

# Education Planning Obligations Policy Worcestershire

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Contact: Provision Planning & Accommodation

Education & Skills

[ppa@worcestershire.gov.uk](mailto:ppa@worcestershire.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

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# Introduction

- 1.1 Worcestershire County Council has a statutory duty to ensure there are sufficient school places for all children (aged 4-18) resident in Worcestershire who wish to attend a publically-funded school. This includes academies and free schools. Provision of sufficient school places is crucial in ensuring that all children have the opportunity to gain the vital knowledge, skills and qualifications necessary for life and work.
- 1.2 Worcestershire County Council also has responsibility for ensuring that all three and four year olds and all eligible two year olds can access high quality free early education places<sup>1</sup>, either within school provision or in a variety of private provision.
- 1.3 The National Planning Policy Framework (NPPF) paragraph 95<sup>2</sup> states that 'It is important that a sufficient choice of school places is 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 towards development that will widen choice in education. They should:
  - a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with schools promoters, delivery partners 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.

- 1.4 Without investment, schools and early education providers may not be able to accommodate additional pupils generated by new housing developments, creating an adverse impact on both new and established communities and raise concerns over the viability and sustainability of the new development. It is therefore important that developers and Worcestershire County Council take appropriate steps in partnership to mitigate the impact of developments on education infrastructure.
- 1.5 This policy document sets out the approach Worcestershire County Council will take in assessing the impact of new housing developments on schools and early education provision and calculating the appropriate mitigation via conditions and planning obligations.
- 1.6 To ensure that planning obligations and the Community Infrastructure Levy (CIL) operate in a way that is complimentary and does not hinder development, the CIL regulations 122 and 123 place limits on the use of planning obligations. This approach will involve close working with local planning authorities. This document should be read alongside the relevant district council local plan policies and subsequent supplementary planning documents as appropriate.
- 1.7 Worcestershire County Council welcomes and encourages discussions with developers and district councils at an early stage of development to identify the potential impact of housing growth. Worcestershire County Council must ensure a sufficient number of school places are provided to mitigate the impact of proposed development.

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<sup>1</sup> <https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728643/Revised\\_NPPF\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf)

# Worcestershire County Council's Approach to Developer Contributions

- 2.1 Worcestershire County Council primarily utilises Section 106 planning obligations and 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. As at July 2018, only South Worcestershire Councils have adopted a Community Infrastructure Levy (CIL) charging schedule.

## South Worcestershire Councils:

- Malvern Hills District Council
  - Wychavon District Council
  - Worcester City Council
- 2.3 When the funding becomes available from the Community Infrastructure Levy, Worcestershire County Council will bid for projects to support education infrastructure as required.
  - 2.4 Section 106 obligations will still be collected for the South Worcestershire Councils for specific sites and large scale sites as stated within the regulation 123 list published on the district council websites<sup>3</sup>. All other education provision required as a result of new housing within the South Worcestershire Councils areas would be expected to be funded by the CIL.
  - 2.5 The three northern district councils of Worcestershire at the point of publication have not adopted CIL. These are:

