

Oldham

Local

Plan

**Education Contributions Interim
Planning Position Paper**

September 2021



Oldham
Council

1	Executive Summary	2
2	Background	3
3	Local Planning Policies	6
4	Developer Contributions	7

1 Executive Summary

- 1.1 This 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. The planning position paper must be read alongside Policy 2 'Communities' which includes education and skills provision, and Policy 24 'Developer Contributions' of the Local Plan (the Joint Core Strategy and Development Management Development Plan) which was adopted in November 2011⁽¹⁾.
- 1.2 A Local Plan Review⁽²⁾ is currently underway, which will update the existing Local Plan (the Joint DPD), setting out new evidence and updated objectives and policies to guide the development of the borough up to 2037.
- 1.3 The existing Local Plan seeks to ensure that development positively contributes to sustainable communities across Oldham and does not create undue pressure on local services and provision. In relation to education and skills, the council will support improvements to the education and skills of the borough's population. Planning applications will be assessed in line with the Local Plan and relevant material considerations, as appropriate.
- 1.4 The role of education and skills in creating safer and stronger communities is recognised. Key objectives of the existing Local Plan and The Oldham Plan⁽³⁾, focus on improving education and skills attainment, ensuring residents have access to quality facilities and young people are equipped to leave school and access further employment or education opportunities.
- 1.5 Where it is considered appropriate, the council will seek to secure new and/or improved education facilities and provision through S106 developer contributions⁽⁴⁾. Developer contributions towards education provision, such as school places, will be gathered in line with national regulations. The tests for planning obligations including S106 developer contributions, are that they must be: necessary to make the proposed development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 1.6 Where the existing education provision of school places within an area is unable to accommodate the extra demands placed on it arising from the development, then developer contributions will be sought towards additional provision, as appropriate. As per Local Plan Policy 25, residential developments should contribute towards education provision unless it is not financially viable for the development or it is neither practicable nor desirable.
- 1.7 Financial contributions should be negotiated by the council and the developer at planning application stage. This Paper acts as guidance setting out the expected position and should be applied as appropriate during negotiations.

1 Joint Core Strategy and Development Management Policies Development Plan Document, November 2011, Oldham Council:
<https://www.oldham.gov.uk/2009/town-and-country-planning/1809/joint-core-strategy-and-development-management-policies-development-plan-document>

2 Oldham's Local Plan Review:
https://www.oldham.gov.uk/info/200199/planning_and_building/1809/local_plan_review

3 The Oldham Plan 2017-2022: <http://www.oldhampartnership.org.uk/the-oldham-plan/>

4 'Planning obligations' as set out in section 106 of the Town and Country Planning Act 1990:
<https://www.legislation.gov.uk/ukpga/1990/8/section/106>

2 Background

Securing Developer Contributions for Education

2.1 In 2019 the government published 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 the Government have removed the 'pooling' restriction associated with CIL and 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.

2.2 The guidance states that any contributions should be based upon the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools;
- Pupil yield factors should be based on up-to-date evidence from recent housing developments;
- Developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

2.3 The document notes that it is not intended to replace local approaches which can provide detail on:

- The approach to seeking contributions for education from affordable housing;
- Types/sizes of homes that will be excluded from calculations of developer contributions;
- Education projects developer contributions may fund;
- The minimum viable size of new schools;
- Assumptions about the schools children from a particular development will attend, when assessing available capacity in affected schools;
- Minimum surplus capacity to allow for fluctuations in demand and parental choice. This should not be counted as available when calculating developer contributions;
- Contributions 'in kind' (land and/or construction);
- Requirements on size and suitability of school sites, including checklists, exemplar layouts and facility specifications; and
- Standard planning obligation clauses.

2.4 The guidance notes that as local approaches to securing developer contributions for education are reviewed, they should also take account of updated National Planning Practice Guidance and the Department's emerging national methodology for the calculation of pupil yields from housing development.

National Planning Policy Framework (NPPF)

2.5 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. In particular, 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 LPAs should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen the choice in education provision. In doing this, LPAs should:

- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Planning Practice Guidance (PPG)

2.6 Updated PPG 'Planning Obligations' sets out 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.

2.7 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.

