

Education Planning Obligations Policy Worcestershire

For details of all changes proposed, see 'Policy changes proposed 2025'

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Introduction

- 1.1 Worcestershire County Council has a statutory duty under the Education Act 1996 to ensure there are sufficient school places for all children (aged 4-18) resident in Worcestershire who wish to attend a publicly funded school. This includes academies and free schools. Provision of sufficient high-quality school places is crucial in ensuring that all children have an opportunity to gain the vital knowledge, skills and qualifications necessary for life and work.
- 1.2 The statutory duty under the Education Act includes having regard to the need to secure provision for children and young people with Special Educational Needs and Disabilities (SEND). In addition, S315 of the Education Act 1996 requires that arrangements for children and young people with SEND be kept under review.
- 1.3 Worcestershire County Council also has a duty within the terms set out in the Childcare Acts 2006 and 2016 to ensure all eligible under-fives have access to high quality free early education places¹, either within school-run provision or with private, independent or voluntary providers. The Childcare Act 2006 also places a duty on local authorities to have sufficient childcare in their area for working parents. In addition, and by September 2026, all parents and carers of primary school-aged children who need it should be able to access term time childcare in their local area.
- 1.4 Worcestershire County Council anticipates continuing growth in its population, and must plan accordingly to ensure that education infrastructure can expand in line with the growing numbers of children and young people.

While the birth rate measured in live births per 1000 resident population of all ages has fallen fairly steadily (17% fewer births in 2022 compared with 2013²), the county is expected to experience substantial new housing growth over the next 10 to 20 years.

The number of households in Worcestershire is expected to grow by 20% from the 2018 total by 2043, and around 20% of the county's population live in rural villages, hamlets or isolated dwellings³. Over 50% of people living in Wychavon and Malvern Hills live in a rural area, whereas Redditch and Worcester City are almost entirely urban. Housing growth in the more rural areas can create particular challenges when local schools are small and several miles away from their nearest neighbour school.

The South Worcestershire Development Plan⁴ sets out Worcester City, Malvern Hills and Wychavon District Councils' vision of housing growth up to 2041. 28,400 new homes are already planned up to 2030 with an extra 11,000 being considered. In total this number of new homes would yield an additional 21,590 school age pupils in Worcestershire.

¹ [Early education and childcare - GOV.UK](https://www.gov.uk/government/policies/early-childhood-education)

² ONS Crown Copyright Reserved, 2024 data

³ [Worc Housing Policy 2023 40](#)

⁴ [SWDP Review - South Worcestershire Development Plan](#)

- 1.5 In January 2024, 20% of pupils educated in Worcestershire settings were identified as having SEND, and the percentage of pupils with Education, Health and Care Plans (EHCPs) in Worcestershire has continued to increase from 2.7% in 2018 to 4.9% in January 2024, which is higher than the national percentage (4.8%). Therefore, there is increased demand for provision to support children with EHCPs who require additional / enhanced provision to meet their Special Educational Needs. If the proportion changes annually, the Policy will be updated to reflect the change.
- 1.6 Without timely and sufficient investment, schools and early education providers may be unable to accommodate these additional children generated by new housing, impacting on the ability of new and established communities to access childcare and education places and raising concerns over the viability and sustainability of development. Developers are therefore required to mitigate the impact of their housing to make the development acceptable in planning terms by contributing the cost of the additional places required.
- 1.7 The National Planning Policy Framework (NPPF) 2024 paragraph 100⁵ states that 'It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
 - b) work with early years, school and post-16 promoters, delivery partners, developers and statutory bodies to identify and resolve key planning issues before applications are submitted.'
- It is considered that this is applicable both to school development proposals themselves and to addressing the education impacts of development generally.
- 1.8 In April 2019, the Department for Education (DFE) issued non-statutory guidance on securing developer contributions for education, and this was updated in August 2023⁶. The guidance has been produced to help local authorities secure appropriate developer contributions for education so that new development can appropriately mitigate the cost of providing the new school places required from housing growth. This guidance has helped shape the approach Worcestershire County Council takes in assessing and evidencing the impact of new housing developments on education provision and in calculating the appropriate mitigation via conditions and planning obligations, as set out in this policy document.
- 1.9 This policy document is applicable to any planning application submitted from 1st September 2025. It is a material consideration and should be given due weight in plan making and planning application decisions.

⁵ [National Planning Policy Framework](#)

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

1.10 To ensure that education planning obligations from Section 106 and the Community Infrastructure Levy (CIL) operate in a way that is complementary and does not hinder development, Worcestershire County Council have sought education contributions via Section 106 means only from 31st December 2022.

However, Worcestershire County Council reserves the right to request CIL funding accumulated before this date, as prior to this date education was included in the CIL regulation 123 list.

Worcestershire County Council will review this policy should a change to the current CIL charging schedule in the South Worcestershire Councils be made, or any changes be made to national planning policy with regard to infrastructure funding. This approach will involve close working with local planning authorities. This document should be read alongside the relevant local plan policies and subsequent supplementary planning documents as appropriate

1.11 Worcestershire County Council welcomes and encourages discussions with district councils and developers at an early stage of development to identify the potential impact of housing growth to ensure sufficient early years, school and sixth form places are provided to mitigate the impact of proposed development.

Worcestershire County Council's Approach to Developer Contributions

- 2.1 Worcestershire County Council primarily utilises Section 106 planning obligations and potentially in the future may utilise Community Infrastructure Levy contributions to mitigate the impact of developments on educational infrastructure.
- 2.2 Worcestershire has six district councils, each with a policy enabling the collection of developer contributions. To date the South Worcestershire Councils are the only councils in Worcestershire to have adopted a Community Infrastructure Levy (CIL) charging schedule.

South Worcestershire Councils:

- Malvern Hills District Council
- Wychavon District Council
- Worcester City Council

2.3 For any planning applications submitted to the South Worcestershire councils that require mitigation of the education impact of the development, Worcestershire County Council has, from 31st December 2022, received planning obligations via Section 106 means only within these districts.

2.4 For planning developments that submitted planning applications before 31st December 2022 Worcestershire County Council may also utilise funding from CIL contributions.

2.5 When the funding becomes available from the Community Infrastructure Levy, Worcestershire County Council will bid for projects to support education infrastructure as required. CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of a wide range of infrastructure, including education.

2.6 Worcestershire County Council, in partnership with the district councils, will also seek to work with parish councils to identify where funding from parish council CIL allocations may be pooled to best serve education infrastructure needs in an area.

2.7 Section 106 obligations will be collected for the South Worcestershire Councils where specific mitigation is required.

