



Rochford District Council

**SUPPLEMENTARY PLANNING
DOCUMENT 1**

**EDUCATIONAL
CONTRIBUTIONS**

January 2007



ROCHFORD DISTRICT LOCAL DEVELOPMENT FRAMEWORK



ALTERNATIVE FORMATS

<p>Cantonese 如果你 需要 放大,盲 文資訊或者不同語言的 版本請聯絡 01702 546 366</p>	<p>Spanish Si desea esta información impresa en letra grande, Braille o en otro idioma, por favor llame al teléfono 01702 546 366</p>	<p>Gujarati તમને આ માહિતી મોટા છાપેલા અક્ષરો માં, બ્રેલ(અંધલિપિ) યા બીજી ભાષા માં જોઈતી હોય તો મહેરબાની કરી સંપર્ક કરો 01702 546 366</p>
<p>Urdu اگر آپ یہ معلومات بڑی چھپائی میں، بریل(اندھو کا رسم الخط) یا کوئی اور زبان میں چاہتے ہیں تو براہ کرم رابطہ کیجیے 01702 546 366</p>	<p>Portuguese Caso necessite desta informação em impressão maior, em Braille ou noutra língua, por favor contacte 01702 546 366</p>	<p>Bengali বাংলা আপনি যদি এ তথ্যগুলি বড় মুদ্রাক্ষরে, ব্রেইলি হরফে অথবা অন্য কোন ভাষায় পেতে চান তাহলে অনুগ্রহ করে 01702 546 366 নম্বরে ফোন করুন ।</p>
<p>Shona Kana uchida ruzivo, kana tsananguro iyi yakanyorwa nemavara makuru, kana kuthi yakanyorwa nerurimi rwemapofu, kana nerumwe rurimi, kana umwe mufauro sununguka kuti taurira parunare ronoti 01702 546 366</p>	<p>If you would like this information in large print, Braille or another language please contact 01702 546 366</p>	

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STATUTORY BASIS

This document has been prepared in accordance with the Planning and Compulsory Purchase Act (2004) and the various relevant subsequent *statutory* instruments.

It was adopted by Rochford District Council on 11th January 2007 & came into effect on 5th February 2007.

The following are also particularly relevant to the preparation of this document:

- Under S.71 of the Planning (*Listed Buildings & Conservation Areas*) Act 1990, the *Local Planning Authority* has a duty from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are *Conservation Areas*.
- Under S.39 of the *Planning & Compulsory Purchase Act 2004*, the *Local Planning Authority* has a duty, when exercising its functions, to contribute towards achieving *sustainable development*.
- Under S.40 of the Natural Environment & Rural Communities Act 2006, the *Local Planning Authority* has a duty, when exercising its functions, to conserve *biodiversity*.
- Section 106 of the Town and Country Planning Act 1990
- *Circular 5/05 – Planning obligations*

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A glossary of the technical terms used in this document is available on the Council's website or can be obtained in hard copy from the Council's offices in Rochford and Rayleigh. Terms listed in the glossary are shown in *Italic* type.

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SECTION 1 - INTRODUCTION

APPLICATION OF THE SUPPLEMENTARY PLANNING DOCUMENT

Although this guidance has been prepared under the auspices of the Essex Planning Officers Association (EPOA) it only applies to the Borough and District Councils within the administrative county of Essex and therefore does not apply to the Unitary Council areas of Southend and Thurrock. This guidance covers the contributions that may be sought in relation to *statutory* age education provision as currently provided by Essex County Council's Schools Service.

1. INTRODUCTION

- 1.1 This guidance sets out the basis on which local planning authorities within the administrative county of Essex, working in partnership with Essex County Council (ECC) as the Local Education Authority (LEA), will negotiate contributions from developers towards the provision of additional school places. It is important that it is read in conjunction with the documents listed in paragraph 9.2.
- 1.2 The use of *planning obligations* has become a key mechanism in the planning system for addressing the impact of new *development*. They provide a means to enable the proposed *development* to proceed and to meet the needs of the local community associated with the new *development* by securing contributions towards the provision of *infrastructure* and services. Education is one of a range of services which local authorities may seek to provide through developers' contributions. Cash or in-kind contributions can also go towards such items as local roads, public transport schemes, public places, community facilities and *affordable housing*. The contributions which may be required by Rochford District Council are set out in Policy HP5 (Infrastructure) of the Replacement *Local Plan*.
- 1.3 The final decision as to whether or not a particular level of contribution is justified, and the priority that education should receive in any given case, will rest with the *Local Planning Authority*. ECC will however be party to all legal agreements where a contribution towards school places is required.
- 1.4 Failure to provide contributions to a properly identified and agreed local need arising out of a *development* application(s) will usually result in the refusal of *Planning permission* by the District Council.