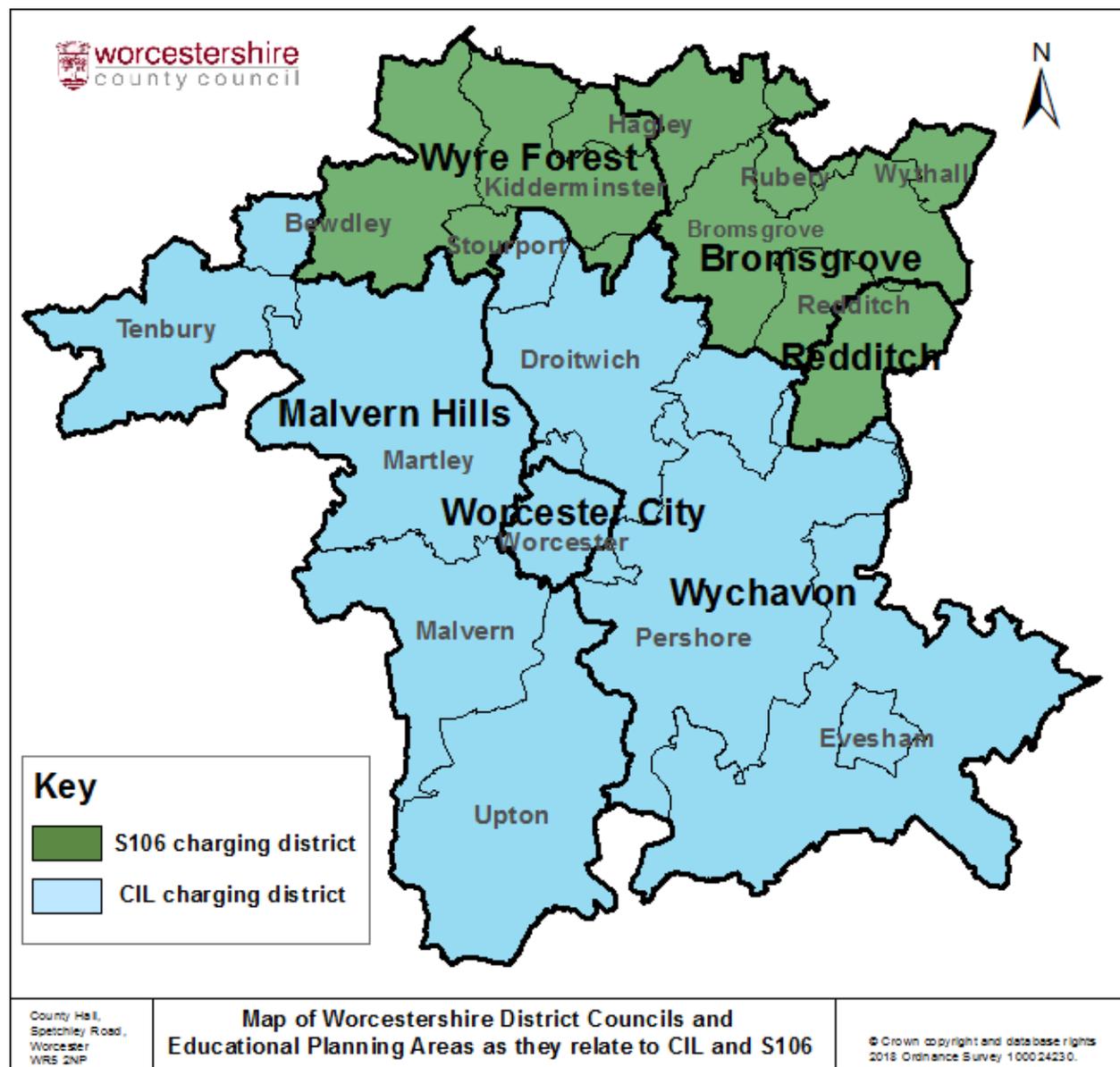
## North Worcestershire Councils:

- Bromsgrove District Council
  - Redditch Borough Council
  - Wyre Forest District Council
- 2.6 The contribution arrangements for the six district councils as they relate to the 16 educational planning areas are illustrated in figure two below.

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<sup>3</sup> Community Infrastructure Levy documents can be located at:  
Malvern Hills <https://www.malvern hills.gov.uk/community-infrastructure-levy1>  
Worcester City <https://www.worcester.gov.uk/community-infrastructure-levy>  
Wychavon <https://www.wychavon.gov.uk/community-infrastructure-levy>