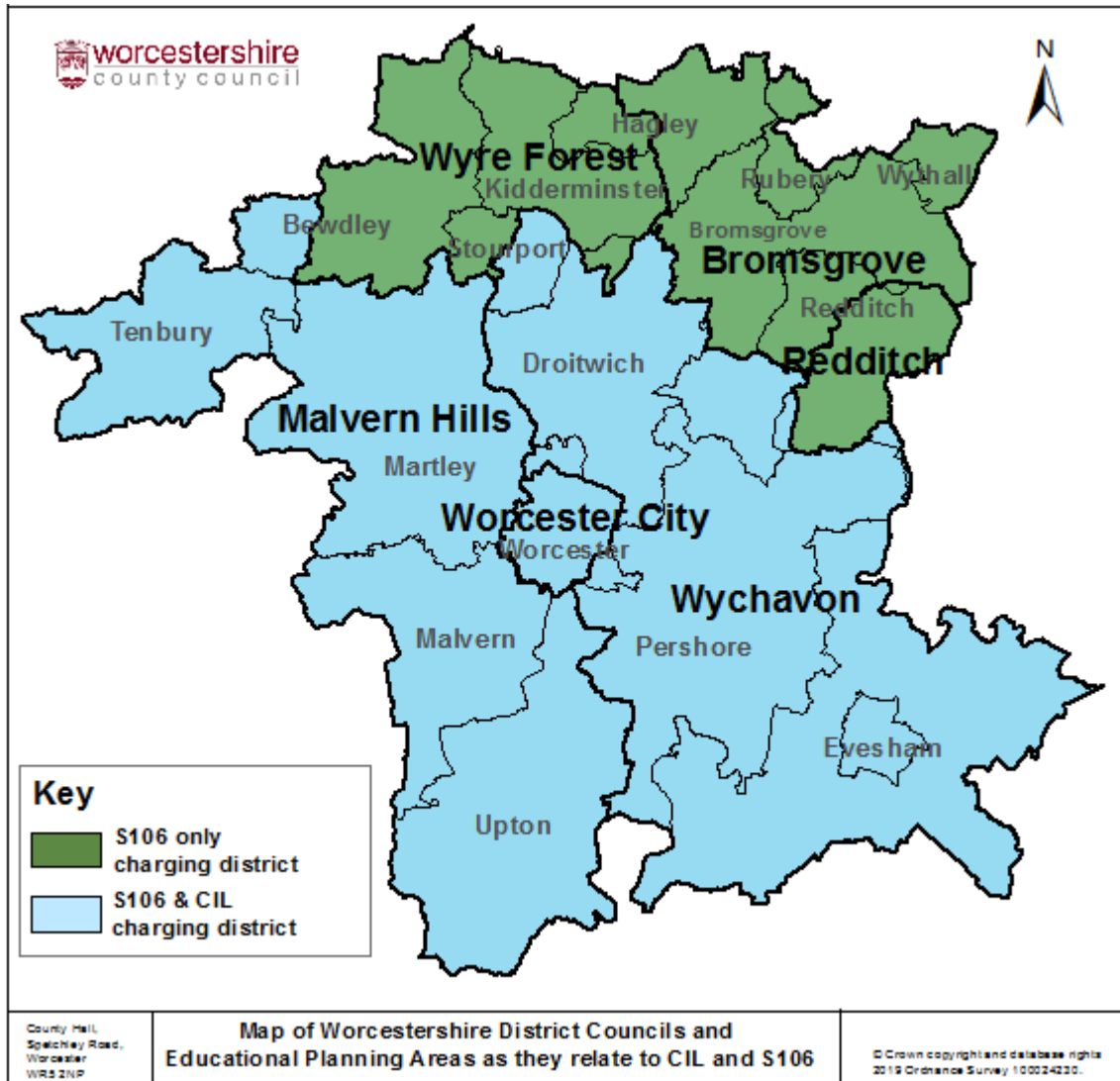
2.8 The three northern district councils of Worcestershire at the point of publication have not adopted CIL. These are:

North Worcestershire Councils:

- Bromsgrove District Council
- Redditch Borough Council
- Wyre Forest District Council

2.9 The contribution arrangements for the six district councils as they relate to the educational planning areas are illustrated in figure one below.

Figure 1: Developer Contribution Arrangements



National Planning Policy Context

- 2.10 The National Planning Policy Framework **2024** and the Community Infrastructure Levy Regulations 2010 (as amended in 2014) set out criteria in respect of planning obligations.
- 2.11 Planning obligations, also known as Section 106 agreements (based on that section of the 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission.
- 2.12 Paragraph **56** of the National Planning Policy Framework **2024** (NPPF) states that local planning authorities should consider whether a development that would otherwise be considered unacceptable could be made acceptable through the use of conditions or planning obligations.
- 2.13 The Community Infrastructure Levy is a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended in 2014).

2.14 Section 106 Agreements and Unilateral Undertakings set out the obligations of the developer and relevant parties to mitigate the impact of a development.

2.15 The 2019 amendments to the CIL Regulations 2010 removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure. This means that, subject to meeting the 3 tests set out in CIL regulation 122, charging authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.

Worcestershire County Council will identify the infrastructure they intend to fund as part of the planning process.

2.16 Paragraph 57 and regulation 122 of the CIL Regulations 2010 set three tests for any planning obligation. The obligation must be:

1. Necessary to make the development acceptable in planning terms
2. Directly related to the development
3. Fairly and reasonably related in scale and kind to the development

2.17 Worcestershire County Council has set out an approach for education that meet these tests:

- **Necessary to make the development acceptable in planning terms**
 - Housing developments will create additional households in the community within which they are situated. These households are likely to include children during the lifespan of the property.
 - An increase in the child population will create additional demands on related schools and early years providers in the local area.
 - Where it can be demonstrated that the related schools and early years providers do not have sufficient capacity to absorb the additional demand, then the development cannot be considered acceptable unless appropriate mitigation is put in place.
- **Directly related to the development**
 - Only schools and early years providers deemed to be related to the development will be considered (see section 4 and 5).
- **Fairly and reasonably related in scale and kind to the development**
 - The level of contribution sought will have a direct relationship to the net number of dwellings on a development and the anticipated pupil yield, taking account of any demolitions due to take place as part of the development.

2.18 In order to avoid any potential for duplication of developer contributions through both s106 and CIL, from 1st January 2023, Worcestershire County Council will seek contributions towards education projects via s106 means only. Worcestershire County Council will not receive funding towards education projects from CIL funding sources from that date but reserves the right to bid for CIL funds from contributions relating to applications made before this date.