2. POLICY CONTEXT

- 2.1 The power of a *Local Planning Authority* (LPA) to enter into a planning obligation with the owner of land is contained within section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). Government advice is contained within *Circular 05/2005 – Planning obligations*. This states that where a *development* creates a need for the provision of particular facilities, it will be reasonable for *planning obligations* to be sought to secure this provision. Educational requirements may be acceptable if they are directly related to the *development* proposal, the need for them arises from its implementation and they are reasonably related in scale and kind.
- 2.2 The Essex and Southend on Sea *Replacement Structure Plan* (adopted in April 2001) reinforces the approach set out in *Circulars 1/97* and *05/05*. Policies BE5 & H4 reflect the guidance and set out the circumstances where *planning obligations* may be required and relate to the proposed *development*. These policies will be saved and still apply after the enactment of the Planning and Compulsory Purchase Act. In addition, many local planning authorities within Essex have their own policies, contained within *Local Plans* and other documents. It should be noted that the structure plan policies will only be saved until replaced by the East of England Plan (unless they are specifically mentioned as not being replaced by the plan) and that the current Rochford District Replacement *Local Plan* policies will eventually be replaced by new LDF policies. It may be necessary for the SPD to be redrafted and consulted upon to conform and support new LDF policies.
- 2.3 Policy HP5 (Infrastructure) of the Rochford District Replacement *Local Plan* sets out the *Local Planning Authority's* intention to secure contributions from developers for a variety of *infrastructure* and services including education facilities. Policy HP21 (*Planning obligations*) states that the *Local Planning Authority* will seek obligations and benefits related to the location, scale, and nature of the *development* as well as local social and environmental needs.

POLICY HP5 - INFRASTRUCTURE

Having regard to the advice as set out in national policy regarding *Planning obligations*, the *Local Planning Authority* will explore all means at their disposal, including *planning gain* contributions from developers, to ensure the provision and phasing, where appropriate, within housing *development* sites or within an appropriate distance, of *affordable housing*, adequate shopping facilities, health care facilities, education facilities, transportation *infrastructure* (for buses and cycling in particular), nurseries, playgroups and minor *infrastructure*, including public telephone kiosks, and letter posting boxes.

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SECTION 2 – POLICY CONTEXT

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POLICY HP21 - PLANNING OBLIGATIONS

The Council will seek *planning obligations* and the provision of related benefits in all types of *development*. Such obligations and benefits will be properly related to and appropriate to the locations, scale and nature of the *development* and local social and environmental needs.



3. DEMAND FOR AND SUPPLY OF SCHOOL PLACES

- 3.1 The Council will seek contributions where there will be a demand for additional school places as a result of a *development*. The level of existing or potential surplus permanent school places in the local area will be taken into account.
- 3.2 The Essex School Organisation Plan (SOP) sets out the current availability of places in each area and is published during the autumn term of each year. The plan also includes a forecast predicting the picture in five years' time based on birth rates, feeder school numbers, historical trends, housing *development* and other local factors likely to affect admissions to particular schools. The forecast methodology is outlined within the SOP, along with an evaluation of the accuracy of previous plans. A *consultation* draft is published each year, usually during the summer term, for public comment. Developers are encouraged to comment on any assumptions made on the progress of housing *developments* over the plan period and any current market trends likely to alter completion rates.
- 3.3 The capacity of each school is assessed in line with the Department for Education & Skills (DfES) Schools *Circular* 0739/2001. The net capacity figures published in the SOP may include some temporary accommodation that cannot be relied upon to provide sufficient school places in the future. School accommodation without permanent *Planning permission*, and for which there is no long-term demand from the existing population, should be discounted from any assessment of the need for additional permanent places.
- 3.4 It is accepted that schools should not operate at 100% of their capacity, as it is important to retain some level of surplus to facilitate parental preference and to cater for unexpected increases in demand. The Audit Commission document *Trading Places* (1996 updated 2002), for example, suggested a target figure of 5% surplus places. Contributions will only be sought to mitigate potential unmet demand generated by housing *development*. Deficiencies may be deemed to exist even if it is not certain that every local place will be filled.



