

Report to Cabinet

Education Contributions Interim Planning Position Paper

Portfolio Holder:

Councillor Roberts, Cabinet Member for Housing

Councillor Mushtaq, Cabinet Member for Education and Skills

SRO: Helen Lockwood, Deputy Chief Executive – People and Place

Officer Contact: Emma Barton, Director of Economy

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Date: 20 September 2021

Reason for Decision

To approve and publish the Education Contributions Interim Planning Position Paper.

Executive Summary

This Interim Planning Position Paper sets out how the Council will deal with education contributions for the borough when determining planning applications for relevant developments that may impact on education provision, such as school places. It must be read alongside Policy 2 'Communities' which includes education and skills provision, and Policy 25 'Developer Contributions' of the Joint Core Strategy and Development Management Policies Development Plan Document (DPD) that was adopted 9 November 2011 by the council.

The Interim Planning Position Paper is in line with the government guidance 'Securing Developer Contributions for Education' which was published to assist local authorities in planning for education to support housing growth and seeking associated developer contributions.

Recommendations

It is recommended that Cabinet approve the Education Contributions Interim Planning Position Paper, so it can be used as a material consideration for planning applications in gathering education contributions to be delivered as part of relevant developments, in line with national planning policy and regulations.

Education Contributions: Interim Planning Position Paper

1 Background

- 1.1 In 2019 the Government published 'Securing Developer Contributions for Education' guidance to assist local authorities in planning for education to support housing growth and seeking associated developer contributions. The document sets out the Government's aims to enable Local Education Authorities (LEA's) to request S106 monies in relation to development that may have an impact on education provision in the local area. The document notes that LEA's in conjunction with the respective Local Planning Authority (LPA) should develop robust charging schedules in order to mitigate the impact of new development on existing provision.
- 1.2 The document provides guidance and sets out that local approaches to securing education contributions are valid.
- 1.3 National Planning Policy Framework (NPPF) sets out that planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Paragraph 95 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It sets out that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen the choice in education provision.
- 1.4 Planning Practice Guidance states that plans should set out the contributions expected from development. This should include contributions needed for education, based on known pupil yields from all homes where children live, along with other types of infrastructure. Guidance sets out that plan makers and decision makers should consider existing or planned/committed school capacity and whether it is sufficient to accommodate proposed development within the relevant school place planning areas.
- 1.5 Oldham's Local Plan Review will address education provision, including the impact of the identified future housing land supply and the need for new or expanded schools to accommodate future housing growth. It will also provide an updated developer contributions policy, setting out the expected developer contributions towards new infrastructure provision, including education, affordable housing and open space. Where required, this will be informed by updated evidence on infrastructure requirements and viability.

2 Proposed Interim Position

- 2.1 The Education Contributions position paper provides an interim position, until such a time as it is incorporated into the Local Plan, setting out the intended methodology for calculating education contributions informed by existing local evidence on capacity and provision and the government's 'Securing Developer

Contributions for Education' guidance document, including national average costings of mainstream school place provision.

- 2.2 The paper must be read alongside existing Local Plan (the Joint DPD) policies 2 'Communities' and 25 'Developer Contributions'.
- 2.3 Policy 2 'Communities' states that the council will support improvements to the education and skills of the borough's population by working with a range of education partners and through the use of developer contributions, to facilitate the development of new and improved education facilities.
- 2.4 Policy 25 'Developer Contributions' states that the council will work with partners and developers to secure, where appropriate, the provision of additional, extended or improved physical, social and green infrastructure that will be needed to support the delivery of the plan. It sets out that developers will be required to provide or contribute through a commuted sum to the costs of appropriate infrastructure that results from the development and/or mitigate the effects of the proposal. Contributions will be sought unless it can be demonstrated by the developer that it is not financially viable and would prejudice the proposed development, or there are wider community and regeneration benefits for not seeking a contribution.
- 2.5 The proposed approach is that where it is assessed that the proposed development would have an impact on existing education provision in an area a section 106 contribution (S106) may be sought towards education provision, such as school places. Colleagues in Education will refer to their expected capacity and demand data when evaluating need in terms of education contributions.
- 2.6 It is proposed that contributions towards education provision will only be sought for residential developments of 50 homes and above.
- 2.7 In determining the amount to be provided, financial contributions should be calculated based upon expected pupil yields resulting from the proposed development, as informed by local evidence, and identified costs per school place to accommodate expansion of provision. At present, Oldham intends to use a local approach to determining pupil yield from new housing development, whilst awaiting the publication of an official methodology from the Department for Education (DfE). Emerging DfE methodology will be considered as part of the Local Plan Review.
- 2.8 As per the proposed approach, 1 home, proposed as part of a new residential development, will yield 0.24 of a primary school place and 0.17 of a secondary school place. The identified yield will need to be accommodated through either the existing provision, or where it is found that there is insufficient capacity of school place provision in the area, through developer contributions towards new provision. This will be determined at application or pre-application stage.
- 2.9 Where it is found that there is a shortfall in existing provision to accommodate the identified yield from the new development, a s106 contribution will be sought. The contribution will be based on the pupil yield that needs to be accommodated as a result of the proposed development and the expected expansion costs related to each type of school place provision as informed by the School Places Scorecard (2019, published in June 2020). These are set out in the table below:

