

Classification:

Open

Decision Type:

Key

Report to:	Cabinet	Date: 05 June 2024
Subject:	Developer Contributions for Education Supplementary Planning Document- Consultation Draft	
Report of	Leader and Cabinet Member for Strategic Growth	

1. Summary

- 1.1 The purpose of this Supplementary Planning Document (SPD) is to set out how the Council will deal with developer contributions for education when determining planning applications for relevant developments that may impact on education provision, such as school places.
- 1.2 The SPD must be read alongside Places for Everyone Policy JP-P5 'Education, Skills and Knowledge' which includes education and skills provision and a requirement where appropriate for housing developments to make a financial contribution for the provision of additional school places.
- 1.3 The SPD sets out the national and local planning policy context before setting out the approach to be taken in seeking developer contributions for education. An education contribution will only be sought where the proposed development would lead to a projected shortfall of primary and secondary places at schools within the local area of a development (and not to address any existing shortfall).
- 1.4 As per PfE Policy JP-P5, developments for housing should contribute towards education provision unless it is not financially viable for the development, or it is neither practicable nor desirable. Developer contributions towards education provision will be gathered in line with national regulations. The tests for planning obligations including S106 developer contributions, are that they must be: necessary to make the proposed development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 1.5 Financial contributions will be negotiated at planning application stage and will be secured through a planning obligation. The planning obligation will specify the amount of the contribution and when it will be paid. The SPD sets out how to calculate the amount of contribution required in each case.
- 1.6 Once adopted, the SPD will be a material consideration in planning decisions. If development proposals do not comply, the SPD and the policy it supplements may be used as a reason for the refusal of planning permission.

1.7 It is proposed that, following consultation, a further version of the Developer Contributions for Education SPD will be brought back to Cabinet for formal approval.

2. Recommendations

2.1 That Cabinet:

- i) Approves the draft Developer Contributions for Education SPD attached at Appendix 1 as the basis for a six-week public consultation commencing June 2024.
- ii) Delegates approval to the Executive Director of Place to make modifications to the draft Developer Contributions for Education Supplementary Planning Document- before consultation commences.

3. Reasons for recommendation(s)

3.1 To ensure that all stakeholders are given the opportunity to have their say on the draft Developer Contributions for Education Supplementary Planning Document.

4. Alternative options considered and rejected

4.1 None

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5. Background

5.1 Places for Everyone (PfE) is a joint plan of nine Greater Manchester districts and was adopted on 21st March 2024.

5.2 One of the key aims of PfE is to set out where we will build the new homes we need, where our businesses will locate to sustain and create jobs for our people, what infrastructure is needed to support the development and to protect and enhance our towns, cities and landscapes. It is proposed to cover a timeframe up to 2039. In meeting our statutory housing targets, there is a requirement to ensure that the necessary infrastructure is also provided to cater for the needs of increased households, including education provision.

5.3 PfE Policy JP-P5: Education, Skills and Knowledge sets out the criteria that form the basis for the determination of proposals for education. The Policy seeks to ensure that, where appropriate, housing developments make a financial contribution to the provision of additional school places and/or set aside land for a new school, proportionate to the additional demand that they would generate.

6. Scope of the SPD

6.1 The need for and amount of the financial contributions will be identified at the planning application stage. A contribution will be identified as being necessary where it is considered that the proposed development would have an impact on existing school provision in an area.

6.2 Contributions towards education will be sought for residential developments of 10 dwellings and above. In agreeing a contribution, the viability of the proposed development and the need to satisfy other policy requirements, will be considered in line with PfE Policy JP-P5.

6.3 Financial contributions will be calculated based upon expected pupil yields resulting from the proposed development, as informed by the DfE Pupil Yield dashboard and identified costs per school place to accommodate expansion of provision.

6.4 Based on these standards, 1 dwelling would yield 0.25 of a primary school place and 0.13 of a secondary school place. The identified yield would need to be accommodated through either the existing provision, or where it is found that there is insufficient capacity of school place provision in the area, through developer contributions towards new provision. This will be determined at application or pre-application stage.

