

# **CABINET MEMBER DECISION**

**Date of decision - 18 September 2025**

## **EDUCATION PLANNING OBLIGATIONS POLICY - APPROVAL OF PROPOSED AMENDMENTS**

**Key Decision: No**

**Exempt: No**

**Decision subject to Call-in: Yes**

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### **Relevant Cabinet Member**

Councillor Stephen Foster

### **Relevant Chief Officer**

Director of Children's Services

### **Recommendation**

- 1. The Cabinet Member with Responsibility for Education and Special Educational Needs and/or Disabilities is recommended to:**
  - (a) Note the details of the representations made in response to the public consultation on the revised Education Planning Obligations Policy during the representation period Tuesday 6th May to midday Tuesday 17th June 2025 as summarised in Appendix A; and**
  - (b) Approve the proposed amendments to, and authorise the publication of, the 2025 Education Planning Obligations Policy as attached as Appendix B.**

### **Background**

1. The Education Planning Obligations Policy ('the Policy') sets out Worcestershire County Council's approach to securing developer contributions towards the expansion of education infrastructure to meet increased demand for places from housing growth.
2. The Policy was last reviewed and amended in 2019, following a full public consultation.
3. In February 2025, Cabinet authorised the publication of the proposed revised Education Planning Obligations Policy (the Policy) for formal public consultation, and authorised the Cabinet Member with Responsibility for Education, in consultation with the Director of Children's Services, 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 17<sup>th</sup> June 2025.

4. All of the responses received during the consultation period were in general supportive of the proposals; however, a number of recommendations of change were made to clarify particular points relating to planning matters. These changes are incorporated in the final draft policy which is attached as appendix B.
5. Since 2019, there have been changes to national planning policy and Department for Education (DfE) guidance which should be reflected within the Policy, but of greater impact are the increases in demand for and uptake of early years places, and demand for specialist provision to meet the needs of the growing proportion of the Worcestershire population aged between 0 and 25 who have Special Educational Needs and Disabilities (SEND) and specifically Education, Health and Care Plans (EHCPs).
6. The uptake rates for Early Years places, and the % of the pupil population with EHCPs, are used in formulae to calculate the contributions required from developers who put forward planning applications for developments of 10 or more dwellings within Worcestershire.
7. The objective of approval of the revised Policy is to ensure that it reflects the current local planning context and current national policy and guidance on planning and development and on early years education and the schools estate.

## **Reasons for decision**

8. Approval of the proposed amendments will ensure that the levels of education planning obligation contributions required from developers more accurately reflect the cost of providing additional early years and school places to mitigate the impact of the increased demand resulting from the housing growth.

## **Consultation**

9. A public consultation was held between Tuesday 6th May to midday Tuesday 17th June.
10. Stakeholders notified by email were key internal stakeholders, local planning authorities, neighbouring local authorities, all schools and academy trusts, all early years childcare providers, parent carer forum representatives, Dioceses and all local MPs
11. The consultation was promoted via a [webpage](#), local media and social media campaigns.
12. Twenty-six (26) responses were received, most from education settings and schools.
13. Each of the respondents to the public consultation survey was supportive of the proposal to increase the contributions required towards one or both of early years and SEND provision. No respondents were against an increase.

14. A number of responses highlight increasing demands and want the policy to secure more funding. We completely understand the increasing demands and the increasing costs of additional provision. The proposed solution is to amend the Early Years uptake rates and the SEND percentage used in the Education Planning Obligations Policy annually in future, to ensure that contributions keep pace with evidenced levels of demand from children and young people living in Worcestershire whilst still being considered fair and reasonable. The Policy is designed to secure appropriate levels of contribution, while managing the risk that contribution requests are set at so high a level that they are not agreed on viability, competing requests for contributions or other grounds
15. A consultation outcome report is attached as Appendix A.

### **Options considered**

- 1) **Approval of the amendments as proposed** – it is recommended that Cabinet Member with Responsibility approve the amendments to the Policy following public consultation. Adoption of the updated policy following consultation would provide greater weight and substantiate our position when seeking developer contributions as part of planning applications.
- 2) **No action** – this option has been discounted as it will leave the policy position out of date with national policy and guidance.

### **Legal, Finance and Human Resources Implications**

16. The Council has a statutory duty to ensure there are sufficient school places for all children aged 4-19 resident in Worcestershire who wish to attend a publicly funded school. The Council also has responsibility for ensuring that all eligible children 9 months to four-year-olds can access high quality free early education places, either within school provision or in a variety of private provision. The Council also has a statutory duty to ensure there is sufficient education provision to meet the needs of children and young people with Special Educational Needs and/or Disabilities (SEND) up to the age of 25 years for those with an Education Health and Care Plan (EHCP). Sufficient education provision is crucial in ensuring that all children can gain vital knowledge, skills, experiences necessary for life and work.
17. Worcestershire County Council has a duty within the terms set out in the Childcare Act 2006 and 2016 to ensure all eligible children under five years old have access to high quality free early education places, 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 the area for working parents. In addition, and by September 2026, all parents and carers of primary school-aged children who need childcare before and or after school should be able to access term time childcare in their local area.
18. The proposed changes will support WCC to ensure that sufficiency needs in areas of housing growth can be met.
19. Developer contributions are subject to legal agreements as specified in Section 106 of the Town and Country Planning Act 1990 (as amended), which must meet

statutory tests of necessity, direct linkage to development and reasonableness. A need for funding requires to be demonstrated, but will be balanced by the Planning decision maker against factors such as viability and other requests for contributions

## **Risk Implications**

20. Without investment, schools and early education providers may not be able to mitigate the impacts of additional pupils generated by new housing developments, creating an adverse impact on both new and established communities and raising concerns over the viability and sustainability of new development. It is therefore important that developers and the Council take appropriate steps in securing a suitable robust S106 Education Planning Obligations Policy in partnership to mitigate the impact of new development on education infrastructure.
21. In April 2019, the Department for Education (DFE) issued non-statutory guidance on securing developer contributions for education, and this was updated in August 2023<sup>1</sup>. The guidance has been produced to help local authorities secure appropriate developer contributions for education so that new developments can appropriately mitigate the cost of providing additional education 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 calculating the appropriate mitigation via conditions and planning obligations.

## **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

22. A Joint Impact Assessment Screening (#832) has been completed in respect of these proposals. The screening did not identify any potential Data Protection or Sustainability considerations requiring further consideration during implementation. The screening did identify that further impact analysis was required in respect of Equality and Public Health. A copy of the Equality Relevance Screening is set out in Appendix C.
23. A full Equality and Public Health Impact Assessment (#832) has been carried out in respect of the recommendations and is attached as Appendix D. This did not identify potential negative impact for any Protected Groups.

## Supporting Information

- Appendix A - Consultation outcomes report
- Appendix B – Final Worcestershire Education Planning Obligations Policy 2025
- Appendix C – Joint Impact Assessment screening
- Appendix D – Equality and Public Health Impact Assessment

## Contact Points

### Specific Contact Points for this report

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## Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Children's Services) the following are the background papers relating to the subject matter of this report:

- [Education Planning Obligations Policy Cabinet Report 6 February 2025](#)

## Officer Clearance

### **Report Author**

Rachel Kiernan

### **On behalf of the Strategic Director**

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### **On behalf of the Chief Finance Officer**

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### **On behalf of the Monitoring Officer**

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