School place type	Expansion cost per place
Primary	£9,416
Secondary	£23,775

- 2.10 For example, a development of 100 homes (where it has been assessed that the development would create a shortfall in both primary and secondary provision in the area) may be required to contribute £630,159 towards school place provision.
- 2.11 As per DfE recommendations, s106 agreements towards education provision should allow enough time for contributions to be spent, with a minimum of 10 years set out in the agreement.
- 2.12 The spending of financial contributions will be in line with national planning policy and regulations. Oldham's Monitoring Report includes an Infrastructure Funding Statement, as is now required under The Community Infrastructure Levy Regulations. Details of contributions secured and spent towards education provision will be set out annually within the Monitoring Report and Infrastructure Funding Statement.
- 2.13 In agreeing a contribution, the viability of the proposed development and the need to provide other policy requirements, will be taken into account in line with Policy 25 of the Local Plan.

3 Options/Alternatives

- 3.1 Option 1 - To approve and publish the Education Contributions Interim Planning Position Paper. The Interim Planning Position Paper should be used The Education Contributions position paper

Advantages – The publication of the Interim Planning Position Paper will provide clarity and guidance to Development Management and applicants, setting out the council's approach to gathering education contributions as part of relevant developments.

- 3.2 Option 2 – To not approve and publish the Education Contributions Interim Planning Position Paper.

Advantages – there are no advantages in not publishing the Interim Planning Position Paper.

Disadvantages – Development Management will be unable to use the Interim Planning Position Paper in gathering education contributions for relevant planning applications. Contributions towards education will continue to be sought on an ad-hoc basis.

4 Preferred Option

- 4.1 Option 1 – To approve and publish the Education Contributions Interim Planning Position Paper.

5 Consultation

5.1 Consultation has been carried out with the Leader and relevant Portfolio Holders.

6 Financial Implications

6.1 The Education Contributions Interim Planning Paper has been prepared by Oldham Council staff and will be published on the Council's website. This means no additional costs have been incurred to prepare and publish the paper.

6.2 Any s106 Education Contributions received will be available to support the capital costs of school places provision and will be able to supplement the Council's existing Basic Need Grant funding to ensure there is a sufficiency of school places.

(Jamie Kelly)

7 Legal Services Comments

7.1 Interim Planning Papers provide further advice and guidance on applicable planning policy matters which may have arisen since the relevant statutory planning document was adopted by the Council. They are not part of the statutory Local Plan but they are a relevant material consideration in the determination of planning applications, albeit with limited weight.

(Alan Evans)

8 Co-operative Agenda

8.1 The Education Contributions Interim Planning Position Paper follows the values of the Cooperative Agenda. The Planning Position Paper provides guidance on policies within the existing Local Plan, which was prepared in an open manner following the democratic processes of local government. The Planning Position Paper supports thriving communities as it helps to ensure residents have access to quality education.

9 Human Resources Comments

9.1 Not applicable.

10 Risk Assessments

10.1 Not applicable

11 IT Implications

11.1 Not applicable.

12 Property Implications

12.1 The Planning Practice Guidance outlines the rationale for securing developer contributions to support any shortfall created in the borough's school place provision. Contributions that can be justified to meet the associated infrastructure

cost of additional, extended or improved physical, social and green spaces that will be needed to support the delivery of such developments.

(Peter Wood).

13 Procurement Implications

13.1 Not applicable.

14 Environmental and Health & Safety Implications

14.1 Not applicable.

15 Equality, community cohesion and crime implications

15.1 Not applicable. An Equalities Impact Assessment was undertaken on the adopted Local Plan (The Joint Core Strategy and Development Management Policies Development Plan Document), which this planning position paper helps to implement.

16 Equality Impact Assessment Completed?

16.1 Not required at this point.

17 Key Decision

17.1 Yes

18 Key Decision Reference

18.1 HSG-04-21

19 Background Papers

19.1 National Planning Policy Framework:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

19.2 'Securing Developer Contributions for Education' – Department for Education:
<https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

20 Appendices

20.1 Education Contributions Interim Planning Position Paper (2021)