Figure 1: Developer Contribution Arrangements



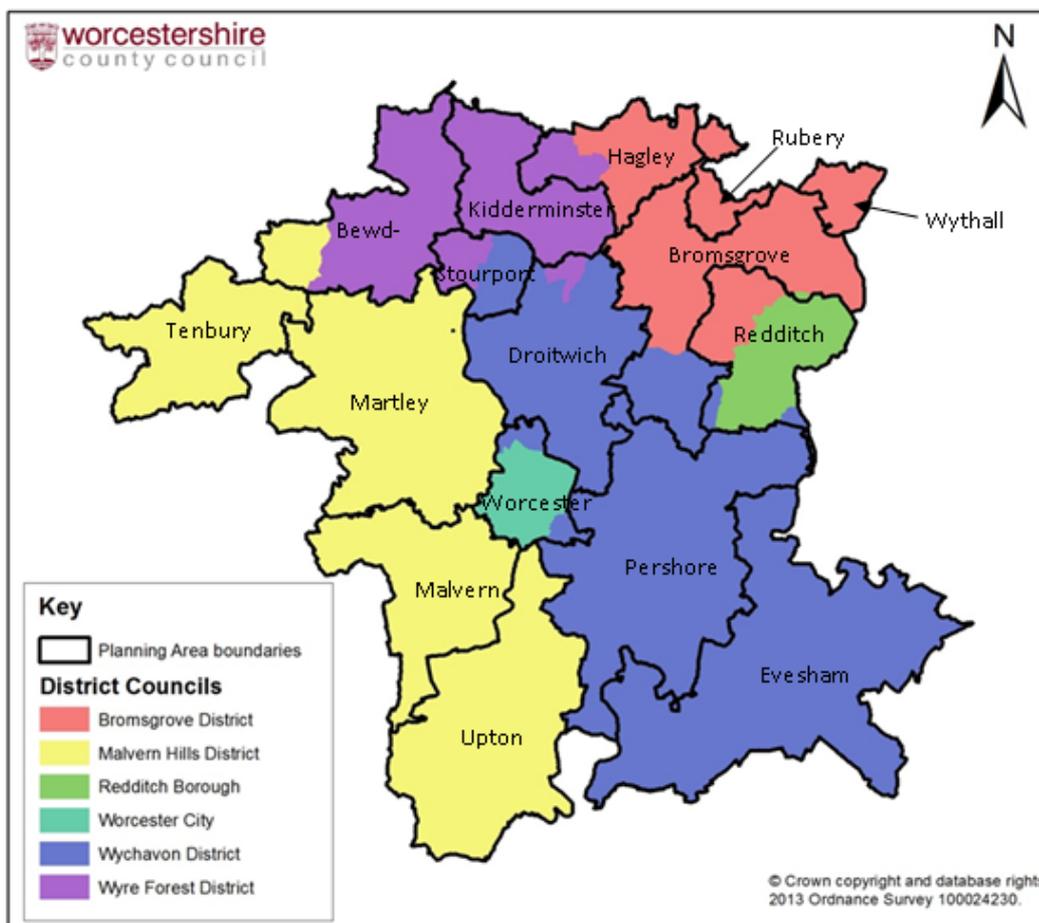
## National Planning Policy Context

- 2.7 The National Planning Policy Framework 2018 and the Community Infrastructure Levy Regulations 2010 (as amended in 2014), sets out criteria in respect of planning obligations.
- 2.8 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.
- 2.9 Paragraph 55 of the National Planning Policy Framework 2018 (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.
- 2.10 Regulation 123(2), of the CIL Regulations 2010, as amended by the 2014 Regulations, prevents section 106 planning obligations being used in relation to those things that are intended to be funded through CIL by the charging authority.
- 2.11 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.
- 2.12 Regulation 123 also prevents the local authority from seeking a financial contribution or provision of an infrastructure project where five or more separate planning obligations have already been sought for the funding or provision of that project from other sources (i.e. financial contributions secured in other Section 106 agreements). All payments, counting back to 6 April 2010, are taken into account. Such payments are commonly referred to as "pooled contributions".
- 2.13 Section 106 Agreements and Unilateral Undertakings set out the obligations of the developer and relevant parties to mitigate the impact of a development during the various stages of construction and occupation.
- 2.14 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
- 2.15 Worcestershire County Council has set out an approach to planning obligations for education that meet these tests, as detailed below:
- 2.16 **Necessary to make the development acceptable in planning terms**
- Housing developments will create additional households in the community in which they are situated. These new households are likely to include children at some stage in the lifespan of the property.
  - An increase in the child population will create additional demands on related schools and early year's providers on education infrastructure 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.
- 2.17 **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).
- 2.18 **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 anticipate pupil yield, taking account of any demolitions due to take place as part of the development.

# 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. This 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.
- 3.3 Worcestershire County Council operates 16 Education Planning Areas, based around the main population centres. Figure 1 below shows how these Education Planning Areas 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, 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). The table below summarises the predominant model in operation in each Education Planning Area:

**Table 1: School Operating Models**

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

3.5 A small number of schools in the three-tier areas operate on a primary / secondary two tier basis. This includes Catholic school provision and where some other schools have changed their age range away from the three-tier model to a two-tier model.

3.6 Subject to permission from the Secretary of State for Education, academies have the right to change their age ranges which can impact on the number of places available within Educational Planning Areas of Worcestershire.

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 particular development. This includes the following types of provider:

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

# Assessing Impact on Early Years Places in Worcestershire

- 1.1 Worcestershire County Council is responsible for ensuring that all eligible two year olds and all three and four year olds can access free 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 entitlement. Where additional demand from the development is required above that which can currently be supported by the market, a contribution will be sought.