School Organisation in Worcestershire

3.1 Worcestershire County Council is responsible for ensuring there are sufficient school places in state-funded schools. There are several different types of school that fall within the state-funded sector, all of which are eligible to receive funding from planning obligations if they are deemed to be related to a particular development. These includes the following types of school:

- Community
- Voluntary Controlled
- Voluntary Aided
- Foundation
- Academy
- Free School

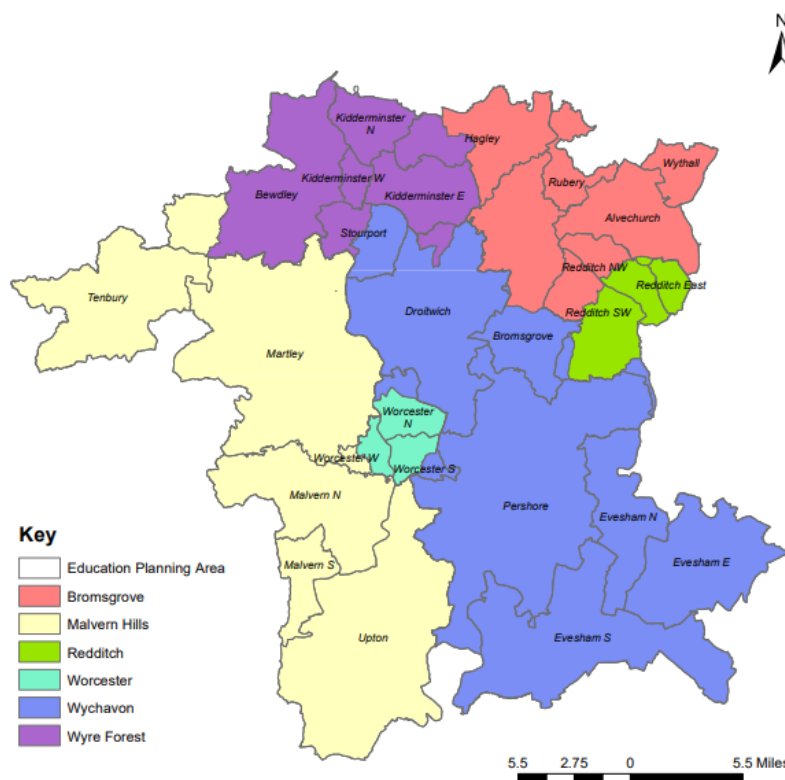
3.2 Worcestershire County Council's role as a statutory provider of school places has changed with the implementation of academies and free schools, which are operated independently of the local authority. As such, Worcestershire County Council now acts as a commissioner of school places, and therefore cannot compel schools to expand.

Mainstream provision

3.3 Worcestershire County Council operates 26 Education Planning Areas (EPAs), based around the main population centres and made up of schools located in close proximity to each other, which pupils could reasonably attend. The use of EPAs allows WCC to assess more accurately the current and future pupil demand for school place provision.

Figure two below shows how these EPAs relate to district council boundaries.

Figure 2: Education Planning Areas



- 3.4 There are both two-tier and three-tier education systems in operation across Worcestershire. In areas which operate a two-tier model, children enter primary school at reception (R) before transferring to a secondary school at the start of year seven. In areas which operate a three-tier model, children enter first school at reception (R), transfer to a middle school at the start of year five (A & B) or six (C), then transfer again to high school at the start of year eight (B) or nine (A & C). Table one below summarises the predominant model in operation in each Education Planning Area:

Table 1 School operating models

Two-tier model Primary Years R-6 Secondary Years 7-13	Three-tier model A First Years R-4 Middle Years 5-8 High Years 9-13	Three-tier model B First Years R-4 Middle Years 5-7 High Years 8-13	Three-tier model C First Years R-5 Middle Years 6-8 High Years 9-13
<ul style="list-style-type: none"> • Bewdley • Hagley • Kidderminster • Malvern • Martley • Pershore*[€] • Rubery • Stourport • Tenbury • Upton • Worcester • Wythall 	<ul style="list-style-type: none"> • Alvechurch • Bromsgrove • Redditch*[†] 	<ul style="list-style-type: none"> • Droitwich* 	<ul style="list-style-type: none"> • Evesham*

*EPA also has primary school(s)

[†]EPA also has a secondary school

[€] EPA fully two-tier from September 2025

- 3.5 Some EPAs operate both two tier (primary and secondary) and three tier (first, middle and high) in the same area, providing families with a choice. This includes some catholic school provision and some other schools that have sought to change their age range. In addition to this, a number of secondary and high schools in the county also offer sixth form provision.
- 3.6 Subject to permission from the Department for Education Regions Group Advisory Boards / Secretary of State for Education, academies have the right to change their age ranges⁷ which can impact on the number of places available within Educational Planning Areas of Worcestershire.

⁷ [Making significant changes to an academy](#)

Early Years provision⁸

3.7 Early years education is provided through a mix of both private and maintained provision in the county. There are several different types of early years provider within Worcestershire, all of which are eligible to receive funding from planning obligations if they are deemed to be related to a development. This includes the following types of providers:

- Day Nursery;
- Childminders and childcare on non-domestic premises;
- School-based provision at both academy and maintained schools; and
- Any other type of provision that offer funded early education places.

Provision for children with SEND

3.8 Worcestershire has a range of education provision to meet the needs of children and young people with SEND. This ranges from mainstream schools, independent schools, mainstream schools with Resourced Provision or SEN Units, the Medical Education Team, Pupil Referral Units (PRUs) and Alternative Provision (AP), state-funded special schools and specialist independent provision.

There are:

- 9 State-Funded Special schools,
- 3 Pupil Referral Units,
- 7 Alternative Provision bases,
- 14 Mainstream Autism Bases of which 3 are Enhanced Mainstream Autism Bases,
- 1 SEN Unit,
- 5 Early Years Language Units,
- 5 School Age Language Units and
- 3 Medical Education Team bases.

In addition, Worcestershire is planning to open a number of SEN Units and Resourced Provision at mainstream schools across the county, to meet gaps in provision for identified SEND needs.

⁸ NPPF 2024 Annex 2 Glossary: 'Early years: the provision of childcare (including education) for a young child, meaning a child from birth to the September after the child turns 5'.

Assessing Impact on Early Years Places in Worcestershire

- 4.1 Worcestershire County Council is responsible for ensuring that all eligible under-fives can access funded early years education. When a development site comes forward, Worcestershire County Council will assess whether current related early years provision is sufficient to support families living on the new development to access their funded entitlement. Where additional demand from the development is required above that which can currently be supported by the market, a contribution will be sought.
- 4.2 Most early years aged children in the county are able to attend their local Early Years provider and have their SEND needs identified and met within that setting.