2.8 It sets out that developer contributions towards additional capacity may be required and if so this requirement should be set out in the plan. Requirements should include all school phases age 0-19 years, special educational needs (which could involve greater travel distances), and both temporary and permanent needs where relevant (such as school transport costs and temporary school provision before a permanent new school opens).

2.9 Plan makers should also consider whether pupils from planned development are likely to attend schools outside of the plan area and whether developer contributions may be required to expand schools outside of the area.

2.10 When local authorities forward-fund school places in advance of developer contributions being received, those contributions remain necessary as mitigation for the development.

Local Plan Review

2.11 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.

2.12 Public consultation has recently finished on Oldham's Local Plan: Issues and Options. A summary of comments received during the consultation and further information on the next stage of the Local Plan Review will be available online at: https://www.oldham.gov.uk/info/200199/planning_and_building/1809/local_plan_review

Interim Position on Education Contributions

2.13 This document provides an interim position 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⁽¹⁾. The approach set out within this paper will be incorporated into the Local Plan and will be tested as part of the ongoing review, as appropriate.

1 As set out in the Department for Education's (DfE) School Place Scorecards: <https://www.gov.uk/government/collections/school-places-scorecards>

3 Local Planning Policies

- 3.1** Existing Local Plan (the Joint DPD) 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.
- 3.2** 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. It states that 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.

4 Developer Contributions

- 4.1** Where a financial contribution is required as a result of agreed negotiation, costs may be required for education provision, in the form of school places, where it is considered that the proposed development would have an impact on existing provision in an area. Contributions towards education will only be sought for residential developments of 50 dwellings and above. 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.
- 4.2** 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. The Department for Education (DfE) are currently preparing a detailed methodology for calculating pupil yields from housing development (including assessment of available capacity in existing schools), which will be published in due course. The guidance sets out that local approaches to calculating pupil yield are still valid.
- 4.3** At present, Oldham intends to use a local approach to determining pupil yield from new housing development. The emerging DfE methodology will be considered as part of the Local Plan Review.
- 4.4** Currently, 1 dwelling, 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. These yields are informed by local evidence and existing DfE guidance. 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.
- 4.5** The expected expansion costs related to each type of school place provision is informed by the School Places Scorecard (2019, published in June 2020). These are set out in table 1 below,

Table 1 Expected Expansion Costs of School Place Provision Type

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

- 4.6** Colleagues in Education will refer to their expected capacity and demand data when evaluating need in terms of education contributions. The main evidence for this being the School Capacity Survey (SCAP). This survey is done on a yearly basis and is used by the Local Authority (LA) and the Department of Education (DfE) to plan up to 10 years in advance both demand and capacity of an LA's school places. The LA also hold a monthly school place planning meeting to ensure future provision is in place as and when demand / potential demand requires it.
- 4.7** For information, a worked example contribution is provided below.

Education Contribution Worked Example

Proposed development size:

100 homes

Amount of school places required:

Primary school places: $100 \times 0.24 = 24$

Secondary school places: $100 \times 0.17 = 17$

Total school places to be accommodated as a result of the proposed development: **41**

Expansion/ development costs per place:

Primary school provision: $\pounds 9,416 \times 24 = \pounds 225,984$

Secondary school provision: $\pounds 23,775 \times 17 = \pounds 404,175$

Total school places expansion/ development costs: **\pounds 630,159**

- 4.8** As per DfE recommendations⁽¹⁾, 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.
- 4.9** The spending of financial contributions will be in line with national planning policy and regulations. The Authorities Monitoring Report⁽²⁾ includes an Infrastructure Funding Statement, as required under The Community Infrastructure Levy Regulations⁽³⁾. The Infrastructure Funding Statement provides an summary of financial contributions the council has secured through section 106 agreements from new developments for off-site infrastructure works, including education provision and affordable housing, during in the monitoring period.

1 As set out in the 'Securing developer contributions for education'

2 Authorities Monitoring Report and Infrastructure Funding Statement 2019/20:
https://www.oldham.gov.uk/downloads/download/1923/annual_monitoring_report_2019-2020_and_infrastructure_funding_statements

3 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019: <https://www.gov.uk/guidance/community-infrastructure-levy>