SECTION 4 – FORECASTING PUPIL NUMBERS

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4. FORECASTING PUPIL NUMBERS

- 4.1 The potential number of pupils for which additional school places must be provided, if the *development* proceeds, is calculated using the method set out in the Essex County Council Schools Service document 'Developer Contribution Guidelines'. The method takes account of *development* size, *density* and dwelling type. The number of dwellings is multiplied by the appropriate factors, as shown in Appendix A, to forecast the numbers of additional primary and secondary school places required. Dwelling units unlikely to house children, such as single bed properties, are discounted from the calculation. The factors used are designed to allow for children moving to the *development* who will not need to change school or who are being privately educated.



5. THE COST OF ADDITIONAL SCHOOL PLACES

- 5.1 Where sufficient suitable space exists to increase the capacity of an existing school, contributions will only be sought for building and establishment costs, and not for the cost of land. In such cases, the cost of providing a school place will usually be based on the appropriate current DfES building cost estimates. The formula used to calculate such contributions, takes the number of units and multiplies by the appropriate pupil product factor (see Appendix A) and then by the relevant DfES cost multiplier. This calculation is repeated for each unit type and, if applicable, for primary and secondary schools. Example calculations are given in Appendix B.
- 5.2 Where additional land is needed, the developer will also be required to either provide free land, meeting the criteria set out in the Developer Contribution Guidelines, or sufficient funding to acquire it.
- 5.3 The cost of building may be estimated as above or provided on a bespoke basis as part of a feasibility study. In any event the County Council may seek costs for a feasibility study from a developer for any required *development*.
- 5.4 The new school sizes that ECC seeks to open are specified in the SOP. It may be necessary to negotiate an option to purchase additional land, not in itself solely necessitated by pupils forecast from the *development*, to allow a suitable sized school to be established.



6. WHEN A SCHOOLS CONTRIBUTION WILL BE REQUIRED

- 6.1 Where the need for additional school facilities arising from new housing has been demonstrated, all *development* incorporating residential use will be expected to contribute pro rata to the size of that *development*. This is intended to create a balance between the impact of increased need for new places, and scale of *development*.
- 6.2 *Planning Obligations Circular 05/05* states that obligations should cover both allocated and *windfall sites* as well as setting out the principles for general application. In line with this, therefore, the *Local Planning Authority* will seek contributions on all sites that create an additional demand on school facilities.
- 6.3 The financial contribution sought will always be proportional to the number and size of dwellings proposed. Contributions will not be sought for:
- single-bedroom dwellings, as these are unlikely to provide accommodation for children (where a scheme includes a mix of single-bedroom and larger units, a contribution will only be sought for the larger units);
 - specialist elderly housing, student accommodation and similar housing in multiple occupancy which will generally not accommodate children (where such accommodation gives rise to a significantly reduced level of contribution from a *development*, it may be appropriate for the LPA to impose *conditions* restricting the occupation of such properties);
 - schemes developed entirely as *affordable housing* under adopted 'local needs/rural exception' policies where 100% of the dwellings will be owned by a Registered Social Landlord.
- 6.4 Because educational need arises and is planned for at ECC level, there is a need to achieve consistency throughout the administrative county. Therefore, when required, the level of contribution sought will not vary by the location of the *development* within the county. Structure Plan policies BE5 and H4 relating to *planning obligations* will always be considered in determining each planning application, and the specific circumstances of each *development* will be taken into account.



SECTION 7 – DETERMINING CONTRIBUTION LEVELS

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7. DETERMINING CONTRIBUTION LEVELS

- 7.1 It is the *statutory* duty of ECC, as LEA, to forecast the number of pupils that must be provided for over time and ensure that sufficient places are available as need arises. The LEA's role in the planning process is to inform the LPA of the estimated additional need that new residential *development* generates and calculate the cost of meeting it. (See section 5 and appendices)
- 7.2 While the LEA method used to assess need takes account of the individual nature of sites, the final decision on whether a contribution is justified and the priority which the education contribution should receive rests with the LPA determining the application. In line with *Circular 05/05*, it is for the LPA to balance and finally determine the priorities for competing requirements, such as *affordable housing*, *public open space* and other *infrastructure* relating to the site, against the value of contributions which may be negotiated.



