

## **DEVELOPERS CONTRIBUTIONS – Education Infrastructure**

### **Education – Schools and Early Years Places**

#### **Policy Approved 2014, Revision 2017**

##### **1. Summary**

This document sets out Wiltshire Council's policy for requesting infrastructure contributions where the need for extra school and early years (nursery) places arises directly from housing developments. It is consistent with the guidance contained in paragraph 204 of the National Planning Policy Guidance (NPPF) 2012 as given statutory force more recently under Regulation 122 of the CIL Regulations 2010 i.e. that it is, in summary: necessary, directly related, fairly and reasonably related in scale and kind to the development. This policy also accords with the NPPF by seeking to promote sustainable and viable communities, encouraging local schools thereby reducing the need to travel by car and encourage where possible walking to school by ensuring local services are able to develop. Specifically, paragraph 72 of the NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Wiltshire Council will take a proactive, positive and collaborative approach to meeting this requirement, and widen choice in education. Great weight will be placed on the need to create, expand or alter schools.

Wiltshire Council aims to provide a good match between pupils and places with an infrastructure of high quality school buildings and facilities where all schools are of sufficient size and standard to deliver the curriculum cost effectively. Wiltshire Council has a "local children going to local schools" policy, which is desirable both in environmental and school travel plan terms, and because local schools make a valuable contribution to the broader sustainable communities agenda. It is also the general and reasonable expectation of parents moving to a new housing development that their children will be able to attend their local school or early years provider. Hence, the Council aims to facilitate this by focusing upon local schools, and in particular, their ability to accommodate the additional children generated by housing development in their locality.

The *School Places Strategy 2015-2020* states that Wiltshire Council will consider new (4 -11) schools for primary phase pupils, new (11 - 16) or (11 - 18) schools for secondary phase pupils and all through (4 -16) schools where appropriate. For primary schools there is a strong preference for schools which take in between one (210 places) and three forms of entry (630 places). There is also a strong preference for early year's provision to be provided as part of a new primary school.

Under the Childcare Act 2006 the Council must provide free early years funding for all 3 and 4 year olds up to 15 hours each week. From 2017 this increases to 30 hours each week and therefore demand for early year's places is expected to increase and additional places will be required.

In general terms, proposals for the development of 600 dwellings or more are likely to require both a new early years facility and a new primary school (preferably integrated) to serve the children generated by that development unless there is considerable surplus capacity in schools within reasonable walking distance of the development. Due to their relatively wide recruitment areas, a new secondary school is only likely to be required to serve a major urban expansion scheme.

## **2. Assessing the Need for School and Early Years Places**

Wiltshire Council has a comprehensive and well-established system for forecasting the future pupil populations of primary and secondary schools in the County. Information is gathered on: children registered with GPs in the County; admission trends (taking into account parental preferences for schools and demographic changes in population) and planned housing developments.

Wiltshire Council publishes a *School Places Strategy* which is reviewed and updated regularly. The next review is planned for later in 2017. This document outlines the strategy for the planning and provision of school places and priority areas of demand for new provision. Education officers also work closely with planning officers and developers to ensure that the most up to date information is obtained prior to consideration of a planning application.

The 2006 Childcare Act (section 11) states that Local Authorities have a statutory obligation to ensure that they have a strategy in place for the provision of childcare sufficient to meet the needs of parents who require childcare. If capacity is exceeded then the Council in its role of market facilitator and commissioner will require resources to stimulate the market and provide additional capacity. When a new school is required, the Council's strong preference is for integrated nursery provision on the new school site. Where this is not possible alternative nursery provision will need to be provided.

A developer contribution will be sought where it can be demonstrated that there is a need to expand education provision for early years, primary and/or secondary schools in the locality of the proposed housing development. Generally, the schools examined will be those serving the designated or catchment area in which the housing development is to be located. For primary need we will consider capacity at all schools within a 2 mile safe walking distance and for secondary within a 3 mile safe walking distance from the development.

It is accepted that it may not be reasonable to seek contributions for a single small development and generally contributions will only be sought in respect of developments of 10 or more dwellings. However where a number of smaller developments are located in rural designated areas and the cumulative impact of these developments may be significant on school place availability in the area, a lower threshold may be considered. Similarly, where there is immense pressure on the availability of school places in a particular area, the Council reserves the right to assess all applications coming forward that generate the need for an additional place or more, and to aggregate these contributions.

