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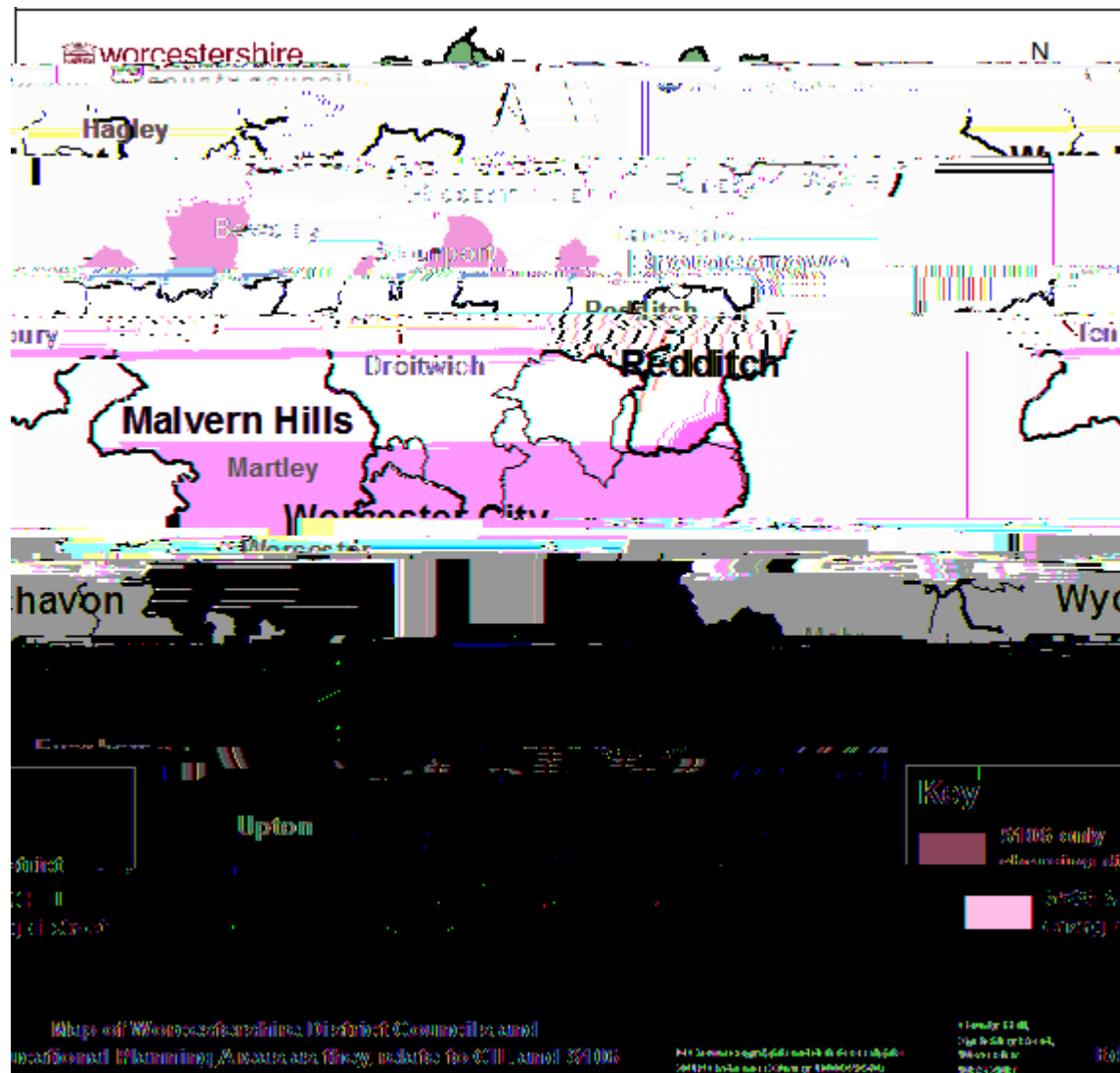
Worcestershire County Council's Approach to Developer Contributions

- 2.1 Worcestershire County Council primarily utilises Section 106 planning obligations and Community Infrastructure Levy contributions to mitigate the impact of developments on educational infrastructure.
- 2.2 Worcestershire has six district councils each with a policy enabling the collection of developer contributions. To date the South Worcestershire Councils are the only councils in Worcestershire to have adopted a Community Infrastructure Levy (CIL) charging schedule.

