

TELFORD & WREKIN COUNCIL

CABINET – 18 SEPTEMBER 2014

SCHOOL PLACE PLANNING: REVISION OF CHILDREN AND FAMILY SERVICES POLICY ON SEEKING DEVELOPER CONTRIBUTIONS RELATING TO EDUCATIONAL ESTABLISHMENTS

REPORT OF – ASSISTANT DIRECTOR EDUCATION & CORPORATE PARENTING

LEAD CABINET MEMBER – CLLR PAUL WATLING

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

When a new housing development is announced the Council, as local planning authority, can seek to secure a financial contribution from the developer towards educational facilities in the local area under section 106 of the Town and Country Planning Act. It is accepted that with new housing there will also be new families with children moving to the area who will require places within local schools. There has been an increase in the birth rate locally which has put pressure on primary schools and will in the future produce pressure in the secondary sector. There is also a large amount of new housing planned for the Borough over the next decade and beyond. These two factors together will cause significant demand for new places in both mainstream and special schools. The revision of the council's policy on when it seeks contributions from developers through the planning process has been revisited to help ensure the sufficient supply of school places.

2. RECOMMENDATION

That Cabinet agree to adopt the revised Children and Family Services policy on seeking contributions from Developers relating to Education Facilities through the planning process.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Putting our Children and Young People first Improving local people's prospects through education and skills training
	Will the proposals impact on specific groups of people?	
	Yes	

		Children and families throughout the borough.
TARGET COMPLETION/DELIVERY DATE	As this is a policy revision the effects will be ongoing over several years	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>The application of this revised policy will ensure that the appropriate financial contribution can be requested from any developer in respect of the cost arising from the need to make provision of any additional educational facilities or Home to School transport, which may arise as the consequences of a new housing development. It is important to note that where the use of a requested S106 contribution is specified that it can only be used for these purposes and any funding unspent for the specific purpose that it was given (i.e. transport or special education) will have to be refunded to the developer. Contributions for specific purposes will only be requested where a real need is anticipated and at the level considered appropriate.</p> <p>Any changes in current S106 Regulations may necessitate a change in this policy to ensure that no unintended financial consequences arise TAS 29.8.14</p>
LEGAL ISSUES	Yes	<p>Entering into agreements under section 106 Town & Country Planning Act 1990 is a Council function rather than a Cabinet function. Even though Cabinet cannot determine the terms of any Section 106 agreement, it can create policy regarding the approach taken by Education Officers who seek appropriate contributions from developments in the Borough. As stated in the attached draft Policy, A request by the Council for a Section 106 education contribution can only be made if the obligation is necessary</p>

		to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the proposed development. The viability of the development is also a key factor when deciding whether the development can afford the required contributions and the terms of the agreement.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	<i>If yes, briefly list any other significant impacts, risks & opportunities- see separate guidance note for areas to consider</i>
IMPACT ON SPECIFIC WARDS	Yes	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

The CYP Scrutiny Committee looked at the planning of Primary School places. The committee concluded that Telford & Wrekin are in a better position than many other authorities in regard to the supply of school places and that there is no immediate short fall. However, because of the rise in the birth rate, which is already affecting primary school numbers and will begin to have an effect on secondary school numbers in 2018 it was felt prudent to look at how any necessary new places could be funded.

To this end a revised draft version of the Planning Obligations Section 106 Contributions relating to Educational Facilities is attached at appendix 1. The original document was written in 2003 and it has been revised once previously in 2010.

4. INFORMATION

The limiting nature of current government policy is such that it does not easily enable long term planning and provision of new school places. This means that in order to fulfil its obligations to provide school places for all residents the council needs to seek contributions from the developers of new housing.

When a new housing development is announced the Council, as local planning authority, can seek to secure a financial contribution from the developer towards educational facilities in the local area. It is accepted that with new housing there will also be new families with children moving to the area who will require places within local schools. Where schools have a number of pupils who live outside their attendance area on their roll it is accepted that these will, over time be displaced by pupils from the new development and so there will be a knock on effect to other local schools.

In most cases the Local Authority will consider the level of an educational contribution on the basis of a need for pupil places, reducing the level by the percentage of surplus places within a 2/3 mile radius, using a straightforward formula

which calculates a figure based upon the expected number of new children to be generated by the planned housing. However, in cases where there is not an immediate or projected need for additional places at the local schools, the Local Authority will consider whether there are modernisation or refurbishment needs at local schools within a 10 mile radius.

The formula used to work out the contribution to be asked for, sets the number of pupils expected to be generated in each phase and calculates a sum based on a cost multiplier provided by the Department for Education (DfE) . The formula used to determine how many children are generated by different types of housing is based on survey work done for Telford & Wrekin Council in 2007 and ratified by the DfE.

Historically, Telford & Wrekin has had surplus places in secondary schools and so has not had to ask for section 106 contributions to provide more. However, the increased birth rate and the large number of dwellings planned for the borough means that in the future it is likely that we will need to ask for contributions towards the expansion of secondary provision. This is particularly pertinent when large numbers of houses are planned in a relatively isolated location.

If new dwellings are planned more than two miles from the nearest primary school or three miles from the nearest secondary school then the council will be obliged by statute, to provide transport to and from school for any pupils living there. The revised guidance on contributions attached asks that this should be taken into account when discussing developer contributions. This is an attempt to help the council meet its obligations in respect of future transport provision.

The increase in both the birth rate and the number of new dwellings is also putting pressure on specialist educational provision for children with special educational needs. These provisions, such as special schools and specialist units attached to mainstream schools admit children from throughout the borough dependent on their particular needs. It is therefore proposed that a percentage of all section 106 contributions towards education provision from across the borough be allocated to provide funds to extend and improve this specialist provision.

The other circumstances for asking for contributions for educational provision under section 106 remain the same. Dwellings which are one bedroom houses or flats will normally be excluded from the calculation. Sheltered housing for the elderly will also be excluded. Affordable housing would normally generate at least as many school aged children as most other types of housing, therefore the impact on local education facilities is likely to be similar.

5. PREVIOUS MINUTES

None

6. BACKGROUND PAPERS

- Report of Children and Young People Scrutiny Committee review of local arrangements for the planning and provision of primary school places May 2014

- A Revised draft version of the “Planning Obligations : Contributions relating to Educational Facilities” is attached at appendix 1.

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