It is possible that a housing development may give rise to the need for a new school, either because the number of houses involved is so large (including when all developments in the area are considered) or because existing schools have already reached the limits of their potential to

expand. In these circumstances the Council would seek an appropriate sized site to locate a new school and appropriate financial contributions towards the cost of a new school and early year's facility.

### **3. Calculating the Demand for Places**

The Council has tracked the actual number of children arriving in Early Years settings and Wiltshire schools from a variety of different sized housing developments over 12 years and recently commissioned an update survey to review the number of children arising from new developments in Wiltshire. From this it has calculated pupil product figures which it uses as the basis for estimating the number of nursery, primary and secondary aged children likely to come from future housing developments. These figures are:

- 0.04 per dwelling for Early Years 0-2 year olds (4 per 100 dwellings)
- 0.09 per dwelling for Early Years 3-4 year olds (9 per 100 dwellings)
  
- 0.31 per dwelling for Primary aged pupils (31 per 100 dwellings) and
- 0.22 per dwelling for Secondary aged pupils (22 per 100 dwellings).

These "pupil products" apply to all sizes/types of dwelling including affordable housing with the exception of 1 bed properties.

When a request for information about the estimated level of Section 106 Education contributions to be sought is made, the developer or landowner will be asked to specify the number of dwellings broken down by type, and specifying where possible, the number of one bed sized units within each category. If the enquiry is preliminary to making or considering an actual planning submission, then an *indicative assessment* for guidance only, will be provided.

Formal assessment will take place as part of the consultation process on a submitted planning application. Assessments will be based upon the most current data available on pupil numbers and forecasts, schools' capacities and details of other known housing applied for/approved within the relevant community area/s. It should be noted that as the situation in schools does not remain static, a time lapse between assessments of a proposal may well result in different outcomes. Any changes to the site location, housing number or mix specified in an application will necessitate a new assessment, as they are material to the basis of the assessment and effectively present a new proposal.

In order to make an assessment of the impact of the new housing upon the existing education infrastructure in the locality, the Council's officers will first deduct any one bed sized units from the accommodation schedule and then apply a standard discount of 30% to the remaining (if any) affordable housing. This discount reflects evidence that families in affordable housing move within the immediate area and so their children will not need to change schools, and is most pertinent at secondary level where designated areas can be wide ranging.

Using the pupil products described at above, the likely number of pupils arising from the development will be calculated and if appropriate, rounded up or down to give a whole number. It

will then be assessed as to whether they can be accommodated within the existing capacity of the school(s) firstly in the designated area and then if appropriate, the appropriate wider area such as across a town, and within the relevant statutory safe walking distances for the age range/s; taking into account other known granted or registered developments in the locality.

The estimated pupil product calculated for a new housing development, plus the forecast numbers on roll at the appropriate school(s) are compared to the relevant school capacities to identify the extent of any deficit that will need to be addressed.

The determination of whether or not there is sufficient early years provision in the area of the development will be done with reference to the current "*Wiltshire Childcare Sufficiency Report*" and an assessment of the impact of the development on existing capacity.

Upon consideration of all the relevant data (as described above), where the proposed housing development would lead to a school and/or early years pupil population forecast in excess of current capacity, or where a school is already full, a contribution will be sought in respect of land and/or finance to enable the Council to meet the shortfall in places. Where insufficient places are available at a local area school to accommodate the full pupil product of a development, then those still available will be "allocated" to individual developments and priority established by the date of registration of the relevant planning application/s and where relevant the date of actual planning approvals. Informal enquiries and requests for preliminary assessments where no application has yet been submitted will not be eligible to benefit from such an allocation.

Please note, when an application has been refused, it remains 'live' and included in any assessments until the 6 months appeal period has elapsed, if no appeal is brought forward or an appeal is not upheld, the applications will be removed from future assessments.

#### **4. Assessing Developer Financial Contributions for School and Early Years Places**

The Council will consider the most appropriate mechanism for securing developer contributions on individual applications. It is likely, that where a proposed development will require an additional primary or secondary school or a significant number of additional school and/or early years places, then the contribution will be secured via a S106 agreement, unless identified on the 'Regulation 123 List'. The explanatory notes which accompany the list specifically state that the Council may continue to seek planning obligations through S106 agreements for specific infrastructure projects or types of infrastructure included within the list but only where the requirement is created by five or fewer developments.

Any such site-specific infrastructure requirements will be subject to the three statutory tests set out under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

#### **5. Financial Contributions**

This section defines the school place cost multiplier figure required by Wiltshire Council.

The cost per pupil place calculation for both primary and secondary school places is reviewed and updated annually by an independent firm of quantity surveyors and the new calculation comes into effect on the 1 April each year. The early years calculation is a percentage of the primary cost per place.

