

EDUCATION PLANNING OBLIGATIONS POLICY

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Staffordshire
County Council

Produced by
Children and Lifelong
Learning Directorate,
School Organisation Team

**STAFFORDSHIRE COUNTY COUNCIL
EDUCATION PLANNING OBLIGATIONS POLICY
APPROVED NOVEMBER 2003**

Context

1. New housing development often places pressure on existing infrastructure. This infrastructure includes: facilities such as roads, parking, landscaping and affordable housing, as well as services such as the provision of education, social services, libraries, recreation, leisure, police and fire and rescue.
2. The Town and Country Planning Act 1990 (as amended) Section 106, sets in place a method of obtaining funding from developers, through Planning Obligations. A Planning Obligation is a legally binding document, drawn up as a legal agreement between all the parties involved. These usually consist of the Developer or landowners, the Local Planning Authority (usually the District Council) and any infrastructure or service providers (in the case of educational provision the County Council as the Local Authority).
3. This system was reinforced by Government guidance. A Department of the Environment Circular 1/97 "Planning Obligations" stresses that contributions must be directly related to the development and must not constitute the buying or selling of planning permissions. Put simply, this means that the contribution must relate to something "without which the development ought not to be allowed to proceed"
4. The Staffordshire and Stoke-on-Trent approved Structure Plan 1996-2011 includes Policy D8, which states:

"Where appropriate, development schemes should be accompanied by the provision of necessary on- and off-site infrastructure, community services, and/or mitigating measures. Local Authorities should include in their local plans policies on planning obligations with the aim of securing benefits where these are necessary, relevant to planning, directly related in scale and kind to the proposed development and reasonable in all other respects..."
5. Furthermore, many of the Staffordshire District Councils' Local Plans also include similar policies.
6. The Children and Lifelong Learning Directorate does not have sufficient resources to construct buildings and other infrastructure to keep pace with the rate of new development. With assistance from the Development Advice Service in the Resources Directorate and Legal Advice Section of the Governance Directorate, and in keeping with the legislation, contributions towards providing additional educational infrastructure have been, and continue to be sought from developers, through Planning Obligations.

Procedure

7. Resource Directorate staff will identify and obtain planning applications from District Councils for those developments likely to result in a requirement for a contribution and advise other Directorates as appropriate. To be considered, a development must fall within one of the thresholds. The thresholds are a residential development of 7 or more dwellings, or a site of greater than 0.2 hectares. The Corporate Director (Children and Lifelong Learning) considers how many additional pupil places the development will add and what effects this will have on accommodation in the schools where children from the development will be expected to attend. Local spare capacity in existing schools will be taken into account and may reduce or even avoid the need for contributions. Developers will be expected to contribute financially towards any shortfall in places that are directly related to the development.

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8. Where the development is of sufficient size to exceed the capacity of the existing provision the County Council reserves the right to require the construction of a completely new school and the acquisition of the land, access and relevant services.
9. The County Council will put in place policies to ensure forward planning of future needs for school facilities against local plan residential allocations and windfall potential. To ensure fairness, proportionate contributions will be sought from those developments, which in combination with other proposals, lead to a requirement for additional facilities. This may on occasions necessitate seeking contributions to be held against future developments.
10. The majority of Staffordshire schools operate catchment areas as part of their published admission arrangements in line with statute.
11. The number of pupils at the schools is the projected roll in the academic year three years after the planning application has been received. The projection will exclude the effects of the proposed development.
12. The County Council uses the standard DCSF "Net Capacity Method" formula to determine the number of pupils that a school can accommodate in permanent buildings. Temporary accommodation will be excluded from the formula.
13. The number of pupils arising from a new residential development will be based on figures advised by the Children and Lifelong Learning Directorate. (See Annex 1.)
14. The amount of money per place will be based on the latest Department for Children, Schools and Families (DCSF) cost multipliers (see Annex 2).
15. Each planning application will be treated individually. Factors which may lead to an adjustment to the above calculation include:
 - (a) Specialist accommodation for elderly persons e.g. sheltered housing will normally be excluded from calculations
 - (b) Developments of purely one and two bedroom flats will normally be excluded.
 - (c) Social or Affordable housing. Following a planning appeal decision at Hounslow, there can be no request for secondary places from social/affordable housing under nomination from the district council or a registered social landlord. However, primary places will be still included in the calculation. "Affordable" housing offered on the open market will be included.
 - (d) Catholic pupils will be taken into consideration in the calculation.
 - (e) Where a school has over 10% of its total roll from outside its catchment, these pupils can be excluded from the calculation of need if there are sufficient local surplus places.
 - (f) Pupils going into independent education. No account will be taken of the proportion of children going into private sector schools since most areas of Staffordshire have little independent school provision.
 - (g) Other local factors may be taken into account on a site by site basis.
 - (h) The additional costs in educating pupils with special educational needs will not be taken into account in the calculation.

Early Years Provision

16. From September 2003, it will be a statutory requirement for the County Council to provide childcare places for all three-year olds. Where the development falls within an area identified by the Early Years and Childcare Partnership as being full in terms of early years provision, a contribution towards provision for early years will be sought.