Calculating the Requirement for Early Years Childcare places (yield)

- 4.3 Worcestershire County Council will conduct a detailed assessment on all planning applications of 10 dwellings or more.
- 4.4 The following types of properties do not typically yield children and the impact of such developments on early years infrastructure will be minimal. They are therefore exempted from the calculation of the number of early years places required.
- developments that are 100% for commercial use (Class B1);
 - all houses and flats with a maximum of one bedroom;
 - homes for older people as defined in the National Planning Policy Framework (NPPF) 2024 Annex 2;
 - flats or apartments, specifically designed as student accommodation; and specialist housing for people with disabilities
- 4.5 All three and four-year old children are eligible for 15 hours of funded childcare per week, with an additional 15 hours available for three and four year olds of working families. Following the Spring Budget 2023, children of working families aged 9 months to 3 years of age are also eligible for 15 hours of funded childcare, extended to 30 hours per week from September 2025. In addition, two year-old children of families in receipt of additional Government support are also eligible for 15 hours of funded childcare per week.
- 4.6 For four-year-old funding requirements, 40% of the anticipated yield of four-year-olds will be discounted as they will be expected to enter straight into reception (summer-born children) and will therefore be accounted for within the mainstream pupil cost multiplier.
- 4.7 Average pupil yields (from analysis of data from housing developments within Worcestershire undertaken by both DfE and WCC) show that each additional dwelling generates an average of 0.07 extra pre-school children per year group. This yield is compared to the average eligibility rates and take-up for all eligible children aged 9 months to 4 years. Tables two and three below show these rates for Worcestershire correct in Summer 2024.
- 4.8 These are then multiplied by the number of dwellings on the development to create an estimate of the impact of a new development on the demand for early years childcare places:

Formula

$$\begin{aligned}
 & ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for under-twos places}) = \\
 & \text{The number of additional 30 hours early years education places required for under two-year-olds} \\
 & + \\
 & ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for two-year-old 15 hour places}) \div 2 + ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for two-year-old 30 hour places}) = \text{The number of additional 30 hour early years education places required for two-year-olds} \\
 & + \\
 & ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for three-year-old 15 hour places}) \div 2 + ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for three-year-old 30 hour places}) = \text{The number of additional 30 hour early years education places required for three-year-olds} \\
 & + \\
 & ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for four-year-old 15 hour places} \times 0.6) \div 2 + ((\text{Number of dwellings} \times \text{Pupil yield per dwelling}) \times \text{Average eligibility for four-year-old 30 hour places} \times 0.6) = \text{The number of additional 30 hour early years education places required for four-year-olds} \\
 & = \\
 & = \text{Total number of additional full time equivalent early years education places required}
 \end{aligned}$$

Table 2: Early Years 15 hour Place Requirements

41% of three-year-olds are eligible for 15 hours of funded early education.

41% of four-year-olds are eligible for 15 hours of funded early education - however 40% of those eligible will have started school.

23% of all two-year-olds are eligible for 15 hours of funded education for families in receipt of government support.

* Percentages are estimated based on actual take up of places using data from 2022 – 2024 Spring Term Early Years censuses.

No. of dwellings	Pupils per year group (x 0.07)	2-Year-old places (23% eligibility)	3-year-old places (41% eligibility)	4-year-old places (41% eligibility) *0.6	Estimated early education places required (15 hours)
100	7	2	3	2	7
120	9	3	4	3	10
250	18	5	8	5	18
500	35	9	15	9	33
600	42	10	18	11	39
700	49	12	21	13	46
1000	70	17	29	18	64

Table 3: Early Years 30 hour Place Requirements

59%* of nine months to three-year-olds are eligible for 30 hours of funded early education.

59%* of four-year-olds are eligible for 30 hours of funded early education - however 40% of those eligible will have started school.

* Percentages are estimated based on actual take up of places using data from 2022 – 2024 Spring Term Early Years censuses.

No. of dwellings	Pupils per year group (x 0.07)	9 months plus places (59% eligibility)	2-Year-old places (59% eligibility)	3-year-old places (59% eligibility)	4-year-old places (59% eligibility) *0.6	Estimated early education places required (30 hours)
100	7	5	5	5	3	18
120	9	6	6	6	4	22
250	18	11	11	11	7	40
500	35	21	21	21	13	76
600	42	25	25	25	15	90
700	49	29	29	29	18	105
1000	70	42	42	42	25	151
2000	140	83	83	83	50	299

Using this calculation, we can determine that the early education full time equivalent place requirements for **under-fives** on a new housing development will be on average **0.22** per dwelling.

15 hour places = $((1 \times 0.07 \times 0.23 = 0.02) + (1 \times 0.07 \times 0.41 = 0.03) + (1 \times 0.07 \times 0.41 \times 0.6 = 0.02)) = 0.07$ – divided by 2 (as 2 x 15 hour places equate to 1 x 30 hour place) and rounded to 2 decimal places = 0.04

30 hour places = $((1 \times 0.07 \times 0.59 = 0.05) + (1 \times 0.07 \times 0.59 = 0.05) + (1 \times 0.07 \times 0.59 = 0.05) + (1 \times 0.07 \times 0.59 \times 0.6 = 0.03)) = 0.18$

4.9 When relevant, other factors such as the location of the development and other extant planning permissions in the area will be factored in to determine the likely impact of the new development.

Assessing the sufficiency of existing Early Years provision

4.10 When a development site comes forward, Worcestershire County Council will assess the sufficiency of existing provision by analysing the number of places currently offered by:

- Providers located in the ward in which the development is located and neighbouring wards
- Providers located within a two-mile radius of the development;

4.11 If existing provision is not sufficient to meet the additional demand for places from the development, a contribution will be required.

Identifying Relevant Early Years Projects

4.12 Where a standard financial contribution towards existing provision is required, this will be calculated using the method as outlined in section 6.

4.13 Projects may involve, but are not limited to:

- Creation of a new nursery, on a school site or standalone private provider;
- Expansion of existing provision on maintained sites or on private provision;
- Refurbishment of existing buildings to allow additional suitable facilities.

4.14 Where the impact of a development is judged to be of a level which would require delivery of new provision for under-fives, then the contribution will be negotiated with the developer. In this instance, the contribution sought will reflect the project-specific build costs and proportion of the places in the new provision which are likely to be required from children resident on the proposed development.

4.15 Worcestershire County Council will consider payment in kind by way of the direct provision of buildings by the developer. The specification of any buildings to be directly provided by the developer must be agreed with Worcestershire County Council.

4.16 Where a new school is required from a development, under-fives provision will always be built alongside it to a size suitable to the requirements of the site.