South Worcestershire Councils:

- x Malvern Hills District Council
 - x Wychavon District Council
 - x Worcester City Council
- 2.3 When the funding becomes available from the Community Infrastructure Levy, Worcestershire County Council will bid for projects to support education infrastructure as required. CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of a wide range of infrastructure, including education.
 - 2.4 Worcestershire County Council in partnership with the district councils will also seek to work with parish councils to identify where funding from parish council CIL allocations may be pooled to best serve education infrastructure needs in an area.
 - 2.5 Section 106 obligations will still be collected for the South Worcestershire Councils for specific sites and large scale sites as stated within the regulation 123 list published on the district council websites⁴. All other education provision required as a result of new housing within the South Worcestershire Councils areas, would be expected to be funded by the

Figure 1 : Developer Contribution Arrangements



National Planning Policy Context

- 2.8 The National Planning Policy Framework 2019 and the Community Infrastructure Levy Regulations 2010 (as amended in 2014), sets out criteria in respect of planning obligations.
- 2.9 Planning obligations, also known as Section 106 agreements (based on that section of the 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission.
- 2.10 Paragraph 54 of the National Planning Policy Framework 2019 (NPPF) states that local planning authorities should consider whether a development that would otherwise be considered unacceptable could be made acceptable through the use of conditions or planning obligations.
- 2.11 The Community Infrastructure Levy is a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended in 2014).
- 2.12 Regulation 123(2), of the CIL Regulations 2010, as amended by the 2014 Regulations, prevents the local authority from seeking a financial contribution or provision of an infrastructure project where five or more separate planning obligations have already been sought for the funding or provision of that project from other sources (i.e. financial contributions secured in other Section 106 agreements). All payments, counting back to 6 April 2010, are taken into account. Such payments are commonly referred to as "pooled contributions". The Ministry of Housing, Communities and Local Government (MHCLG) completed a consultation on 31st January 2019. This document (000008864(10)3(6)(t) currently proposes the removal of the pooling restrictions on planning obligations. The000008866 0 594.96 8

School Organisation in Worcestershire

3.1 Worcestershire County Council is responsible for ensuring there are sufficient school places in state funded schools. There are several different types of school that fall within the state funded

3.4 There are both two-tier and three-tier education systems in operation across Worcestershire. In areas which operate a two-tier model, children enter primary school at reception (R) before transferring to a secondary school at the start of year seven. In areas which operate a three-tier model, children enter first school at reception (R), transfer to a middle school at the start of year five (A & B) or six (C), then transfer again to high school at the start of year eight (B) or nine (A & C). Table one below summarises the predominant model in operation in each Education Planning Area:

Table 1: School Operating Models

| | | |
|------------------------|--------------------|--------------------|
| Two-tier model | Three-tier model A | Three-tier model B |
| Primary Years R-6 | First Years R-4 | First Years R-4 |
| Secondary Years 7 - 13 | Middle Years 5-8 | Middle Years 5 |
| | High Years 9-13 | |

Assessing Impact on Early Years Places in Worcestershire

- 4.1 Worcestershire County Council is responsible for ensuring that all eligible two year olds and all three and four year olds can access free early years education. When a development site comes forward, Worcestershire County Council will assess whether current related early years provision is sufficient to support families living on the new development to access their entitlement. Where additional demand from the development is required above that which can currently be supported by the market, a contribution will be sought.

Calculating the Requirement for Early Years Childcare places

- 4.2 Worcestershire County Council will conduct a detailed assessment on all planning applications of 10 dwellings or greater.
- 4.3 The detailed assessment will firstly consider the number of 15 hour places that will likely be required for children living on the development. All three and four year olds are entitled to 15 hours free early year's education for 38 weeks of the year (a place). However, only a certain percentage of eligible two year olds are entitled to a free early education place. From September 2017, a percentage of eligible three and four year olds also became entitled to an additional 15 hours (for a total of 30 hours) of early education for 38 weeks of the year.
- 4.4 For four year old funding requirements, one third of the anticipated yield of 4 year olds will be a