- The Primary Cost per Place figure for 2017/18 is £17,545
- The Secondary Cost per Place figure for 2017/18 is £23,316
- The Early Years Cost per Place figure for 2017/18 is £17,019

The index chosen on the basis of objectivity and reliability is the BCIS public sector national cost standards for State Schools.

## **6. Primary School Place Capital Cost Multiplier**

Primary schools are most efficiently organised in classes of 30 pupils (there is a statutory maximum of 30 pupils for pupils aged 4-7 ref *Infant Class Size legislation*). Taking the 30 pupils across the seven years of primary school, this means that primary schools built in Wiltshire are built in blocks of 210 places. This is often known as a 'form of entry' (FE). In terms of viability and financial sustainability the ideal size of primary school is 2FE (420 places). Where a decision is taken to provide a new 1FE school, it is usually on the basis that this will later be expanded to a 2FE (420 places) school, subject to demand, or even 3FE (630 places). Very occasionally half 'form of entry' expansions are considered above 1FE.

Practically, large developments are generally built in phases, starting with 1FE and expanding later to 2FE and beyond. Therefore, for the purposes of the primary cost multiplier in this document it is based on delivering 1FE (210) place schools as these are most likely to be built in the first phase. However, for simplicity the same cost multiplier will be used for all phases of work.

## **7. Secondary School Place Capital Cost Multiplier**

In light of the demography in Wiltshire, the need for new secondary school provision will be limited to areas where there is substantial new housing development proposed and a new school will be viable, size wise. In most towns across Wiltshire additional secondary places will be delivered through the expansion of existing secondary schools and academies.

Financial contributions for expanding secondary schools will be sought via S106 and pooled where appropriate or CIL if area identified on the published CIL 123 List.

The secondary cost per place multiplier is based on the average delivery cost of a number of secondary expansion projects completed in Wiltshire or in the geographical vicinity.

## **8. Early Years Provision Place Cost Multiplier**

The Early Years Provision place cost multiplier is based on a figure of 97% of the primary place cost multiplier.

Early years provision (3 – 4 Years) is most efficiently organised in groups of 13 children or 8 children dependent on the level of the qualifications of staff who are working directly with the

children. This information can be found in the Statutory Framework for the Early Years Foundation Stage. For two year olds regardless of staff qualifications the ratio is 1 adult to every four children. Taking the groups across the age ranges and 40% provision for 0 - 2 year olds, this means that Early Years provision built in Wiltshire is generally in blocks of 40 places.

## **9. Assessing Developer's Other Contributions**

Land if required for a new school / early years provision, or an extension to an existing one should be provided free of charge by the developer to the Council. The size of the site area required should be agreed with the Council (for a primary school the normal minimum 1.8Ha, however if a nursery facility is also to be included on the school site, then 2.0Ha will be required); as should the location, shape and orientation of the land before a master plan is produced for the proposed development.

Where a development is not large enough to require a new school, but is of sufficient size to trigger the need for one because existing schools and/or early years providers cannot satisfactorily accommodate all the pupils from the development, then a site of sufficient size to accommodate up to a 2FE primary school (minimum 1.8Ha or 2.0Ha if nursery to be included) plus a financial contribution towards the construction costs will be required in proportion to the estimated pupils generated. The Council will use its best endeavours to draw together contributions from two or more developments, where appropriate (subject to CIL restrictions), to commission a new school with a strong preference for integrated nursery and primary education.

However developers will be required, as an absolute minimum, to provide the new school site at no cost to the Council. If a site is allocated on the basis that the school will need to be expanded further at some point in the future, then a larger site may be requested. In the event that the extra site is not used within an agreed period of time (usually 10 years) the 'extra' land may be returned to the developer by agreement.

Where a proposed development is located adjacent to an existing school site, then the developer will be expected to acquire and provide any adjacent land required to expand the school, free of charge to the Council and pay the relevant financial contribution towards the construction costs proportionate to the estimated pupils generated.

## **10. School Sites**

The actual site required for a new school will depend on several factors, including location, access, shape, topography and the relationship with adjacent community and other land uses. The minimum useable areas should be as follows:

### Primary

- 1 Form entry primary school (210 places): 1.2 hectares (rural locations only)
- 2 Form entry primary school (420 places): 1.8 hectares
- 3 Form entry primary school (630 places): 2.6 hectares

### Nursery (as part of school site)

If a Nursery is to be provided as part of the school then an additional 0.2 hectares is required.