Assessing Impact on State-Funded Mainstream School Places

- 5.1 Worcestershire County Council is responsible for ensuring there are sufficient school places in state-funded schools. When a development site comes forward, Worcestershire County Council will assess whether current education provision is sufficient to support families living on the new development to access a school place. Where additional demand from the development is required above that which can currently be supported within related schools, a contribution will be sought.

Calculating the School Place Requirements of New Developments

- 5.2 Worcestershire County Council will initially assess the anticipated number of school places required from a new development.
- 5.3 Assessments are dealt with on an individual basis with relevant evidence provided to the local planning authority and developer
- 5.4 The detailed assessment will firstly consider the number of dwellings proposed as part of the application. Average pupil yields as set out below show the average expected pupil product ratio (PPR) expected from additional dwellings.
- 5.5 In line with the National Planning Practice Guidance (01/09/2019) paragraph 23, , education planning obligations will not be sought on developments of fewer than 10 dwellings.

However, developments of fewer than 10 dwellings will be considered where their co-location with other sites requires examination of the cumulative impact.

- 5.6 Certain types of dwelling are discounted from the total number when calculating the number of school places required, as they typically yield few children and the impact of such developments on education infrastructure will be minimal.

- developments that are 100% for commercial use (Class B1);
- all houses and flats with a maximum of one bedroom;
- homes for older people as defined in the National Planning Policy Framework (NPPF) 2024 Annex 2;
- flats or apartments, specifically designed as student accommodation; and
- specialist housing for people with disabilities

- 5.7 Where a development includes demolition of at least one existing dwelling, the number demolished will be discounted and only the net increase in the number of dwellings will be used to calculate the required contribution.

- 5.8 Where there are multiple planning applications for developments within a locality, WCC will look at the cumulative impact of these developments on education provision in the area.

Pupil Product Ratio (PPR) or pupil yields

5.9 The mainstream early years to post 16 PPRs are based on evidence from recent housing developments in Worcestershire, matching census data and known children numbers to numbers of dwellings on those housing developments to determine average pupil numbers and characteristics over time. WCC's pupil yields have been reviewed in Spring 2024, using data from 30 local developments constructed in the last 10 years and also the Pupil Yield dashboard data published by DfE in 2023.⁹

5.10 The SEND PPR is based on the percentage of pupils in Worcestershire with an Education, Health & Care plan, which at January 2024 is 4.9%. Not all pupils with an EHCP need specialist SEND Provision - for example a special school place - however an EHCP is agreed when a child or young person's needs cannot be met in a mainstream setting without additional support or enhanced provision. Contributions sought for SEND provision, will be used either to create additional SEND provision or to adapt mainstream schools to meet the need of pupils with EHCP's.

5.11 The early years PPR, primary PPR and secondary PPR are acknowledged to be different due to the characteristics of new developments.

5.12 Relevant pupil yields will be applied when determining estimated impact on any given school, considering the age range of the school itself.

5.13 The estimated pupil yield for each phase will be rounded up to the nearest integer to determine the total number of places required per phase of education, except when calculating the SEND yield, which will be rounded to the nearest integer.

5.14 These yield figures will be used in conjunction with other considerations, such as location, expected levels of recirculation, parental preference and any cross-boundary movements to estimate the impact of a development on related schools and early years providers.

5.15 In certain circumstances, we would expect to see a greater PPR than those outlined below, such as on large scale developments of 2000+ dwellings. In these circumstances, WCC will assess contributions on a case-by-case basis.

Table 4 Product Ratio per year group per dwelling in Worcestershire

	Pupil Yield
Early Years Places Product ratio (15 hour places)	0.04
Early Years Places Product ratio (30 hour places)	0.18
Primary Pupil Product Ratio	0.05
Secondary Pupil Product Ratio	0.04

⁹ [Pupil yield from housing developments, Reporting year 2022 - Explore education statistics - GOV.UK](https://www.gov.uk/explore-education-statistics/reporting-year-2022/pupil-yield-from-housing-developments)

5.16 The assessment will also consider additional factors such as:

- the location of the development, including the proximity to existing educational infrastructure, existing tier structure and proximity to other local authorities;
- known trends in parental preference and expected characteristics of the development;
- the full extent of the development site area, neighbouring sites and any other planning applications submitted or approved in the area **based on district councils' local plans**, particularly where developments come forward as a result of subdivision of larger development areas.

5.17 Other factors may also be taken into account when they are considered to have an impact on the expected pupil yield from the development. **For example, a lower PPR is used for 100% flatted developments, based on evidence from local developments comprising only flats¹⁰.**

Operational Surplus in Mainstream Schools

5.18 Worcestershire is divided into **26** Education Planning Areas, based around the main centres of population. Worcestershire County Council aims to maintain a 5% surplus capacity (5% more places available than the total number of pupils forecast to require places) in any education planning area, in line with recommendations from the National Audit Office¹¹

5.19 Parents have the right under the School Admissions Code¹² to apply to any school of their preference for a place for their child. While there is no automatic entitlement to a place at their first-choice school, the ability to nominate a preference does raise expectations that a significant proportion of applications will be successful. In addition, a surplus allows for in-year migration into and out of schools and reduces the number of school place appeals. It is therefore recognised that in order to maintain an efficient system while still offering a degree of parental choice, Worcestershire County Council should seek to maintain an operational surplus of school places above the anticipated level of need.

Cross-boundary movements and pupil migration

5.20 The requirement to run an operational surplus, coupled with the ability of parents to express a preference, and for those pupils who have an Education, Health & Care Plan (EHCP), make it inevitable that most schools which use a catchment area in their admission criteria will have some pupils attending from out of the area. Therefore, consideration will be given to expected movement of pupils between catchment areas, in particular where this results in cross-boundary movements.

¹⁰ **Early Years 0.08, Primary 0.01, Secondary 0.08**

¹¹ <http://www.educationengland.org.uk/documents/pdfs/2013-nao-school-places.pdf>

¹² <https://www.gov.uk/government/publications/school-admissions-code--2>

Recirculation

5.21 It is recognised that some of the children resident in a new development will have moved from within an Education Planning Area and may not generate a need for a new school place.

5.22 However, analysis of a sample of recent developments within Worcestershire showed that local movement is highly variable, depending on a combination of characteristics unique to each development, and as such, there is no pattern that could be translated into an adjustment to the standard PPRs.

5.23 DfE guidance states: 'Whilst there may be no immediate impact on local education capacity as a result of local moves, housing development increases the population in a pupil place planning area and creates permanent future demand for local school places, while older properties that are vacated by local families can be backfilled by new residents requiring school places'.

Peaks in secondary yields

5.24 Analysis indicates that the full impact of new housing developments on secondary education requirements are not fully realised until later on in the development. This has been accounted for within the pupil product ratio, however in certain circumstances; particularly where developments are located within close proximity to existing schools, this will be further considered when determining the level of developer contributions and the point at which obligations for secondary schools will be required.

