



# Local Planning Guidance Note

## No.23 Developer Contributions to Education

### Final Version

## 1 | Background to this note

1.0 This is one of a series of Local Planning Guidance notes designed to explain and clarify the policies in the Flintshire Unitary Development Plan (UDP). This guidance note will focus specifically on developer contributions to educational facilities.

1.1 Local Planning Guidance Note 22, Planning Obligations explains more generally the use of Planning Obligations in terms of the type of obligations and when they are and are not appropriate.

1.2 Local Authorities find themselves under increasing financial pressure to meet the educational needs arising from new residential development within their area. Cumulatively even a relatively small development can have a significant financial impact on the provision of school places. Welsh Office Circular 13/97 'Planning Obligations' makes provision for developer contributions to offset the negative consequences of development provided there is guidance on this in the local development plan. The adopted Flintshire UDP provides this guidance through its policy on Conditions, Developer Contributions and Planning Obligations, Policy IMP1 Planning Conditions and Planning Obligations (see Edited Written Statement for revised policy wording). The rest of this note sets out further information on identified educational needs and shows how this policy will be applied to the provision of educational facilities.

## 2 | Education Planning In Flintshire

2.0 Flintshire has a Schools Modernisation Strategy which sets out how the Flintshire Local Authority (LA) will provide sufficient and suitable school places. In accordance with the requirements of the Welsh Government, the Authority has an obligation to provide suitably located and sufficient school places whilst avoiding significant numbers of surplus places, and ensure that there is sufficient capacity to accommodate pupils in accordance with the capacity formula methodology of the Assembly.

2.1 The LA is legally required to maintain class size limits of no larger than 30 in Key stage one, and is obliged to maintain the same limit in Key stage two.

2.2 Although there are surplus places presently in some schools, there are other areas where there is an acute shortage of capacity, leading to admission appeals by parents. In some schools those surplus places may only be available in certain year groups. Empty places in a school do not necessarily equate to there being sufficient capacity at that school.

- 2.3 Key Welsh Government policy objectives in relation to sustainable development include the need to locate development as to minimise the need to travel and to promote access to a range of community facilities, including education, whilst maximising opportunities for community development and social welfare. Where new development takes place in a community this can have a significant impact on existing facilities such as the capacity of local schools. Where this is the case the council require appropriate contributions from developers in order to mitigate against these impacts on the nearest suitable school to their development.
- 2.4 In some areas of the County, there are oversubscribed schools in areas where land is earmarked for residential development. This extra development puts additional pressure on the local school, and in some cases would lead to pupils not being accommodated. The cost implications of extending capacity of a school to accommodate local developments can be severe, and financial contributions are currently the only practical means of ensuring adequate capacity.
- 2.5 Using the most up to date information held by the council, the effects of demand for school places and in the future effects of the schools modernisation plan on schools in the vicinity of new residential development will be taken into account at the planning application stage and this will form part of the negotiation process at that time.

### 3 | Criteria

- 3.0 The Council recognises that a good planning obligation system will help promote economic well being. It will not impose inappropriate burdens on developers which would result in worthwhile development not taking place. However, it is important to clarify the policy requirements of the Council so that real costs of development are reflected in negotiations between landowners and developers. The aim is to make all aware very early on in the development process of the requirements and implications for land values.
- 3.1 The requirement for developer contributions will be based on the following:
1. Developments which comprise 5 or more dwellings or, where this is unknown, a site area of 0.2 hectares or more.
  2. The Council will seek education contributions in all cases where the identified schools have less than 5% surplus places having taken into account the proposed development. Contributions should only be sought in respect of the number of pupils which would take surplus places below 5%, rather than the total number expected from the development. The contributions will be held by the LA to fund works at those schools directly affected by the development.
  3. Where paragraph 2 above is satisfied, contributions will be required for the nearest suitable primary or secondary school or for both. Any development however small will have an impact on the schools nearby and this should be recognised. A list of the primary and secondary schools capacity can be found on the Flintshire County Council Website. It is important to note that this list is a guide only and may be subject to variations, it is therefore important also to contact the department of Lifelong Learning for up to date information.
  4. Only those schools directly affected by a development will be the subject of the financial contribution. Sometimes more than one development will be proposed in close proximity which taken together prompts the need for additional facilities and in these circumstances where there



is a cumulative effect the Council may pool contributions to fund the necessary facilities.

