

CABINET MEMBER DECISION

Date of decision - 15 July 2019

WORCESTERSHIRE EDUCATION DEVELOPER CONTRIBUTIONS POLICY

Relevant Cabinet Member

Mr M J Hart, Cabinet Member with Responsibility for Education and Skills

Relevant Officer

Catherine Driscoll, Director of Children, Families and Communities

Local Member(s)

N/A

Recommendation

- 1. The Cabinet Member with Responsibility for Education and Skills is recommended to:**
 - (a) note the details of the representations made in response to the second public consultation on the revised Worcestershire Education Planning Obligations policy during the representation period 7 May 2019 to 18 June 2019 as summarised in Appendix A;**
 - (b) note the changes as proposed to the Policy following representations made during the public consultation as outlined below; and**
 - (c) approve and authorise the publication of the Worcestershire Education Planning Obligations Policy as attached as Appendix B.**

Background

- 2. In December 2018, the Cabinet authorised the publication of the proposed revised Education Planning Obligations Policy (the Policy) including key changes following formal consultation, and authorised the Cabinet Member with Responsibility for Education and Skills in consultation with the Director of Children, Families and Communities, to approve the policy having regard to any representations made and formally approve it for adoption. In accordance with this decision, a 6-week consultation period commenced on 7 January 2019.**
- 3. In response to the number of changes made to the draft policy following this consultation period, it was recommended that a further public consultation take place. In accordance with the CMR decision, a 6-week consultation period commenced on 7 May 2019.**
- 4. All eight of the responses received during this time were in general supportive of the proposals; however, a number of recommendations of change were received**

seeking clarification on the policy. Minor changes to the document have been outlined in appendix C. Where material change is recommended, this has been incorporated into the final Policy and outlined below.

Recommended changes to the policy

5. It is recommended that the policy state that contributions for Special Education Needs and Disabilities will not be sought on developments of less than 50 dwellings (as outlined in 6.7) as developments of this size will not yield a requirement for any additional SEND places based on the recommended pupil product ratio.

6. It is recommended that the policy states that contributions for education will not be sought on specialist housing for people with disabilities.

7. Paragraph 2.11 has been removed which stated that section 106 planning obligations would not be used in relation to those projects that are intended to be funded through CIL as this restriction is to be removed from September 2019.

Responses where changes are not recommended

8. A suggestion was made to produce a document outlining the methodology of the revised pupil yield. As this does not impact on the Policy, there are no recommended changes to the Policy document.

9. A suggestion was made that the Council should only consider a new school on developments of greater than 600 dwellings as this will yield 30 places per year group. However, we have maintained 300 dwellings as a threshold as the Council may need to consider a new school on any development that yield at least half a form of entry, particularly where there is no possibility of expansion elsewhere or where there may be multiple developments in the area.

10. A comment was received that the total cumulative cost of all monies required by section 106 obligations should not be of a scale that will make development unviable. No change is recommended to the policy. Education obligations will be considered as a direct result of the impact of development proposals on education provision and will be communicated to the district council in response to the consultation on the application. The viability of sites will be assessed as part of the planning process and therefore should not impact on this policy.

11. A request was made that the level of contribution per dwelling should be agreed at the Issues and Options Stage of a local plan review, and clarity was requested into how allocated sites agreed prior to 1 August 2019 will be treated. Education requirements must be considered at the point planning applications are submitted to the district council for approval. Assessment is based on detailed information on the proposed development, including the number of dwellings, to ensure a sufficiency of school places in the area and appropriate mitigation can be made based on up to date data. The level of contribution will be subject to RPI (or the relevant indexation) applied from the base date of the calculation. In addition, it is anticipated that any significant variations between outline planning application submission and detailed planning application stage will be subject to re-consultation to ensure the correct level of mitigation. Therefore, no change has been made to the document and it is proposed that the previous recommendation that this policy will be applicable to all applications submitted after 1 August 2019 be upheld.

12. A comment was received that schools not operating a catchment area must be considered. As part of this policy, schools located within statutory walking distance of the development, can demonstrate a likely demand from families moving onto the site, and can be considered related to the development, can be considered as part of the planning obligation assessment. This includes schools not operating a catchment area and therefore no change to the document is required.

13. A suggestion was made that early years staffing ratios as well as floor area should be considered as this will impact on the number of children a setting can support. S106 obligations relate directly to infrastructure requirements and therefore staffing is outside the remit of this policy and no change is recommended.

14. Two comments were received that special schools should be considered for S106 to appropriately mitigate for additional housing and ensure appropriate capacity levels. The policy includes a mechanism to ensure the impact of new housing on special schools can be appropriately mitigated through S106 contributions and therefore no change is required to the Policy.

15. A suggestion was given that schools named in S106 agreements should be informed. The Council works with schools that have been named to identify a related basic need project and therefore no change is recommended to the S106 policy.

16. Two comments have been received on the change of policy in relation to affordable housing: A request was received to continue exempting 100% affordable housing developments from education contributions, and that Registered Providers (RPs) should be exempt on all affordable housing. Please see appendix A for full comments. Where an assessment is undertaken, and it is evidenced that the local school is full, the local authority cannot guarantee that families moving into an area will be able to secure a school place for school age children, irrespective of whether that dwelling is affordable or open market, therefore mitigation must be sought. The Council will continue to exempt affordable social rent properties however, where there is an element of market value on affordable properties the Council will seek education obligations. Catchment areas cover a wider area for secondary schools and therefore the impact of recirculation has been taken into consideration with a lower pupil yield for this phase compared to primary. The Council will continue to assess planning applications and where there is capacity in existing schools, contributions will not be sought. Therefore, no change to the Policy is recommended.

17. Clarity on the reason for the change in cost per pupil place has been requested. This new policy follows DFE guidance published April 2019 that advises that cost of each pupil place should be based on national average costs published annually in line with DFE school place scorecards. This is a change from the previous Council methodology for calculating cost per place and has therefore resulted in a change. The methodology as applicable to this policy is outlined clearly in this document and therefore no change to the document is recommended.

18. A query was made as to why the cost weighting previously applied to dwellings based on the number of bedrooms has been removed. The purpose of this is to simplify the calculation to enable developers to have a clear indication of the level of mitigation required at an early stage in the planning process. It also allows the Council to more accurately budget for new place requirements. Therefore, no change is suggested to the policy in light of this comment.

Legal, Financial and HR Implications

19. There are no changes to the Legal and HR implications from those outlined in the Cabinet report.

Privacy and Public Health Impact Assessments

20. There is no impact on Privacy or Public Health

Equality and Diversity Implications

21. An Equality Relevance Screening has been completed which did not identify any potential requirements for further consideration. A copy of the Equality Relevance Screening is set out in Appendix D.

Supporting Information

- Appendix A – Summary of Responses Received to Consultation
- Appendix B – Final Worcestershire Education Planning Obligations 2019
- Appendix C – Minor Amendments to the Policy
- Appendix D – Equality and Diversity Impact Screening

Contact Points

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Specific Contact Points for this report

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Background Papers

- Current Worcestershire Planning Obligations for Education document:
http://www.worcestershire.gov.uk/downloads/file/6817/education_planning_obligations_evidence_base
- National Planning Policy Framework 2018
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Community Infrastructure Levy
<https://www.gov.uk/guidance/community-infrastructure-levy>
- Cabinet Decision December 2018
<http://worcestershire.moderngov.co.uk/ieListDocuments.aspx?CIId=131&MIId=2163&Ver=4>
- CMR Decision March 2019
http://www.worcestershire.gov.uk/info/20085/local_democracy/650/cabinet_member_decisions