Hampshire County Council

Education Justification for S106 Contributions

for

Land south of Bartons Road, Havant

Planning Ref: APP/15/01435

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Please note: These are indicative figures, in order to establish at an early stage, an approximate level of financial contributions. As more detailed work is undertaken on specific proposals the County Council will provide a site specific estimate of costs and the financial contributions may rise or fall depending on local on-site factors and the extent and timing of infrastructure and alterations that may be required.

Statement on the requirement for developer's contribution towards Education

The National Planning Policy Framework (NPPF) was published on 27 March 2012. The National Planning Policy Framework is a material consideration in planning decisions and revoked many of the Planning Policy Statements and Planning Policy Guidance, which were formerly material considerations. NPPF para 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

NPPF para 72 states that The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Moreover, local planning authorities should give great weight to the need to create, expand or alter schools. NPPF para 176 states that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements.

NPPF para 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

NPPF para 204 states that planning obligations should only be sought where they meet all of the three tests; a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

The requirement to mitigate pressure on schools in an area

The *Education Act 1996* S14 places a duty on Local Authorities to secure that schools are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Therefore, there needs to be sufficient appropriate places to accommodate pupils. The meaning of *sufficient in number* is salient as there is a need for more places to be available than the projected number of children who would take up those places.

The Audit Commission recommends that schools should not operate at full capacity. The 1996 report *Trading Places: The Supply & Allocation of School Places* notes in paragraph 9 that value for money in the supply of school places is served by avoiding both too many and too few places and that LAs need to secure a close fit between pupils and places at a wider level and with regards to individual schools. It further recommends that LAs plan for a 95 per cent occupancy rate at schools, with a variation of plus or minus 10 per cent, around this target.

Furthermore, the 2002 report *Trading Places – A Review of Progress on the Supply and Allocation of School Places,* recommends in paragraph 9 that it is unrealistic and probably undesirable to aim for a perfect match of pupils and places at each school. Some margin of capacity is necessary to allow parents choice, given that there will be volatility in preferences from one year to the next. It further notes that not all unfilled places are 'surplus'. Therefore, a reasonable figure is for there to be 5% spare places in any school and these places should not be considered surplus places.

An additional factor not considered by the Audit Commission is the need to plan for the provision of places for children who move into an area after places have been allocated, or at other times during the year. Therefore there needs to be some 'headroom' in the provision of places to allow for such late applicants.

The total capacity of a school relates to the total number of pupils that may be admitted into a school. This number can be compared to the total number of pupils in a school – the Number on Roll (NOR). The Department for Education (DfE) use this methodology to calculate surplus places. This is a suitable measure for circumstances when a school population is relatively stable and gives a useful long-term measure of capacity. This method does not, however account for trends in numbers, where, for example, higher year groups may have fewer children than lower year groups, but the surplus places measure indicates the average number of surplus places across a school.

Mitigating the impact of the proposed development

There is much evidence within the legislative framework relating to the planning system that development should not be permitted regardless of its impact on communities. The effects of development should be mitigated in order to make otherwise unacceptable development acceptable. If the effects of a development cannot be mitigated, then that development would be unacceptable and should not be permitted. S106 of the Town and Country Planning Act 1990 makes provision for Local Planning authorities to require planning conditions or planning obligations (referred to as "S106 agreements") to make otherwise unacceptable development acceptable. Thus a S106 agreement may prescribe the nature of a development; secure compensation for loss or damage created by a development; or mitigate a development's impact. S106 education contributions are usually for the mitigation of the effects of a development.

A Core planning principle in NPPF para 17 is that planning should take account of and support local strategies to improve cultural wellbeing for all, and deliver sufficient community facilities and services to meet local needs. Therefore, it would be appropriate to require a planning obligation to address an existing deficiency in education infrastructure where the additional children yielded by a development would exacerbate that deficiency.

Hampshire County Council Pupil Forecasting Methodology (Published)

<u>Assessment of four year olds living within the catchment area:</u>
Immunisation and vaccination data from local health authorities is collected by age and postcode and is then allocated to enumeration districts. This information is updated annually and takes account of demographic and other trends, including those for the pre-statutory age group i.e. data are collected for year 0 onwards. The number of 4 year olds by enumeration district is then aggregated to school catchment areas. Where an

enumeration district straddles a school catchment area, the number of 4 year olds is proportioned to the relevant schools by the number of address points in each catchment area. Future intakes are estimated by calculating an average participation rate (PR) based on rates observed over the previous three years, using a three year moving average (weighted 3:2:1), giving the greatest weight to the most recent year. This weighted participation rate is applied to future forecast numbers of 4 year olds to determine likely intake to Year R. Schools with participation rates over 100% attract pupils from outside their catchment area. Schools with participation rates below 100% lose pupils to neighbouring schools, other authorities or the independent sector.

