

CABINET MEMBER DECISION

8 MARCH 2019

EDUCATION DEVELOPER CONTRIBUTIONS POLICY RE-CONSULTATION

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 public consultation on the revised Worcestershire Education Planning Obligations policy during the representation period 7 January 2019 to 18 February 2019 as summarised in Appendix A;**
 - (b) Note the changes as proposed to the policy following representations made during the public consultation. The revised Worcestershire Education Planning Obligations Policy (The Policy) is attached here as appendix B;**
 - (c) Authorise the re-consultation of the Worcestershire Education Planning Obligations Policy over a 6 week period from 7 May 2019 until 18 June 2019 following changes as laid out below.**

Background

- 2. In December 2018, 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 (intended to take place on 1 April 2019). The cabinet report and decision notice are attached here as Appendix C and D.**
- 3. In accordance with this decision, a 6 week consultation period commenced on 7 January 2019.**
- 4. All seven of the responses received were in general supportive of the proposals; however, a number of recommendations of change were received. These**

recommendations of change have been summarised below. Due to the impact of these changes on the policy, it is recommended that the proposals are consulted on for a period of six weeks before a final decision on the policy is taken. A summary of all responses received is attached here as Appendix A.

Recommended changes to the policy

1. The reference in 1.3 has been corrected from paragraph 95 to 94.
2. The document has been adjusted to clarify that the new policy will only be applicable to planning applications submitted from the date of the adoption of the policy, which has now been revised to 1 August 2019.
3. The policy has been adjusted to clarify that Worcestershire County Council (the Council) will respond to neighbourhood plans and Infrastructure Development Plans and work with Local Planning Authorities (LPA) when required.
4. The policy has been adjusted in Figure 1 to clarify the funding mechanisms in play in the different Worcestershire Local Planning Authorities.
5. Paragraph 2.13 has been adjusted to reflect the changes proposed following consultation on the statutory requirements relating to pooling of contributions.
6. Cumulative Impact – Due to the recommended increase in the Pupil Product Ratio (PPR), as outlined below, and a concern that this policy does not effectively mitigate the cumulative effect of smaller developments, it is recommended to remove the special handling applied to developments of less than 35 dwellings, which will now be assessed under the same policy as larger developments. In line with government policy, the Council is recommended not to seek contributions for planning applications of less than 10 dwellings.
7. Pupil Migration – New wording has been added to the policy to clarify that the effects of recirculation, cross boundary movements and other factors affecting the educational impact of new development will be taken into consideration. The effects of recirculation have also been taken into account in the exclusion of social rented housing from developer contributions and in the new recommended PPR where a higher level of recirculation can be expected at secondary level.
8. The policy has been adjusted to clarify that other planning applications will be taken into account when determining the capacity of existing infrastructure to manage new planning applications.
9. On the advice of the South Worcestershire District Councils, greater flexibility has been incorporated into the statement in 5.17 under the assumption that proposed developments may come forward over a number of years.
10. The policy has been updated to include paragraph 6.8 to clarify when the Council will seek developer contributions for special education needs and disability provision.
11. Pupil Yield Methodology – Representations were received by Harriet Baldwin MP and the Department for Education (DfE) whom both raised concerns about the pupil yield and the methodology used as part of the Policy. In particular, the DfE

recommended that pupil yield should be based on evidence from new housing developments in line with draft guidance that was first consulted on in September 2018: 'Establishing Pupil Yields From Housing Development And Securing Developer Contributions For Education'. This guidance is expected to be finalised and published later on this year. No guidance has previously been provided from the DfE on this matter. In light of these comments further work has been undertaken and it is now recommended that we revise our Pupil Product Ratio (PPR), based on the actual number of pupils living on recent new housing developments as per the school census, and actual number of pre-school children known to us from information provided by the health authority. An example of the impact of this on change on contributions sought is outlined in Appendix E.