## Calculating the Requirement for Early Years Childcare places

- 1.2 Worcestershire County Council will conduct a detailed assessment on all planning applications of 10 dwellings or greater.
- 1.3 The detailed assessment will firstly consider the number of 15 hour places that will likely be required for children living on the development. All three and four year olds are entitled to 15 hours free early year's education for 38 weeks of the year (a place). However only a certain percentage of eligible two year olds are entitled to a free early education place, and from September 2017, a percentage of eligible three and four year olds are also entitled to an additional 15 hours (for a total of 30 hours) of early education for 38 weeks of the year .
- 1.4 For four year old funding requirements, one third of the anticipated yield of 4 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.
- 1.5 Average pupil yields as set out in section seven show that each additional dwelling generates an average of 0.029 extra children per year group. This yield is compared to the average eligibility rates for two year old funding and 30 hours funding for three and four year olds. Table two below shows these rates for Worcestershire correct at May 2018.
- 1.6 This is then compared to 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:
- 1.7 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.

((Number of dwellings X Pupil yield per dwelling) X Average eligibility for 2 year old places) = The number of additional early years education places required for 2 year olds

+

((Number of dwellings X Pupil yield per dwelling) X Average eligibility for 3 year old places) = The number of additional early years education places required for 3 year olds

+

((((Number of dwellings X Pupil yield per dwelling) X Average eligibility for 4 year old places) X 0.66) = The number of additional early years education places required for 4 year olds

=

Total number of additional early years education places required from the development

**Table 2: Pre-School 15 hour Place Requirements**

No. of dwellings	Pupils per year group (x 0.029)	2 Year old places (32% eligibility)	3 year old places (168% eligibility)	4 year old places (168% eligibility) *2/3rds	Estimated early education places required (15 hours)
100	2.90	0.93	4.87	3.24	9.04
120	3.48	1.11	5.85	3.89	10.85
250	7.25	2.32	12.18	8.11	22.61
500	14.50	4.64	24.36	16.22	45.22
600	17.40	5.57	29.23	19.47	54.27
700	20.30	6.50	34.10	22.71	63.31
1000	29.00	9.28	48.72	32.45	90.45

Using this calculation we can determine that the early education 15 hour place requirements for two, three, and four year olds on a development will be on average 0.09.

$$((1 \times 0.029 \times 0.32 = 0.0093) + (1 \times 0.029 \times 1.68 = 0.0487) + (1 \times 0.029 \times 1.68 \times 0.66 = 0.0324)) = 0.09$$

1.8 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.

## Identifying Relevant Pre-School Projects

1.9 Where the impact of a development is judged to be of a level which cannot be supported within existing provision, a contribution will be required.

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

1.11 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.

1.12 Where the impact of a development is judged to be of a level which would require delivery of a new nursery 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 is likely to be required from children resident on the proposed development. Worcestershire County Council will consider payment in kind by way of land transfer or 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. Where a new school is required from a development, early year's provision will always be built alongside it to a size suitable to the requirements of the site.

# Assessing Impact on State Funded 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 The detailed assessment will firstly consider the size of the proposed development. Average pupil yields as set out in section seven below show that each additional dwelling will likely generate approximately 0.029 extra pupils per year group. Developments of less than 35 dwellings will therefore generate on average less than one additional pupil per year group i.e.  $35 \times 0.029 = 0.99$  pupils per year group.
- 5.4 Education planning obligations will therefore only be considered for developments of less than 35 dwellings where there is an exceptional need to increase capacity in the related schools. It is anticipated that most exceptional cases will be in rural settlements where the local school has very limited capacity or is full. This will be assessed on a case by case basis, with relevant evidence provided to the local planning authority and developer.
- 5.5 For developments of 35 dwellings or more the County Council will determine the education impact of a new development, this assessment will firstly consider the number of dwellings proposed as part of the application, the location of the development and known trends in parental preference.
- 5.6 Worcestershire County Council will also take into account the full extent of the development site area and neighbouring sites, particularly where developments come forward as a result of sub-division, in order to minimise planning obligations.
- 5.7 Other factors taken into consideration may include but are not limited to:

## Operational Surplus

- 5.8 Worcestershire is divided into 16 Education Pyramids, based around the main centres of population. Parents have the right under the School Admissions Code<sup>4</sup> 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. Worcestershire County Council aims to maintain a 5% surplus capacity in any education pyramid, in line with recommendations from the National Audit Office<sup>5</sup>.