Table 2: Pre-School 15 hour Place Requirements

| No. of dwellings | Pupils per year group (x 0.07) | 2 Year old places (32% eligibility) | 3 year old places (168% eligibility) | 4 year old places (168% eligibility) *2/3rds | Estimated early education places required (15 hours) |
|------------------|--------------------------------|-------------------------------------|--------------------------------------|--|--|
| 100 | 7.00 | 2.24 | 11.76 | 7.83 | 21.83 |
| 120 | 8.40 | 2.69 | 14.11 | 9.40 | 26.20 |
| 250 | 17.50 | 5.60 | 29.40 | 19.58 | 54.58 |
| 500 | 35.00 | 11.20 | 58.80 | 39.16 | 109.16 |
| 600 | 42.00 | 13.44 | 70.56 | 46.99 | 130.99 |
| 700 | 49.00 | 15.68 | 82.32 | 54.83 | 152.83 |
| 1000 | 70.00 | 22.40 | 117.60 | 78.32 | 218.32 |

Using this calculation we can determine that the early education full time equivalent place requirements for two, three, and four year olds on a development will be on average 0.11 per dwelling.

$$((1 \times 0.07 \times 0.32 = 0.02) + (1 \times 0.7 \times 1.68 = 0.12) + (1 \times 0.7 \times 1.68 \times 0.66 = 0.08))/2 = 0.11$$

4.8 When relevant, other factors such as the location of the development and other extant planning permissions in the area will be factored in to determine the likely impact of the new development.

Identifying Relevant Pre -School Projects

4.9 Where the impact of a development is judged to be of a level which cannot be supported within existing provision, a contribution will be required.

4.10 Where a standard financial contribution towards existing provision is required, this will be calculated using the method as outlined in section 6.

4.11 Projects may involve, but are not limited to:

- x Creation of a new nursery, on a school site or standalone private provider;
- x Expansion of existing provision on maintained sites or on private provision;
- x Refurbishment of existing buildings to allow additional suitable facilities.

4.12 Where the impact of a development is judged to be of a level which would require delivery of a new nursery then the contribution will be negotiated with the developer, in this instance, the contribution sought will reflect the project specific build costs and proportion of the places in the new provision which are likely to be required from children resident on the proposed development. Worcestershire County Council will consider payment in kind by way of the direct provision of buildings by the developer. The specification of any buildings to be directly provided by the developer must be agreed with Worcestershire County Council. Where a new school is required from a development, early year's provision will always be built alongside it to a size suitable to the requirements of the site.

Assessing Impact on State Funded School Places

5.1

Table 3 Pupil Product Ratio per year group per dwelling in Worcestershire

| | Pupil Yield |
|----------------|-------------|
| Pre-school PPR | 0.07 |
| Primary PPR | 0.05 |
| Secondary PPR | 0.04 |

5.13 The assessment will also consider additional factors such as:

- x the location of the development, including the proximity to existing educational infrastructure, existing tier structure and proximity to other local authorities;
- x known trends in parental preference and expected characteristics of the development;
- x the full extent of the development site area, neighbouring sites and any other planning applications approved or expected in the area, particularly where developments come forward as a result of subdivision of larger development areas.

5.14 Other factors may also be taken into account when they are considered to have an impact on the expected pupil yield from the development

Operational Surplus in Mainstream Schools

5.15 Worcestershire is divided into 16 Education Pyramids, based around the main centres of population. Parents have the right under the School Admissions Code⁵ to apply to any school of their preference for a place for their child. While there is no automatic entitlement to a place at their

Building Cost

February 2019 Annexe 2 provides an updated definition of affordable dwellings which are categorised as follows:

- x affordable housing for rent;
- x starter homes;
- x discounted market sales housing; and
- x other affordable routes to home ownership.

6.13 In consideration of the higher level of household recirculation, Worcestershire County Council will exempt those properties deemed to be social rent or affordable rent, where the landlord is a registered housing provider and the provision is to meet local need from those families already resident in the area and, the property will remain at an affordable price for future eligible households. Build to rent schemes are not exempt as they do not meet the above criteria.

6.14 Worcestershire County Council also seeks to exempt:

- x developments that are 100% for commercial use (Class B1);
- x all houses and flats with a maximum of one bedroom;

Contact Details

For further information on the content of this document or to discuss a potential development please contact:

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