6.5 For the cost of school places, the Government recommends using figures from the latest Local Authority Scorecard as a basis of the cost per pupil place. This is published yearly by the DfE usually in June. The latest costs were published on the 29th June 2023 and are provided below:

Table 1 Expected Expansion and New Build costs of School Place Provision Type

School Place Type	Cost Estimate
National Primary	
Permanent Expansions	£19,425
New Build	£23,192
National Secondary	
Permanent Expansions	£26,717
New Build	£28,096

6.6 In the majority of cases a formula-based approach to calculate the financial contribution towards education provision that will be sought from new housing development will be applied:

Number of dwellings x Pupil yield factor x Cost per pupil place

= Financial contribution

- 6.7 The financial contribution secured via this mechanism will enable the Council to fund the capital infrastructure works associated with addressing the increased pressure on school provision that the development will generate. For information, a worked example of a financial contribution is set out within the Draft SPD.
- 6.8 The planning obligation will specify that the financial contribution will be spent on the provision of and/or improvements to educational provision within the Borough. This will relate to creating the additional educational provision, facilities or early years places needed to accommodate the new development or ensuring a setting is in an appropriate condition to accept pupils. This also will include spaces and places to address SEND provision as required.
- 6.9 The Council will require financial contributions to be paid prior to the implementation of the planning permission. However, there may be cases where contributions can be phased. There must be specific evidence to justify this, and it is the responsibility of the developer to demonstrate the benefits of phased payments. This must be agreed by the Council before the signing of the legal agreement. Trigger dates will be set for phased payments and will be laid out in the legal agreement. For example, S106 contributions could be payable by instalments with 50% paid upon commencement of development and the remaining 50% paid upon first occupation of the development.
- 6.10 Legal costs and administration charges will need to be paid prior to the completion of the agreement unless otherwise agreed in writing by the Council.
- 6.11 Individual legal agreements will specify timeframes for financial contributions to be spent. The standard period for this will be 10 years from the date of receipt to the point at which it is allocated, as recommended by the DfE guidance. If monies remain unallocated at the end of the relevant contribution period, they will be refunded.

7. Consultation and Adoption

- 7.1 The SPD is being prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which are reflected in our Statement of Community Involvement. The Regulations set out that a draft SPD must be:
- Screened to determine whether Strategic Environmental Assessment or Habitat Regulation Assessment is required. The outcomes of the screening opinion will be published alongside the draft SPD.

- Made available for public consultation for a 4-week minimum period.
- Be made available as an online copy and have hard copies available at the Council's main reception and all libraries across the Borough.

7.2 The SPD will be prepared in accordance with these regulations and relevant material available for inspection on the Council's web site; the Town Hall reception; Bury, Prestwich, Radcliffe or Ramsbottom Libraries and at the Tottington Centre. Letters/emails will also be sent to all contacts on the Council's development plan database. We will also advertise the consultation via social media platforms.

7.3 Following consultation, the draft SPD will, if necessary, be amended before being brought back to Members seeking formal approval for the adoption of the document.

8. Conclusion

8.1 Members are asked to consider the draft Developer Contributions for Education Supplementary Planning Document and approve the document for consultation purposes.

Links with the Corporate Priorities:

Places for Everyone forms part of the Council's Policy Framework (being one of the statutory plans listed under Article 4 of the Council's Constitution). The Developer Contributions for Education SPD supplements PfE Policy JP-P5: Education, Skills and Knowledge and takes account of national planning guidance.

Equality Impact and Considerations:

A full EIA has been completed. There are no negative impacts on equality and a positive impact recorded.

Environmental Impact and Considerations:

No material environmental impacts.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
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<p>Stakeholders do not engage in the consultation on the draft Developer Contributions for Education Supplementary Planning Document</p>	<p>The SPD is being prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which are reflected in our Statement of Community Involvement. However, the consultation process will be kept under review and will be adjusted if additional stakeholder engagement is required.</p>
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Legal Implications:

Ensuring that there are sufficient places in Borough for those of compulsory school age is a key general statutory requirement (Section 14, Education Act 1996). The above proposals contribute to ensuring that this general duty can be satisfied by ensuring there is sufficient infrastructure and school places in the area.

The statutory requirements for the preparation of SPDs are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and paragraph 7.1 of this report sets out how these requirements are being followed. Before adoption of the SPD, Cabinet will need to consider the issues raised during the consultation and how those issues have been addressed. SPDs do not form part of the development plan so they cannot introduce new planning policies. They are however a material consideration in determining planning applications.

Financial Implications:

There aren't any implications for the general fund and capital budgets directly arising from this report.

Appendices:

Appendix 1 - Draft Developer Contributions for Education Supplementary Planning Document

Background papers/information:

None.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
SPD	Supplementary Planning Document
PfE	Places for Everyone