Bulge Year Groups

5.25 Where a school may have admitted an exceptionally large cohort in response to a short-term spike in demand, this will be taken into consideration when assessing the number of surplus places. It will not be taken as evidence that the school can admit additional children in every year group nor will it be counted as the largest year group.

Identifying Related Mainstream Schools

5.26 When a development site comes forward, Worcestershire County Council will identify schools that are considered to be directly related to the development. Related schools are usually:

- Schools that operate a catchment area as part of their admission criteria which covers the area in which the development is situated or;
- Schools that are located within a two-mile safe walking route that offer education for children who are eight years or younger¹³ or;
- Schools that are located within a three-mile safe walking route that offer education for children who are nine years or older⁶ only or;
- Schools that can demonstrate a likely demand from families moving on to the development or;
- Where a development is of sufficient scale, a new school is considered (see section 7).

¹³ Based on DfE Guidance on home to school travel and transport (July 2014)

- 5.27 Worcestershire County Council will initially assess the surplus capacity of schools related to the development by reference to the number of pupils on roll in the largest year group against the Published Admission Number (PAN) in place for the most recent September intake. The expected pupil yield from other planning applications within the locality of the development which have already been approved is also included where this applies to the same catchment and related schools. The number of pupils on roll for the largest year group will be taken from the census of pupils carried out each October. If this initial assessment suggests that there are insufficient places to accommodate the additional children likely to be generated by the development, whilst still maintaining the operational surplus, a more detailed assessment will take place.
- 5.28 Each school has a PAN which sets out the number of pupils which can be admitted into the intake year group. The PAN is included in the admission policy for the school, which is published each year for the following September intake.
- 5.29 If the schools initially identified as related to the development have no scope to expand, consideration will be given to investing in an alternative related school which does have scope to expand. Significant expansions will be subject to appropriate public consultation and approval by the relevant decision-making body. WCC does not control the number of places in academies or free schools - if a related school is an academy or free school, then expansion will be subject to agreement from the school's governing body and the Department for Education.
- 5.30 Worcestershire County Council will seek to expand only a school which is currently rated as 'Good' or 'Outstanding' by Ofsted in line with government guidance¹⁴. Certain circumstances, however, may require us to nominate schools not currently rated as such, in particular where a given school is expected to become 'Good' or 'Outstanding' by the time an expansion will be required, or when no alternatives can be identified.

Objections to planning applications

- 5.31 There may be circumstances where WCC has no alternative but to recommend refusal of a planning application because the impact of the proposed development on education infrastructure in the locality cannot be mitigated. Where, for example, the catchment school is full and cannot be expanded, and there are no other schools within the statutory safe walking distance, the only alternative would be to transport pupils long term to another school, and this is not considered to be a satisfactory mitigation.

To evidence that a school cannot be expanded, WCC will commission a property agent to undertake a feasibility study – in such circumstances, WCC will need additional time to fully assess the potential impact of a proposed development and to respond to the planning application consultation. In addition, WCC cannot compel a school to expand even if sufficient space is available on site so any expansion potential would need to be agreed with the school concerned.

¹⁴ January 2023) [Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Calculating the Level of Contribution for Increasing Provision at an Existing Provider

6.1 Where a financial contribution towards an existing provider is judged to be the appropriate mitigation for a development, the amounts sought will be calculated based on the cost of **creating** a new place at the existing provider. The formula for calculating this comprises the following elements:

Requirements for early years provision

6.2 There is no nationwide funding formula for Early Years provision, however there is guidance on the amount of floor space that an Early Years child will need, based on the age of the child. Providers must meet the following indoor space requirements:

- Children under two years: 3.5 m² per child;
- Two-year-olds: 2.5 m² per child;
- Children aged three to five years: 2.3 m² per child.¹⁵

The flexible nature of early years provision between term-time and all-year round provision, AM and PM sessions and the higher turnover of providers means that this can often be a variable that changes on a monthly basis. **For this reason, the same cost multiplier as primary-aged pupils is used. Two early years places (15 hours) are calculated as the equivalent of 1 full time school place (30 hours), as shown in section 4.7 above .**

Requirements for mainstream provision for 5 – 16-year-olds

6.3 The number of year groups in each phase of the relevant schools will be considered. Worcestershire has both two- and three-tier education systems in operation in various parts of the county. Table 1 in this document sets out the predominant system in each area. The year groups from reception up to the end of year 6 are deemed to be in the primary phase, whilst year groups in years 7 to 11 are deemed to be in the secondary phase.

6.4 Middle schools will have a number of primary phase year groups and a number of secondary phase year groups, depending on the age range they cover. A middle school admitting years 5 to 8 would be deemed to have two year groups at the primary phase and two at the secondary phase.

6.5 Secondary schools typically have five secondary phase year groups. Schools in three-tier areas will have fewer.

6.6 WCC has a duty under the Childcare Act 2006 to have sufficient childcare in Worcestershire for working parents, and all primary aged pupils are expected to be able to access term-time wraparound provision as required to meet the needs of working families. These requirements will be taken into account in any project to create or enhance provision for primary-aged children.

¹⁵ [Statutory framework for the early years foundation stage for group and school providers \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) paragraph 3.66

Requirements for special education needs and disability provision (2-19yrs)

- 6.7 The Local Authority has a duty to provide efficient education for all pupils. Efficient education means providing for each child or young person a suitable, appropriate education in terms of their age, ability, aptitude, and any special educational needs they may have.
- 6.8 An Education, Health and Care Plan (EHCP) (previously known as a Statement of Special Educational Needs) is a plan put together by professionals in education, health and social care to make sure children with Special Educational Needs and Disabilities (SEND) have a package of support to meet their needs.
- 6.9 A contribution for additional provision for pupils with EHCPs through S106 or CIL will be assessed and calculated on a case-by-case basis for any developments of 50 dwellings or more.
- 6.10 In January 2024, the percentage of pupils with Education, Health and Care Plans (EHCPs) in Worcestershire was 4.9%
- 6.11 Accordingly for developments of 50 dwellings or more, 4.9% of the calculated pupil places in the early years, primary and secondary phases will be classified as SEND. Each resulting whole SEND place will be charged at the relevant SEND Building Cost Multiplier (see below).

Requirements for post-16 provision

- 6.12 Where the catchment secondary or high school has a sixth form, it is assumed that 50% of the post-16 students from the development will require a place in Years 12 & 13, based on transfer rates into sixth forms in Worcestershire secondary and high schools. The contribution required for these additional places is calculated as the equivalent of one additional secondary year group. .
- 6.13 No post-16 contribution will be sought where the catchment secondary or high school does not have a sixth form.