## Secondary

The areas required for new secondary schools will depend on the size of school proposed but the minimum useable areas should be as follows:

5 Form entry secondary school (750 places):	5.8 hectares
6 Form entry secondary school (900 places):	6.8 hectares
7 Form entry secondary school (1,050 places):	7.7 hectares
8 Form entry secondary school (1,200 places):	8.7 hectares
9 Form entry secondary school (1,350 places):	9.6 hectares

These should be seen as the minimum site area required for a (11-16) school of the size as laid out above. Post 16 facilities will need further assessment if required. Sites should not be seen to be delivering any public open space or community requirements for the developer or the Local Planning Authority.

Where a large development is shared between several developers, it may be appropriate to make provision in the Section 106 agreements so that the burden falls on all those involved. If this is the case, it will be necessary to discuss the exact mechanism that is applicable.

### **11. Information Available**

Figures used to demonstrate pupil population and school capacity shortfalls and any cost estimates will be made available to applicants on request. These will be indicative and the value of the cost multiplier will be accurate at the time of responding to an enquiry. The Council will require that the cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement, with appropriate indexation. If an application goes to appeal and a significant time period has elapsed since the original assessment of the application was made, the latest school population forecasts will be used to determine whether there should be any modification to the earlier indicative contribution to allow for changes in the number or mix of dwellings, or to the pupil numbers in the local schools. Once the level of contribution has been determined, and that it will be included within a legal agreement such as a S106, and thereafter that sum of money will be indexed from the date of signature using the BCIS index indicated.

Standard terms will apply to these legal agreements:

- Where the development is for less than 100 units of housing, contribution payment will be required in full, prior to/upon commencement of, development on site.
- Where the development is for more than 100 units, in order to assist the developer with cash flow issues, whilst still allowing the Council sufficient time and funding for implementation of larger school capital schemes (100-400 dwellings), two or occasionally on very large developments (401+ dwellings), three phased payments will be considered. However, the first tranche of payment will always be payable upon or prior to commencement of development. The remaining phased payments will be linked to

occupation of a certain number of dwellings throughout the progress of the development.

- Normal trigger points for two phased payments will be 50% at commencement of development and 50% on occupation of the dwelling representing 50% of the way through the development.
- For applications qualifying for three payment instalments, 30% will be required on or prior to commencement of development, with the remaining 70% required as 35% each at further trigger points agreed, usually at occupation of 200th dwelling and at 400th dwelling dependent on size of development.
- Individual arrangements will apply to situations where a new school is required or being provided/constructed by a developer.
- Where phased payments apply, any sums not payable either prior to or at commencement of development, will require Bonding.
- The Council will require 10 years from date of receipt of the (final) tranche of payment in which to utilise the contribution provided, either by expenditure, or commitment to a developed/planned scheme or project (this will allow the Council to collect contributions from other developments in the locality in order to accumulate sufficient budget to fund an expansion or new school project where necessary).
- Where the housing number/mix of a development has not been finalised prior to the need to complete a legal agreement, then a Council determined formulae can be included within the agreement to allow for a detailed calculation (and/or re-calculation) to be made when this situation has been resolved. However payment triggers will remain as above.
- Where a school site is required to be provided the site will need to be transferred to the Council (fully serviced to the boundary) as soon as possible after commencement of development ideally within 6 months and no later than 12 months after commencement of development, to enable the Council to commission the new school.

## **12. Meeting Additional Demand**

Wiltshire Council will identify and decide how best to meet the increased demand for Education provision. The Council will need to take into account both educational and financial considerations when deciding whether it is necessary to build a new school or extend an existing school.

The Council works closely with schools and will need to consult with head teachers, school governing bodies, academy trusts, diocesan education boards, parents and the local community about a new residential development and the impact it is likely to have on existing school provision in the locality. During these consultations the Council will take into account:

- the size of existing schools;
- whether the schools are capable of expansion (in terms of site areas and site constraints) and how easily the existing buildings lend themselves to extension, and



- Whether it is desirable, on education grounds, to extend them.

The Council will also consider the geography of the area, the accessibility of safe walking or travel routes between any existing schools and a new development, and the impact that increased pupil numbers are likely to have on road traffic in the surrounding area.

### **13. Review**

This cost per place multipliers within this policy will be reviewed and updated annually where appropriate.

### **Contact Details**

Clare Medland  
Head of School Place Commissioning  
Wiltshire Council  
[Clare.medland@wiltshire.gov.uk](mailto:Clare.medland@wiltshire.gov.uk)  
Tel: 01225 713966