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17. The number of nursery pupils arising from a new residential development will be based on figures advised by the Children and Lifelong Learning Directorate (see Annex 1).
18. The amount of money per nursery place will be based on the Children and Lifelong Learning Directorate formula in Annex 2.

Procedure for Negotiation

19. Principles:

- (a) Negotiations with Developers are confidential as they relate to commercial matters, but the Agreement will be registered as a Local Land Charge.
- (b) Negotiations will be related to education need, but may take account of wider issues affecting the development.
- (c) Staff of the Governance, Resources and Children and Lifelong Learning Directorates acting together will conduct negotiations.
- (d) The final negotiated contribution will be agreed with the Head of School Organisation and Information Unit before the agreement is sealed.
- (e) The outcome of negotiations will be reported to the Corporate Director of Governance prior to the preparation of a formal legal agreement.
- (f) Monies will be specifically allocated and carefully monitored according to the requirements of each agreement by the Corporate Director of Children and Lifelong Learning.
- (g) The County Council will seek to recover its reasonable costs towards legal and administrative expenses. Legal costs are charged at an hourly rate, which may be reviewed from time to time.

Procedure for Payment

20. The arrangements for payment are open to negotiation with developers. In most cases, the County Council would request payment upon signing of the agreement. It shall be the responsibility of the Local Planning Authority granting the approval to inform the Children and Lifelong Learning Directorate as soon as any trigger points for payments have been reached.
21. Where future payments are requested, then, the contribution will be index-linked.

Procedure for Monitoring Payment

22. a) Following completion of a Planning Obligation, the Governance Directorate will provide copies to the Children and Lifelong Learning and Resources Directorates and the relevant clauses relating to the Education contribution will be highlighted.
- b) The Governance Directorate will review payment trigger dates and advise the Children and Lifelong Learning and Resources Directorates accordingly if monies are received.
- c) Where appropriate, the Children and Lifelong Learning Directorate will need to take further steps in order to monitor the progress of developments to ascertain whether trigger dates/events have taken place.
- d) The Children and Lifelong Learning Joint Finance Unit will monitor income and expenditure and provide statements upon request.

Expenditure

23. Once payment has been received, the Children and Lifelong Learning Joint Schools Property Unit will be informed and the Unit, in consultation with the relevant school(s), will determine how the monies should be spent.

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Annex 1

Formula for calculating the number of pupils generated from housing

The Formula for calculating the number of pupils attributable from new housing is 3 children per year group per 100 houses. This formula is applied on a pro rata basis.

The Children and Lifelong Learning Directorate's School Organisation and Information Unit have calculated this formula, in association with the Development Services Department. It is based on research into the actual number of children generated by new housing, derived from the 2001 Census.

Our calculation of three pupils per year group per 100 houses is consistent with the formulas used by several other Local Authorities.

Phase of Education	Pupil Ages	Number of year groups	Total number of pupils generated from 100 houses
Early Years/Nursery provision	2 – 4	2 *	3
Sixth Form provision	16 - 18	2 **	3
2 tier system ***			
Primary schools	4 – 11	7	21
Infant schools	4 – 7	3	9
Junior schools	7 – 11	4	12
Secondary schools	11 – 16	5	15
3-tier system ****			
First schools	4 – 9	5	15
Middle schools	9 - 13	4	12
High schools	13 – 16	3	9

Notes:

* There are 2 year groups in early years, but the total number of pupils generated is based on 1 year group, as pupils normally attend part-time.

** There are at least 2 year groups in Sixth Forms, but the total number of pupils generated is based on 1 year group, as average staying-on rates are around 50%.

*** Staffordshire operates a predominately 2-tier system of primary and secondary schools. In some areas the primary provision is provided in separate infant and junior schools.

**** In the Biddulph, Codsall, Leek, Penkridge, Stone and Uttoxeter areas there is a 3-tier system of first, middle and high schools.

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Annex 2

Contribution per pupil place

The contribution is for capital, based on the cost of providing additional educational infrastructure. The basis for the amount is the latest DCSF capital building cost multiplier, taking into account the Staffordshire weighting (0.9).

The cost multipliers to be used from March 2009 are as follows:

Phase of Education	Cost multiplier per pupil including weighting
Early Years/Nursery, First and Primary (including infant and junior schools)	£11,031
Middle	£13,827
Secondary and High	£16,622
Sixth Form	£18,027

The cost multiplier figures are set by the DCSF.

This policy document provides the broad approach to planning obligations for necessary education infrastructure. It provides the basis for calculating likely educational contributions and enables indicative figures to be provided to developers - without undertaking an exhaustive analysis – and is particularly helpful at enquiry and pre-application stages.

Where it is deemed appropriate, the County Council reserves the right to determine an educational contribution using a different methodology. This may be where a more precise cost for providing additional and necessary educational facilities is known, where a development is of a large size or where one or more separate developments are to be phased across an area

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Updates since November 2003:

01/04/2004 Annual update of DCSF cost multipliers added for 2004/05, w/e 1 April 2004

01/09/2004 Cover added and slight formatting changes made

20/04/2005 Annual update of DCSF cost multipliers added for 2005/06

08/06/2006 Annual update of DCSF cost multipliers added for 2006/07

16/02/2009 Update of DCSF cost multipliers added for 2008/09