School transport contributions

- 6.14 School transport is generally considered not to be a viable solution to the impact of the pupil yield from a development; it is unsustainable and presents a challenge to place-making aspirations and is in consequence sub optimal. There is also an unfunded long-term financial burden on the County Council which can be mitigated through contributions for only for the first seven years for primary age children and five years for secondary age.

Building Cost Multiplier (BCM)

6.15 As per Government Guidance, the BCM applied to school places arising from housing developments should reflect the actual costs of providing one additional full-time school place at an existing school, based on the national average costs published annually in the DfE school place scorecards. These costs will be updated annually in line with inflation (Retail Price Index) and published as at 1st April each year in line with DfE guidance to ensure the contributions remain reflective of the true cost of creating additional school places.

The current costs as of 1st April 2025 are:

- £21,607 per primary and early years place,
- £29,717 per secondary and sixth form place
- SEND places will be calculated at 4 times the cost of a place appropriate for the phase of education as per government guidance¹⁶.
- The contribution requested in the planning application assessment will be subject to RPI indexation from the date of assessment up to the date of signing of the s106 agreement.

Formula

6.16 The formula for calculating the contribution is as follows and will need to be calculated for each tier of education in the area:

$$\begin{aligned}
 &(((\text{Number of chargeable dwellings} \times \text{mainstream Pupil yield per dwelling}) \times \text{Number of year groups}) = \text{the number of additional mainstream places required to be funded}) \\
 &\quad \times \\
 &\quad \text{The correct building cost multiplier for the school phase)} \\
 &\quad + \\
 &(((\text{Number of chargeable dwellings} \times \text{Early years full time equivalent place yield per dwelling}) = \text{the number of additional full time early years education places required}) \\
 &\quad \times \\
 &\quad \text{The correct building cost multiplier for the school phase)} \\
 &\quad + \\
 &(((\text{Number of dwellings} \times \text{SEND Pupil yield per dwelling}) \times \text{Number of year groups}) = \text{the number of additional SEND places required to be funded}) \\
 &\quad \times \\
 &\quad \text{The correct building cost multiplier for the school phase)} \\
 &\quad = \\
 &\quad \text{Contribution required}
 \end{aligned}$$

¹⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

Working Example

6.17 An application for 100 dwellings, of which 78 dwellings are chargeable (see 'Exemptions' section below), is submitted within a two-tier educational planning area. None of the related schools have sufficient capacity to support additional pupils from the new development. The secondary school has a sixth form.

Early Years Contribution

$$78 \times 0.22 = 17.16$$

18 full time equivalent early years places required

$$17.16 \text{ rounded up to } 18 \times £21,607 = £388,926$$

Primary Contribution

$$78 \times 0.05 = 3.9$$

3.9 x 7 year groups in the primary phase = 27.3

$$27.3 \times \text{Percentage of pupils without an EHCP of total population (95.1\%)} = 25.96$$

$$25.96 \text{ rounded up to } 26 \text{ mainstream primary places required} \times £21,607 = £561,782$$

Secondary and Sixth Form Contribution

$$78 \times 0.04 = 3.12$$

3.12 x 6 year groups in the secondary phase and sixth form = 18.72

$$18.72 \times \text{Percentage of pupils without an EHCP of total population (95.1\%)} = 17.8$$

$$17.8 \text{ rounded up to } 18 \text{ mainstream secondary and sixth form places required} \times £29,717 = £534,906$$

SEND Contribution – ages 2-19

EY and Primary year groups

$$100 \times 0.05 = 5$$

$$5 \times 10 \text{ year groups in the EY and primary phase (age 2-11)} = 50$$

$$50 \times \text{Percentage of pupils with an EHCP of total population (4.9\%)} = 2.45$$

$$2.45 \text{ rounded to } 2 \text{ SEND primary places required} \times (£21,607 \times 4) = £172,856$$

Plus Secondary year groups

$$100 \times 0.04 = 4$$

$$4 \times 7 \text{ year groups in the secondary phase including Yr 14} = 28$$

$$28 \times \text{Percentage of pupils with an EHCP of total population (4.9\%)} = 1.37$$

$$1.37 \text{ rounded to } 1 \text{ SEND secondary place required} \times (£29,717 \times 4) = £118,868$$

$$\text{Total Contribution} = £1,777,338$$

Exemptions from calculation of contributions

6.18 In line with the National Planning Policy Practice Guidance (01/09/2019) paragraph 23, education planning obligations will not be sought on developments of fewer than 10 dwellings.

6.19 When assessing the impact of a development of 10 dwellings or more, Worcestershire County Council will take into consideration the likely effect that new dwellings may have on school places. In doing so, consideration has been given to properties where there is a high certainty that the impact on educational infrastructure requirements will be minimal and therefore are exempted from the calculation of pupil yields and education contributions.

6.19.1 developments that are 100% for commercial use (Class B1);

6.19.2 all houses and flats with a maximum of one bedroom;

6.19.3 homes for older people as defined in the National Planning Policy Framework (NPPF) 2024 Annex 2;

6.19.4 flats or apartments, specifically designed as student accommodation; and

6.19.5 specialist housing for people with disabilities

6.20 Affordable housing, either for sale or rent, provides a subsidised route to home ownership for those whose needs are not met by the market. The National Planning Policy Framework (NPPF) 2024 Annex 2 provides an updated definition of affordable dwellings which are categorised as follows:

- Social rent
- Other affordable housing for rent;
 - discounted market sales housing; and
 - other affordable routes to home ownership.

6.21 In consideration of the higher level of household recirculation, Worcestershire County Council will exempt from the calculation of early years and mainstream contributions those properties deemed to be social rent or affordable rent, where the landlord is a registered housing provider and the provision is to meet local need from those families already resident in the area and, the property will remain at an affordable price for future eligible households. Build-to-rent schemes are not exempt as they do not meet the above criteria. Note that all dwellings are considered liable in the calculation of SEND contributions for developments of 50 dwellings and more.

6.22 Worcestershire County Council will only seek mainstream post-16 contributions where the catchment (and any related) secondary or high school(s) include sixth form provision, Contributions are not required where the local provider is a standalone post-16 institution as these institutions are funded through a different route.

Other forms of contribution

6.23 Worcestershire County Council will consider an offer of payment in kind by way of the provision of a piece of land and/or buildings by the developer, in lieu of a financial contribution. Any such offers of land or facilities for school use should be discussed with Worcestershire County Council at the earliest opportunity, and before submission of the planning application.