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<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)

<sup>5</sup><http://www.educationengland.org.uk/documents/pdfs/2013-nao-school-places.pdf>

### Out of area pupils

5.9 The requirement to run an operational surplus, coupled with the ability of parents to express a preference, makes 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 the number of places required where it can be shown that a significant number of pupils have been admitted from outside of the education planning area and there is sufficient capacity elsewhere to support a 'push-back'.

### Bulge Year Groups

5.10 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 Schools

5.11 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 younger<sup>6</sup> or;
- Schools that are located within a three mile safe walking route that offer education for children who are nine years or older<sup>6</sup> 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 may be considered (see section seven).

5.12 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 in place for the most recent September intake. 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 then a more detailed assessment will take place.

5.13 Each school has a published admission number which sets out the number of pupils which can be admitted into each year group. The published admission number is included in the admission policy for the school, which is published each year for the following September intake.

5.14 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. 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 Education and Skills Funding Agency.

5.15 Worcestershire County Council will only seek to expand a school which is currently rated as 'Good' or 'Outstanding' by Ofsted, but where no such provision is available, will consider alternative options.

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<sup>6</sup> Based on DFE Guidance on home to school travel and transport (July 2014)

# Calculating the Level of Contribution at an Existing Provider

- 5.1 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 a new place at the existing provider. The formula for calculating this comprises the following elements:

## Requirements for mainstream provision

- 5.2 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 one in this document sets out the predominant system in each area. The year groups in reception up to the end of year six are deemed to be in the primary phase. Whilst year groups in years seven to eleven are deemed to be in the secondary phase.
- 5.3 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 year's five to eight would be deemed to have two year groups at the primary phase and two at the secondary phase.
- 5.4 Secondary schools typically have five secondary phase year groups. Schools in three-tier areas will have fewer. Where the school has a sixth form this is treated as the equivalent of one additional year group to reflect the lower transfer rate into the sixth form.
- 5.5 Across Worcestershire the average stay on rate for children moving from year 11 (GCSE) to year 12 (Sixth Form) in a publically funded school and assessed from 2014 – 2017 inclusive was 51%. This has resulted in a 50% reduction and is reflected in only a single year being charged for sixth form places.

## Requirements for early years provision

- 5.6 There is no nationwide funding formula for Early Years provision, however there is guidance based 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 m<sup>2</sup> per child
  - Two year olds: 2.5 m<sup>2</sup> per child
  - Children aged three to five years: 2.3 m<sup>2</sup> per child

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. 2 early years places (15 hours) will be calculated as the equivalent of 1 full time school place (30 hours).

## Pupil Yield

- 5.7 Table three below shows the numbers of children aged 0-15 in households based on data from the Office for National Statistics National Census 2011. Analysis of the census data shows that on average each dwelling of two or more bedrooms in Worcestershire will produce 0.462 children aged 0-15 per dwelling, this equals 0.029 children per year group per dwelling.

$$99,972 / 216,384 = 0.462.$$

$$0.462 / 16 = 0.029$$

- 5.8 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.
- 5.9 This figure is used in conjunction with other considerations, such as location and pupil movement, to estimate the impact of a development on related schools and early year's providers.

**Table 3 Pupil Yield for 0-15 Year Old Children in Worcestershire**

	Total Worcestershire
Number of 0-15 year olds living in households with two or more bedrooms	99,972
Number of households with two or more bedrooms	216,384
Average yield of children aged 0-15 per household with 2+ bedrooms	0.462
Average yield per dwelling per year group	0.029

### Building Cost Multiplier (BCM)

5.10 The BCM represents the cost of providing one additional full time pupil place in a one form of entry school expansion per phase of education. It is derived from a mid-range school design from Building Bulletin 103 costed using the Building Cost Information Service (BCIS) with the BCIS Worcestershire regional variance applied. This is to ensure the requested contributions reflect the actual cost of adding places within Worcestershire. These figures will be updated on an annual basis to ensure the contributions remain in line with the cost of creating additional school places. The current figures are derived using the quarter one 2018 update of the BCIS costs.

The current costs as at April 2018 are:

- £17,639 per primary and early years place,
- £26,244 per secondary place and
- £28,541 per sixth form place.

Costs are reviewed on an annual basis and published as at 1<sup>st</sup> April each year.

