for the cost of land. In such cases, the cost of providing a school place will usually be based on the appropriate current DfES building cost estimates (see appendix B).
- 5.2 Where additional land is needed, the developer will also be required to either provide free land, meeting the criteria set out in the Developer Contribution Guidelines, or sufficient funding to acquire it. The cost of building may be estimated as above or provided on a bespoke basis as part of a feasibility study. The new school sizes that ECC seeks to open are specified in the SOP. It may be necessary to require an option to purchase additional land, not in itself solely necessitated by pupils forecast from the development, to allow a suitable sized school to be established.

6. When An Education Contribution Will Be Required

- 6.1 Where the need for additional education facilities has been demonstrated, all development incorporating residential use will be expected to provide a contribution towards education provision. Contributions will not normally be sought for schemes where there is a net increase of less than 12 dwelling units (defined as 'small sites' in the Structure Plan) or for those categories of development set out in paragraph 6.2. However, where smaller developments in a location would cumulatively contribute in excess of this limit, they will be required to contribute on a pro rata basis. This is to create a balance between the impact of increased need for new places, and scale of development.
- 6.2 The financial contribution sought will always be proportional to the number and size of dwellings proposed. Contributions will not be sought for: -
- Single-bedroom dwellings, as these are unlikely to provide accommodation for children. (Where a scheme includes a mix of single-bedroom and larger units, a contribution will only be sought for the larger units).
 - Specialist elderly housing, student accommodation and similar housing in multiple occupancy which will generally not accommodate children.
- 6.3 Because educational need arises and is planned for at ECC level, there is a need to achieve consistency throughout the county. Therefore, when required, the level of contribution sought will not vary by the location of the development within the county. Structure Plan policies BE5 and H4 relating to planning obligations will always be considered in determining each planning application, and the specific circumstances of each development will be taken into account.

7. Determining Contribution Levels

- 7.1 It is the statutory duty of ECC, as LEA, to forecast the number of pupils that must be provided for over time and ensure that sufficient places are available as need arises. The LEA's role in the planning process is to inform the LPA of the forecast additional need that new residential development generates and estimate the cost of meeting it.
- 7.2 While the LEA model used to assess pupil generation takes account of the individual nature of sites, the LPA has the final say over levels of developer contribution. In line with circular 1/97, where additional considerations exist, the LPA may deem it appropriate to adjust the figure quoted by the LEA. Where such factors as stated in paragraph 6.2 significantly reduce the contribution agreed, the LPA may impose conditions restricting the occupation of such properties.

8. Use and Monitoring of s106 Funds

- 8.1 All contributions must be index linked and, when received, used by ECC for the purpose(s) negotiated and set out in each individual section 106 agreement. Developers may seek to include clauses requiring the return of monies or land unused within a specified period, usually ten years. ECC will keep records outlining the receipt of contributions and how they are spent. It is a matter for the s106 agreement to specify, at the developer's request, any specific information requirements deemed appropriate.

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8.2 In most cases, contributions are required prior to commencement of the development. With large developments it may however prove appropriate to defer parts of the contribution providing adequate surety, usually in the form of a bond, are provided to the LEA.

9. Further Information

9.1 Contacts

	Planning & Admissions (Strategy) The Schools Service Essex County Council County Hall Chelmsford CM2 6WN	Head of Planning Rochford District Council Council Offices, South Street, Rochford Essex SS4 1BW	Head of Legal Services Rochford District Council Council Offices, South Street, Rochford Essex SS4 1BW
	01245 436725	01702 546366	01702 546366
	admin.strategy@essex cc.gov.uk	localplans@rochford.go v.uk	legal@rochford.gov.uk

9.2 Documents

-  The 'Essex School Organisation Plan' and 'Developer Contribution Guidelines' are available from the ECC Schools Service (contact above).
-  The 'Essex and Southend on Sea Replacement Structure Plan' is published on the ECC web site or contact the Planning Policy Group at County Hall (address as above).
-  Rochford District Local Plan (First Review) – adopted 1995 and the Rochford District Replacement Local Plan (First Deposit Draft).
-  The 'Town & Country Planning Act' and 'Circular 1/97' are available from: -The Department for the Environment, Eland House, Bressenden Place, London SW1E 5DU.
-  'Trading Places' is available from The Audit Commission, PO Box 99, Wetherby LS23 7JA

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Appendix A: - Pupil Product Factors

The following factors are multiplied by the number of dwellings to forecast the number of pupils that will require an additional school place as a result of the proposed development. The high-density factors are applied where the net site density is over fifty units per hectare (i.e. in excess of the density range outlined in PPG3).

Primary	Private House	Social House	Private Flat	Social Flat
Standard Development	0.250	0.500	0.250	0.500
High Density Development	0.250	0.500	0.125	0.500

Secondary	Private House	Social House	Private Flat	Social Flat
Standard Development	0.200	0.200	0.200	0.200
High Density Development	0.200	0.200	0.100	0.200

Appendix B: - Cost of Providing Additional School Places

DEPARTMENT FOR EDUCATION AND SKILLS COST MULTIPLIERS FOR 2003/4.

Cost per Place: -

- **Primary School** **£7,024**
- **Secondary School** **£10,200**

The building and land costs of larger schemes are usually determined by the completion of feasibility studies. All contributions must be index linked using the PUBSEC index (public sector buildings cost index ISBN 1353-1824).

N.B. Example contribution calculations are given in ECC's Schools Service document, 'Developer Contribution Guidelines'.