

## **SECTION 106 AGREEMENTS - EDUCATION ISSUES**

### **Background**

1. The County Council also has an interest in Section 106 agreements in relation to education. Housing developments can mean that the County Council needs to expand education provision in primary or secondary schools through either expanding/improving existing provision or building new schools. Infrastructure contributions are sought from developers through Section 106 agreements where current school capacities cannot meet the additional pupils generated from a new development.
2. The great majority of Section 106 agreements focus on a financial contribution from the developer towards the costs of improving the local education infrastructure.
3. In general terms proposals for the development of 600 dwellings or more is likely to require a new primary school to serve the pupils generated by that development unless there is considerable surplus capacity at existing schools within walking distance. Due to their size and relatively wide catchment area, a new secondary school is only likely to be required to serve a major urban expansion scheme.

### **Process**

4. The County Council is often contacted by developers enquiring about possible infrastructure contributions in relation to proposed developments. Indicative figures are provided to developers to inform that thinking. It is usually possible to respond to enquiries within 21 days.
5. District Councils consult with the County Council at the time of an outline or full planning application, requesting information about required infrastructure contributions within 21 days. This time requirement can be met so all parties are fully aware of planning obligations in relation to education when the application is determined. The provision of information is not, therefore, a significant issue. However, there can be, as described in the highways contribution to this report, conflict between the planning gain sought by various consultees which can cause tensions and some delays.
6. Concluding a legal agreement can also take time. The highways element of this report details the reasons for such delays and how the process can become drawn out. Where a developer commits to building a new primary school as the planning obligation there is a need to agree a Project Agreement for the completion of this school at the same time as the Section 106 agreement and this can result in further delays. During such discussions the County Council is seeking to protect its position and ensure that appropriate educational facilities are in place to support the development of sustainable communities.

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