Where such land and/or buildings are needed to mitigate the impact of more than one development, the other developers may be required to make a proportionate capital contribution towards the cost of the land and services and the overall total construction cost

6.24 We encourage developers to include schools in any local consultations about a proposed development, but any offers of land or facilities for school use must be discussed with Worcestershire County Council. Any local agreement between the developer and a school is not binding on the local authority, and a planning obligations contribution may still be sought.

Calculating the Level of Contribution When a New School is required

- 7.1 Typically, a new primary or first school may be required where a development (or more than one development in the same locality) will contribute 300 or more new dwellings, or in areas where no potential school expansions can be identified. When a large-scale development in excess of 100 dwellings is proposed, we recommend that developers and district councils engage with Worcestershire County Council at an early stage to allow for appropriate planning and feasibility work to be undertaken. WCC will work with partners and the local planning authority to agree an opening strategy for new school provision on strategic developments and new settlements, to ensure that a suitable school site will be made available at the appropriate time, and that places will be available when sufficient pupils will live on the development.
- 7.2 As per the early years and childcare place requirements in section 5 above, all new First and Primary schools are likely to be required to provide provision for under-fives on site. This requirement will be included in any feasibility work undertaken.
- 7.3 A new secondary or special school is only likely to be required on very large sites or in an area where there is a significant amount of new housing across several developments. A new school may also be required when an expansion at an existing provider is not possible.
- 7.4 There should be an assumption that both land and funding for construction will be provided for new schools planned within housing developments. If more than one development site is expected to be contributing to the overall need for a new school or additional provision, each developer will be required to pay a proportionate amount towards the overall total construction cost and the cost of the necessary land, access and relevant services.
- 7.4.1 Where the new school or provision will be delivered on a standalone site, developer contributions will be pooled to fund the purchase of the site on the open market.
- 7.4.2 Where one developer provides the land, their proportionate share of the total costs will reflect that, and the other developers will be required to make contributions of their proportionate share of the land value.
- 7.5 If a new school is required solely as a result of new housing, Worcestershire County Council will require the developer, or developers, to fund all of the build and land costs. The build costs will be determined by a detailed feasibility of the proposed school site where possible or a generic site where not possible. The contribution required will be based on the final feasibility costing, and Worcestershire County Council reserves the right to apply the relevant BCIS indexation to that costing if there is a delay between the final feasibility and the signing of the relevant s106 agreement.
- 7.6 Worcestershire County Council will consider payment in kind by the direct delivery of buildings by the developer if all legal requirements can be met. In this instance the specification and design of any provision must be agreed with Worcestershire County Council.
- 7.7 Under current government policy, all new schools should be opened as free schools, which are operated under an academy trust. When a new school is required as a result of new housing, Worcestershire County Council will run a competition to determine the operator of the new school(s). Community access to school buildings for purposes other than education will be agreed upon by the school operator once they are determined. The local

authority aims to work with schools and local communities to ensure the best use of school premises.

- 7.8 Where a number of small developments are expected to come forward in an area with an aggregated requirement for a new school, Worcestershire County Council would expect the local planning authority to assist in the negotiations to secure a school site.

Payment of contributions

- 8.1 Where Section 106 education planning obligations are required, a legal agreement will be completed. If the application is in outline, without detailed breakdown of the types of affordable dwellings, an estimated cost based on the total number of dwellings, and/or the formula for the calculation of the estimated cost, will be provided until a breakdown of house types is available.
- 8.2 Financial contributions will be subject to indexation and interest on late payments. The calculation of indexation and interest will be set out in the legal agreement.
- 8.3 Payment of agreed financial contributions will usually be sought on or before occupation of one third of the total number of dwellings on the development. On larger scale developments of 100+ dwellings, triggers for payment will be subject to negotiation. Worcestershire County Council will consider payment by instalments so long as the final balance is received prior to occupation of 90% of the total number of dwellings. The trigger points for payment will usually be expressed as a percentage of the proposed number of dwellings.
- 8.4 Worcestershire County Council will retain the funds received in an interest-bearing account set up specifically for education planning obligations.
- 8.5 Worcestershire County Council will carefully monitor and commit to spending the contributions within the time period agreed with the developer. This will be a minimum of ten years from receipt of the final payment as per Government Guidance¹⁷.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

Disbursement of Monies

Nomination of projects

- 9.1 The completed legal agreement will specify the infrastructure projects to be funded from education planning obligations. Contributions will always be used to fund capital projects to deliver permanent facilities and will not be used for providing temporary accommodation unless this is a necessary short-term measure as part of the delivery of a permanent building.
- 9.2 Highest priority will be given to projects which deliver additional capacity to allow providers to admit extra children. This may include but is not limited to:
- Any form of additional teaching area or support facilities such as classrooms, halls, spaces for group work or specialist facilities for children with disabilities;
 - Additional toilet facilities;
 - Office areas and support services;
 - Outdoor physical education

9.3 It is essential that the Authority has the flexibility to invest the contributions in the most appropriate provision that can meet the needs of children from the development. It may not be practical or desirable to use s106 contributions for provide additional capacity at the establishment nearest to the development because, for example, the site is too constrained or the establishment may decline for expand, and in these circumstances, the contributions may be used to enhance provision at other local establishments which may serve the children from the development.

Forward funding of projects

- 9.4 It may be necessary for Worcestershire County Council, or its partners, to deliver education infrastructure projects ahead of the related development. This ensures that schools are able to manage the impact in time for occupations on the development or to take advantage of other funding opportunities which may be time limited. Such circumstances are likely to occur only where the infrastructure is intended to manage the cumulative impact of several sites, a single large site or is to be partially funded from other funding sources such as Government grants.
- 9.5 The forward funding of projects does not remove the obligation from developers to fund the infrastructure that is shown to be necessary to mitigate the impact of their development. Worcestershire County Council reserves the right to adjust the timing of delivery of an agreed education infrastructure project as necessary during the lifetime of the related development

Recording and Monitoring of funds

- 9.6 Local planning authorities may be asked by central government for enhanced monitoring information about the collection and expenditure of S106 and CIL contributions. Worcestershire County Council will work with District Councils to ensure they are able to fulfil this duty.

Contact Details

For further information on the content of this document, or to discuss a potential development, please contact: spp@worcestershire.gov.uk

Revision	Date	Amendment
V6	04/02/2025	<i>Formula for SEND contribution</i>
V5	24/01/2025	<i>Various</i>
V4	01/01/2025	<i>Various as detailed on page 1</i>
V3.1	26/03/2024	<i>various</i>
V2.1	17/05/2023	Update to contribution rates, updates to contact details
V2	06/10/2020	Update to email address page 1
	06/10/2020	Deletion of paragraph 2.12 – pooling restrictions. Renumbered and replaced with paragraph 2.13