- a) Early Years PPR per year group per dwelling: 0.07
- b) Primary School Year Group PPR per year group per dwelling: 0.05
- c) Secondary School Year Group PPR per year group per dwelling: 0.04

12. The methodology for calculating the PPR will be reviewed following any changes to guidance submitted by the DfE

13. Exemptions – The policy has been adjusted to clarify which affordable housing types will be exempt from contributions. The definition of affordable housing types is in accordance with Annexe 2 of the National Planning Policy Framework (NPPF) guidelines. This policy may be revised to respond to any changes in these guidelines.

14. The policy has been amended to include paragraph 9.5, which sets out the Council's intent to work with LPAs in response to new government requirements for LPAs to provide annual returns which set out where and how collected S106 and CIL contributions have been used.

Response where changes are not recommended

15. A number of comments were made that have not resulted in a change in the policy, the reasons for this has been outlined below:

16. Methodology of Calculating Contributions – The DfE provided advice that the cost per pupil place should be based on data within the Local Authority scorecard¹. The scorecard summarises the average costs of projects undertaken across Worcestershire as per the annual report to the DfE. However, the Council's scorecard does not include a sufficient sample size of build projects within the county for this to be a reliable figure. In this instance, draft guidance submitted by the DfE late 2018 advises that where this is not possible, Local Authorities should rely on the national average, applying a regional location factor. This methodology is comparable in kind to the previous methodology proposed and therefore no change to the methodology is recommended at this stage. However, the methodology will be reviewed again once further guidance from the DfE is published.

¹ <https://www.gov.uk/government/publications/local-authority-school-places-scorecards-2017>

17. Concerns were raised over the current sufficiency of early year's places. This policy seeks to improve the funding to support this sufficiency and therefore no additional changes are required.

18. The Council's Public Health Directorate raised concerns about the need to ensure that this policy meets the Worcestershire Health & Wellbeing strategic priorities of 'Being Active'. In response to the comments made, no changes will be made to the policy document due to the following reasons:

- The Council already works to ensure there are safe walking routes to a choice of schools. This is factored into any requirements for additional education infrastructure, and where necessary, funding is sought from the developer via Highways obligations for footpath/cycle routes.
- The Council already ensures there is a sufficient space for play on school sites through BB103 regulations. It is down to individual schools to instigate any initiatives and cannot be a requirement for developers.

19. The South Worcestershire District Council's requested that the Council captures and formally records the rationale for the forward funding of projects at the time of the decision. This is already done as part of the standard decision making process of the Council and therefore no change in regards to this policy is required.

Legal, Financial and HR Implications

20. No changes to the Legal and HR implications from those outlined in the Cabinet report attached as Appendix C.

21. The proposed revisions to the policy aim to provide a more appropriate approach to funding education infrastructure as a result of housing growth. Appendix E sets out the potential impact of these changes on the S106 financial contribution sought on an example development compared to the changes previously proposed.

22. Due to the changes to the pupil yield, the annual return to the DfE forecasting future need will more accurately reflect actual requirements from new developments. This will result in an increase in our basic need budget to allow us to appropriately respond to the funding gap between the cost of new education requirements and the amount that a development can contribute. This will reduce the current strain on this funding stream.

Privacy and Public Health Impact Assessments

23. There is no impact on Privacy or Public Health

Equality and Diversity Implications

24. An Equality Relevance Screening has been completed in respect of these recommendations. The screening did not identify any potential Equality considerations requiring further consideration during implementation. A copy of the Equality Relevance Screening is set out in Appendix F.

Supporting Information

- Appendix A – Summary of Responses Received to Consultation
- Appendix B – Revised Draft Worcestershire Education Planning Obligations 2019
- Appendix C – Education Planning S106 CIL Cabinet Report 13 December 2018
- Appendix D – Cabinet Decision Notice 13 December 2018
- Appendix E – Potential impact on financial requirements from new developments
- Appendix F – Equality and Diversity Implications

Contact Points

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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>
- Childcare Act 2016
http://www.legislation.gov.uk/ukpga/2016/5/pdfs/ukpga_20160005_en.pdf