5. In calculating surplus places in schools, the Authority will take in to account approved developments and their future impact upon school numbers.
6. For its part, payments received by the Council as a result of planning agreements will be held in interest bearing accounts with a unique finance code, to be used only for the purposes specified in the obligation; if not spent as intended or within the agreed timescale, they will be reimbursed with interest.
7. For the purposes of planning contributions the pupil capacity will be calculated net of any capacity that has been achieved through using temporary accommodation, for example mobile classrooms within the school grounds.

## 4 | Use of Contributions

- » Provision of new schools or new classrooms
- » Improvements and refurbishments of existing facilities to provide additional capacity.
- » To provide accommodation improvements and associated resources to enable the school/s affected to meet the accommodation needs arising from the additional pupils generated.

## 5 | Exceptions

- 5.0 The exceptions to the provision of school places will be the following type of residential development from which planning authorities will not seek contributions.
- » Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more).
  - » 1 bed dwellings or 1 bed apartments or flats.

## 6 | The Councils Obligations

- 6.0 When negotiating with the Council the developer can expect Section 106 Agreements to address:
- » The schools to which their contributions will be put.
  - » The timing/phasing of the agreed contributions.
  - » Contributions will normally be spent within 10 years of receipt.
  - » Individual developer contributions may not in themselves be enough to fund required projects. In this event such monies will be pooled together with other developer contributions to fund the

necessary facilities.

- » The Council will produce an Annual Statement of funds received from Section 106 Agreements’.

## 7 | Contribution Formula

7.0 Contributions towards additional or improved school facilities will be based on the following factors:

- » a. The number of qualifying dwelling units in the development (5 or More or Over 0.2 hectare).
- » b. The number of school age children likely to be generated by each residential unit, 0.24 is the primary school formula multiplier and 0.174 is the secondary school multiplier. The primary and secondary figures used above are currently in line with or less than other local authorities and will be reviewed on an annual basis.
- » c. Cost Guidelines

The average cost of providing a school place will be based on:

- » Welsh Assembly Guidance (Measuring Capacity of Schools in Wales Circular 09/06) data to calculate the amount of space required per pupil.
- » DFES/DCSF Project Cost and Performance Data updated in accordance with the Royal Institute of Chartered Surveyors Building costs Information service All Tender Index. The Building Cost Multiplier figures can be found in the Appendix 1 which will be annually updated.

The formula element reads:

Number of housing units x 0.24 (primary school formula) = Child Yield (after calculating the 5% surplus where appropriate) x £12,257 cost multiplier per pupil = Developer Contribution (using the Cost Multiplier figures from 2008/09)

### Primary School Pupils

For example if school capacity was 200, 5% would be 10 pupils so that the trigger for contributions would be calculated like this:- Numbers on Roll figure of 190.

And if actual Number of Pupils 185

Development of 50 houses  $50 \times 0.24 = 12$  pupils

$$185 + 12 = 197$$

$$197 - 190 = 7$$

We only ask for contributions for 7 pupils.

$$7 \times £12,257 = £85,799$$

### Secondary School

For example if School capacity was 1700, 5% would be 85 pupils so that the trigger for contributions would be calculated like this:- Numbers on Roll figure of 1615.

And if actual Number of Pupils 1610

Development of 50 houses  $50 \times 0.174 = 8.7$  pupils (round up to 9)

$$1610 + 9 = 1619$$

$$1619 - 1615 = 4$$

We only ask for contributions for 4 pupils.

$$4 \times £18,469 = £73,876$$

# Appendix 1

## **Building Costs Multiplier for 2008/09\* is given as**

- » Primary £12,257
- » Secondary £18,469

\* NB: These are the latest published figures but the Council will continually monitor this and update as appropriate