8. USE AND MONITORING OF S.106 FUNDS

- 8.1 All contributions must be index linked and, when received, used by ECC for the purpose(s) negotiated and set out in each individual *Section 106 Agreement*. Contributions will always be used in the local area, which is defined as a school within three miles of the site, the designated catchment school or at another school shown in the same 'group' in the Essex School Organisation Plan. Although it is not always possible or effective to use monies expanding the school closest to the *development*, contributions will always be used to meet the identified additional need arising from the *development*. Developers may seek to include clauses requiring the return of monies or land unused within a specified period, usually ten years. ECC will keep records outlining the receipt of contributions and how they are spent. This information is available on request. It is a matter for the s106 agreement to specify, at the developer's request, any specific information requirements deemed appropriate.
- 8.2 In most cases, contributions are required prior to commencement of the *development*. With large *developments* it may however prove appropriate to defer parts of the contribution providing adequate surety, usually in the form of a bond, are provided to the LEA.



9. FURTHER INFORMATION

9.1 Contacts

✉	Planning & Admissions (Strategy) The Schools Service Essex County Council County Hall Chelmsford CM1 1GS	Head of Planning and Transportation Rochford District Council Council Offices, South Street, Rochford Essex SS4 1BW	Head of Legal Services Rochford District Council Council Offices, South Street, Rochford Essex SS4 1BW
☎	01245 436725	01702 546366	01702 546366
💻	admin.strategy@essexcc.gov.uk	planning.policy@rochford.gov.uk	legal@rochford.gov.uk

9.2 Documents

- 📖 The 'Essex School Organisation Plan' and 'Developer Contribution Guidelines' are available from the ECC Schools Service (contact above).
- 📖 The 'Essex and Southend on Sea *Replacement Structure Plan*' is published on the ECC web site (www.essexcc.gov.uk) or contact the Planning Policy Group at County Hall, Chelmsford CM1 1QH.
- 📖 Rochford District *Local Plan* (First Review) – adopted 1995
- 📖 Rochford District Replacement *Local Plan*
- 📖 The 'Town & Country Planning Act' and 'Circular 1/97' are available from: Office of the Deputy Prime Minister, 26 Whitehall, London SW1A 2WH.
- 📖 'Trading Places' is available from The Audit Commission, PO Box 99, Wetherby LS23 7JA
- 📖 'Public Sector Buildings Cost Index ISBN 1353-1824' (PUBSEC Index) published in DTI Quarterly Building Price & Cost Indices available from Tudorseed Ltd, 3 Ripon House, 35 Station Street, Hornchurch RM12 6JL.

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APPENDIX A – PUPIL PRODUCT FACTORS

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APPENDIX A: - PUPIL PRODUCT FACTORS

The following factors are multiplied by the number of qualifying dwellings to forecast the number of pupils that will require an additional school place as a result of the proposed *development*. The high-*density* factors are applied where the net site *density* is over fifty units per hectare. i.e. in excess of the *density* range outlined in PPG3.

Factors	Primary		Secondary	
	House	Flat	House	Flat
Standard <i>Development</i>	0.3	0.3	0.2	0.2
High <i>Density Development</i>	0.3	0.15	0.2	0.1

Please note that these factors may be subject to change over time.

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APPENDIX B – COST OF PROVIDING ADDITIONAL SCHOOL PLACES

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APPENDIX B: - COST OF PROVIDING ADDITIONAL SCHOOL PLACES

The figures below are the current Department for Education & Skills Cost Multipliers (2006/7) costs per place adjusted for Essex (Location Factor of 1.06). These figures are correct until the end of the financial year, after this check national government figures for the most up-to-date cost calculations. Calculations of the cost of providing additional school places should always be based upon the most recent available DFES figures.

Department for Education & Skills Cost Multipliers (2006/7) costs per place: -

- Primary School: £8,986 equivalent to: -
£2,695.80 per house or standard *density* flat
£1,347.90 per high *density* flat
- Secondary School : £14,055 equivalent to: -
£4,216.50 per house or standard *density* flat
£2,108.25 per high *density* flat

Example A : -

Standard *density* development of 12 units requiring a primary contribution: -

12 (units) X 0.3 (standard primary factor) = 3.6 rounded to 4 pupils.

4 (pupils) X £8,986 (primary cost multiplier) =

£35,944 at April 2006 costs

Example B : -

High-*density* development of 20 flats and 30 houses requiring a secondary contribution:

20 (units) X 0.1 (high *density* flat secondary factor) = 2 (pupils)

30 (units) X 0.2 (standard house secondary factor) = 6 (pupils)

8 (total pupils) X £14,055 (secondary cost multiplier) =

£112,440 at April 2006 costs

Note:

Where there is a deficiency in both Primary and Secondary accommodation, contributions will be sought for both age ranges. The building and land costs of larger schemes are usually determined by the completion of feasibility studies. All contributions must be index linked using the PUBSEC index.

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