

FLINTSHIRE COUNTY COUNCIL

REPORT TO: FLINTSHIRE COUNTY COUNCIL

DATE: TUESDAY, 17 JULY 2012

REPORT BY: DIRECTOR OF ENVIRONMENT

SUBJECT: LOCAL PLANNING GUIDANCE NOTE NO. 23 -
DEVELOPERS CONTRIBUTIONS TO EDUCATION

1.00 PURPOSE OF REPORT

- 1.01 To seek the approval of Members for the adoption of the Local Planning Guidance Note (LPG) No.23 'Developer Contributions to Education' for use as Supplementary Planning Guidance alongside the UDP. The recent internal audit review of Section 106 Agreements identified that a LPG on this subject was required to be approved as a policy statement, as a matter of priority.

2.00 BACKGROUND

- 2.01 Local Authorities find themselves under increasing financial pressure to meet the educational needs arising from 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 Flintshire UDP provides this guidance through its policy on Conditions, Developer Contributions and Planning Obligations, Policy IMP1 'Planning Conditions and Planning Obligations'. The focus of this LPG note is to provide further information on identified educational needs, show how this policy will be applied for the provision of educational facilities, and to clearly set out what will be expected of developers.

3.00 CONSIDERATIONS

- 3.01 Historically, Section 106 agreements for education contributions have been negotiated during the planning application process on a very ad hoc basis, primarily relating to very large developments. Pressure on the education system is however growing where a number of schools are up to or getting close to their capacity. In these situations even relatively small sites can lead to an increase in pupil numbers creating accommodation problems. In order to address this issue it is considered that the requirement for contributions should not be expected purely from large scale developments but be spread more

evenly and fairly across all small, medium and large scale developments where a need arises. To achieve this, a new threshold has been added to the policy which states that contributions will be sought from developments of 5 or more dwellings (or an area of 0.2 ha). This requirement is in line with the current practice of a number of other authorities in Wales.

- 3.02 Previously contributions have been calculated using a figure of £3,500 per pupil resulting from a new development and this was required only when the nearest school was over or at capacity or within 10% of capacity. It is widely recognised amongst Welsh Councils that this historical formula is out of date and this new policy guidance aims to update that figure to bring Flintshire inline with other authorities. The new method of calculating the level of a contribution uses a figure of £12,257 per pupil for primary, and £18,469 for secondary. These figures are taken from the Department for Education and Skills/ Department of Schools and Families, DfES/ DCSF, which publishes a standard multiplier to calculate the costs of providing new schools and extensions to schools. Most other authorities in England and Wales who have supplementary planning guidance on this issue use this guidance to calculate contributions from developers.
- 3.03 The formula for calculating the number of pupils requiring a contribution from a development has also been refined. Previously all new pupils resulting from a development would require a contribution. The new LPG note requires contributions only when the nearest school to a development is over or at capacity or within 5% of capacity and then only the number of pupils which would take surplus places below 5% of capacity, rather than the total number of pupils resulting from the development. Therefore although the new multiplier is a much higher figure, the new formula more accurately reflects new pupils that impact on available capacity. Again this is inline with government guidance and is the practice of most other authorities who have Supplementary Planning Guidance on this matter. However where there is an existing issue of overcapacity a developer would not be expected to make greater provision to address this, over and above the pupils his development would produce.
- 3.04 The Guidance Note sets out clear criteria that define when an obligation will be required from a developer (see Section 3 of the attached document), as well as the formula that will be used and be kept up to date to calculate the amount of contributions (Section 7).
- 3.05 The Guidance has gone through several iterations of consultation with the public in general and specifically with a number of local developers and the Home Builders Federation. The Councils Planning Protocol Work Group have considered and commented on the draft Guidance at each iteration of its development.
- 3.06 A number of issues were raised as part of the consultation and those

that raised valid considerations have resulted in amendments to the draft Guidance which the Planning Protocol Working Group has endorsed. For example, the fact that school portacabins are always considered as temporary accommodation and as such are not included as part of the total capacity calculations.

- 3.07 That said, this supplementary planning guidance note will form part of a wider approach by the Council to addressing the issue of school capacity, that firstly brings the costs of adding new permanent capacity resulting from pupils generated from new development into line with current Welsh practice, secondly can be retained for up to ten years to fit in with current improvement programmes, and thirdly is complemented by financial provision being made for investment in schools via the Capital Programme.

4.00 RECOMMENDATIONS

- 4.01 It is recommended that this guidance is now approved as Supplementary Planning Guidance to the UDP, as is used for Development Management purposes in negotiating appropriate contributions from developers.

5.00 FINANCIAL IMPLICATIONS

The sums involved will be paid to the Council as part of Section 106 Planning Agreements and will be retained for a period of up to 10 years by the Council in order to be used as part of the Education Capital Programme.

6.00 ANTI POVERTY IMPACT

None

7.00 ENVIRONMENTAL IMPACT

None

8.00 EQUALITIES IMPACT

None

9.00 PERSONNEL IMPLICATIONS

None

10.00 CONSULTATION REQUIRED

None

11.00 CONSULTATION UNDERTAKEN

- 11.01 A draft version of the note was considered at the Planning Protocol Meetings on October 30th 2011 and 23rd March 2012. Consultation was carried out with developers and the Home Builders Federation (HBF) over a 4 week period from 26th May to 23rd June 2011. The note was also made available on the Flintshire County Council website for general consideration by any interested party from 13th

June 2011 with a deadline for comments by 30th June 2011 and was available on the website until 18th October 2011.
A meeting was also held with Anwyl Construction on 10th Feb 2012 and further comments from HBF were received which led to more adjustments to the note.

12.00 APPENDICES

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

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