### Formula

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

$$(((\text{Number of chargeable dwellings} \times \text{Pupil yield per dwelling}) \times \text{Number of year groups}) = \text{the number of additional places required to be funded}$$

X

The correct building cost multiplier for the school phase)

+

$$(((\text{Number of chargeable dwellings} \times \text{Early years 15 hour place yield per dwelling})/2 = \text{the number of additional full time early years education places required}$$

X

The correct building cost multiplier for the school phase)

=

## Contribution required

**Working Example**

6.11 An application for 100 dwellings, of which 78 dwellings are chargeable, is submitted within a two-tier educational planning area. The related schools do not have sufficient capacity to support additional pupils from the new development. The secondary school has a sixth form.

**Early Years Contribution**

$$(78 \times 0.09) \div 2 = 3.51$$

4 early years places required

$$3.51 \text{ rounded up to } 4 \times \text{£}17,639 = \text{£}70,556$$

**Primary Contribution**

$$78 \times 0.029 = 2.262$$

$$2.262 \times 7 \text{ year groups in the primary phase} = 15.834$$

$$15.834 \text{ rounded up to } 16 \times \text{£}17,639 = \text{£}282,224$$

**Secondary Contribution**

$$78 \times 0.029 = 2.262$$

$$2.262 \times 5 \text{ year groups in the secondary phase} = 11.31$$

$$11.31 \text{ rounded up to } 12 \times \text{£}26,244 = \text{£}314,928$$

**Sixth Form Contribution**

$$78 \times 0.029 = 2.262$$

$$2.262 \times 1 \text{ year group} = 2.262$$

$$2.262 \text{ rounded up to } 3 \times \text{£}28,541 = \text{£}85,623$$

**Total Contribution = £753,331**

**Exemptions**

6.12 Developments that are 100% for commercial use (Class B1) will not be considered as they are unlikely to generate additional children.

6.13 All houses and flats with a maximum of one bedroom will be counted as a nil contribution, as they are unlikely to generate additional children.

6.14 Dwellings which are categorised as:

- a) Build to Rent homes (social rented housing and affordable rented housing);
- b) Specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly or students);

will be counted as a nil contribution due to their relative lower impact on educational infrastructure.

Social rented and affordable rented housing, although likely to accommodate children, will often become occupied by families already resident in the area and result in a higher level of household recirculation than private dwellings. All other types of affordable housing including those with a market element, for example low cost, part rent part buy, HomeBuy Direct will be chargeable.

6.15 Worcestershire County Council will only seek a post-16 contribution on school based provision, and not sole post-16 institutions as these institutions are funded through a different route.

# Calculating the Level of Contribution When a New School is required

- 6.1 Typically a new primary or first school may be required where a development will contribute 500 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 developers and district councils engage with Worcestershire County Council at an early stage to allow for appropriate planning and feasibility work to be undertaken.
- 6.2 A new secondary school is only likely to be required on very large stand-alone sites or in areas where no expansions can be identified or there is a combined impact of several developments.
- 6.3 If a new school is required solely as a result of new housing, Worcestershire County Council will require the developer 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.
- 6.4 Worcestershire County Council will consider payment in kind by 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.
- 6.5 As per the pre-school place requirements in section 5 above all new schools are likely to be required to provide early years provision on site and this requirement will be included in any feasibility work undertaken.
- 6.6 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.
- 6.7 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 houses 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 trigger 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 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 usually be ten years from receipt of the final payment. Worcestershire County Council will not accept a legal agreement with less than five years in which to spend the contribution. This is because school/early year's provider expansions and/or new school projects themselves will require additional design and planning permission stages along with an appropriate building phase.

# 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

## Forward funding of projects

9.3 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 only likely to occur where the infrastructure is intended to manage the cumulative impact of a number of sites, a single large site or is to be partially funded from other funding sources such as Government grants.

9.4 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.

## Contact Details

For further information on the content of this document or to discuss a potential development please contact:

North Worcestershire (Bromsgrove, Redditch, Wyre Forest)

Alison Barnes, Provision Planning Analyst, Children, Families and Community

Tel: 01905 846135 E-mail: [abarnes@worcestershire.gov.uk](mailto:abarnes@worcestershire.gov.uk)

South Worcestershire (Malvern Hills, Worcester, Wychavon)

Lucy Langdon, Provision Planning Analyst, Children, Families and Community

Tel: 01905 844119 E-mail: [llangdon@worcestershire.gov.uk](mailto:llangdon@worcestershire.gov.uk)