Forecast numbers for other year groups:

Primary:
This methodology used for year groups 1-6 is based upon a cohort survival model. The basic premise is that pupils will roll forward from year group to the next at the end of each academic year. If there are known housing developments within a schools catchment area, the expected pupil yield is added to the projections at the rate of 0.3 for primary and 0.21 for secondary. This information is provided by the County Environment Department and substantiated by district councils. Expected changes due to pupil mobility and migration are also taken into account. For each year group, the number of pupils on roll in January is compared with the same cohort a year later. A weighted moving average of the observed changed over the last three years (3:2:1) is calculated and applied in the same way as the participation rate

Secondary:
At secondary transfer, the PR is applied to the numbers available in the linked primary schools, with similar adjustments made to take account of housing and year-on-year trends. Projections are reviewed annually on the basis of the January census. Pupils dual-registered between a school and education centre are included only on the school number on roll. 54 pupils are registered on the education centre roll and it is assumed for forecasting purposes that this number will remain constant.

Pupil numbers

This development lies in the catchment area of Sharps Copse Primary School and Havant Academy Secondary School, Havant.

It is the case that the provision of school places in these areas of Havant Borough Council are critical as set out below.

Primary Schools						
Area	**YR capacity Sept 2015**	**YR on roll Sept 2015**	**% surplus places Sept 2015**	**YR capacity Jan 2021**	**YR on Roll Jan 2021**	**% surplus places Jan 2021**
Havant	585	574	1.9%	585	603	-3.1%

Calculating the number of pupil places required

Section 4 of the County Council's Developers' Contribution Policy contains details on how many places are required as a result of new housing. In order to assess the long term demand arising from a new housing development, the County Council uses the following factors:

Primary Schools (ages 4 to 11) – a minimum of 0.30 children per dwelling
Secondary Schools (ages 11-16) – 0.21 children per dwelling

These factors apply to all dwellings with two or more bedrooms and are based on pupil yield data from recent housing developments.

The County Council's Developers Contributions Guidance can be found at

http://www3.hants.gov.uk/education/school/school-places

The Developers' Contributions Guidance has been endorsed by the County Council and is reviewed and updated on an annual basis.

Requirement for primary school places

The pupil forecast information detailed above highlight the pressure for primary school places in the area. A project to expand Sharps Copse Primary School by 105 places is to be included in a future Children's Services Capital Programme at an estimated cost of £1,664,250. It is anticipated that this project will be completed in the summer of 2020. This expansion is necessary to meet demand for primary school places arising from housing developments recently completed and new housing sites planned within the school catchment areas. This development will contribute to the demand for additional places and a contribution as detailed below is therefore required to mitigate the impact on primary school places.

Requirement for secondary school places

There are surplus secondary school places in the area and, therefore, no contribution will be sought to provide additional secondary school places

Level of contribution required

The planned housing development at Land south of Bartons Road consists of 175 dwellings of unknown size. A contribution in line with HCC's Developers' Contributions Guidance is given below to indicate the likely level of contribution.

Primary
Yield = 0.3 x 175 = 53
53 x £18,813 = £997,089 primary contribution required.

Overall total education contributions required = £997,089 for primary places

IMPORTANT: Please note these costs are indicated, at 4th Quarter 2015 prices (BCIS All-in TPI Index 266).

These are indicative figures, in order to establish at an early stage, an approximate level of financial contributions. As more detailed work is undertaken on specific proposals the County Council will provide a site specific estimate of costs and the financial contributions may rise or fall depending on local on-site factors and the extent and timing of infrastructure and alterations that may be required.

Community Infrastructure Levy (CIL) Compliance

This above named and costed project/infrastructure meets the requirements of April 2010 Regulation 122(2) CIL by being:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

To date, the Council is unaware of any signed Section 106 Agreements specifically naming and assigning education contributions towards this project / infrastructure.

Conclusion

In order to mitigate the impact of this development on school places in the area, a fair and reasonable contribution towards the provision of education infrastructure must be paid.

If a developer were to impede HCC in the performance of any of its functions, then the proposed development should be considered unacceptable. A development should only be considered acceptable if the developer were to mitigate the effects of the proposed development.