



WARRINGTON

Borough Council

Draft Planning Obligations Supplementary Planning Document (SPD)

Period of Re-consultation on Education Requirements

Consultation Statement and details of further
proposed changes to education requirements.

Draft Planning Obligations Supplementary Planning Document (SPD)

Period of Re-consultation – Education Requirements

10th May 2024

Following the 8-week consultation period on the Draft Planning Obligations SPD, from 13 December 2023 to 7 February 2024, the Council is re-opening consultation on further proposed changes to the education requirements.

During the initial consultation period, the Council received representations from the Department for Education (DfE) which have resulted in the further proposed changes. The changes may increase the level of contribution that developers are required to make and the Council has therefore taken the decision to re-open consultation on the Education section of the Draft SPD only.

In summary, the DfE stated that:

- the Council had not used the latest build cost data as detailed within the local authority school places scorecards;
- the yields used for primary and secondary school provision did not include any allowance for early years, post-16 and Special Educational Needs and Disabilities (SEND) provision;
- the SPD does not recognise the higher cost associated with new build schools; and
- DfE guidance recommends that scorecard costs are uplifted to take account of the latest policy requirements for sustainable construction.

The Council is now proposing:

- to use the latest build costs provided on the local authority school places scorecards published on the Government's website;
- to use the yields for primary, secondary, early years, post-16 and SEND as provided in the DfE's Pupil Yield Data Dashboard;
- to secure contributions for early years, post-16 and SEND where capacity does not currently exist, or is forecast not to exist; and
- to recognise the higher costs associated with new build schools.

The Council is not proposing a further uplift for sustainable construction over and above the published information as the Council is not able to evidence any additional uplift at this time. The Council will keep this under review.

The Council is confident that these further proposed changes do not materially impact on the Screening Determination Statements for Strategic Environmental Assessment and Habitats Regulations Assessment that were published as part of the previous consultation.

The proposed changes are considered to have further positive effects for the 'disability' and 'age' protected characteristics in the Equalities Impact Assessment that was also published as part of the previous consultation.

The updated Education section of the document is attached with the further proposed changes highlighted. Also included in this re-consultation document is a copy of the representations received from the DfE.

Copies of this document are available to view on the Council's website or in hard copy at the Council's 1 Time Square office and at libraries across the Borough.

Please check the opening times by using the link below before travelling to a Library:

<https://livewirewarrington.co.uk/library/our-libraries/#1628598165876-197d1c1d-1d06>

The Council welcomes comments on the further proposed changes during the re-consultation period which will run from Friday **10th May 2024 to 5pm on Friday 7th June 2024**. Comments can be submitted:

- by email at localplan@warrington.gov.uk
- in writing to Planning Policy and Programmes Team, Warrington Borough Council, East Annexe, Town Hall, Sankey Street, Warrington, WA1 1UH.
- by completing the Council's standard response form.

Please note that the Council is not re-opening consultation on the wider Draft Planning Obligations SPD and responses should focus on the further proposed changes to the Education section only.

The Council received a number of representations during the initial consultation period on the wider draft Planning Obligations SPD and these will be taken into account in preparing the final version of the SPD.

2.3 Education

- 2.3.1 The Local Plan seeks to ensure that future growth in Warrington is supported by the timely delivery of necessary infrastructure required to support development, as set out in the IDP. Policy INF4 in particular seeks to ensure that adequate new community facilities are provided, including schools and other educational establishments.
- 2.3.2 Increase in demand for school places is a significant pressure on existing levels of provision at both primary school and secondary school level **and in provision for early years, post-16 and Special Educational Needs and Disabilities (SEND)**. New development in the Borough will place further pressure on the Borough's education facilities and it is essential that increased demand is planned for as early as possible.
- 2.3.3 It is particularly important for families with children of primary school age to be able to access a school place for their children locally without having to travel significant distances and there will be a general presumption that the need for any education provision of this type arising out of new development will be provided within the immediate local area and be accessible by walking.
- 2.3.4 Within Warrington specific school areas have been identified for the purposes of pupil place planning which will be used when assessing available capacity and the need to provide for any increased provision arising from proposed new residential development.
- 2.3.5 There are two elements of planning obligations relating to education provision. Firstly, to mitigate the impact of development on the existing level of education provision in the area local to the site; and secondly where there is the need to secure land for a new school as part of larger-scale development, including combining the impact of a number of developments in one particular area. **The requirements set out below are in accordance with the Department for Education's (DfE) Securing Developer Contributions for Education, August 2023.**

PO3 Education

Residential developments of 10 dwellings or more (of 2 bedrooms or greater), or on sites of 0.5ha or more, will be required to provide a contribution in order to secure delivery of appropriate enhancements to existing education facilities in the local area where there is insufficient existing or forecast capacity to meet the increase in school age children, **including provision for early years, post-16 and SEND**, generated by the development.

The contribution will be calculated by multiplying the number of school age children arising from a development for which capacity does not currently exist or is forecast not to exist against the cost of providing ~~primary and secondary school~~ **the required** places. ~~Costs will be updated annually.~~ **This will be determined using the Department for Education (DfE) Pupil Yield Dashboard and the latest costs provided in the local authority school places scorecards published on the DfE's website.**

For large scale development proposals where the unmet need arising from the development justifies the delivery of a new school, the Council will seek to secure land at zero cost (having regard to equalisation between landowners) as part of the overall development proposal.

Contributions will be phased appropriately to ensure the delivery of school places as early as possible.

Key Local Plan policies: INF4 Community Facilities and supported by the IDP.

Enhancing existing education provision

- 2.3.6 Planning contributions will be sought in connection with proposed housing developments of 10 or more units of 2 bedroom or greater (or on sites of 0.5ha or more) where the new housing will generate a need that cannot be met by existing

local facilities. Development proposals for student dwellings or housing for older people will be exempt from this requirement.

2.3.7 Consideration of the following two factors will indicate the degree of any shortfall in provision:

i) The number of pupils expected to be generated by the proposed development. ~~In order to calculate this figure, the Council uses the following pupil yields, which are based on the Census data and guidance from the Department for Education:~~

- ~~• Primary school pupil yield — 0.30 pupils per family home (2 bed dwelling and above);~~
- ~~• Secondary school pupil yield — 0.18 pupils per family home (2 bed dwelling and above).~~

In order to calculate this figure, the Council will use the latest pupil yields for Warrington provided on the Department for Education's Pupil Yield Dashboard:

<https://department-for-education.shinyapps.io/pupil-yields-dashboard/>

ii) The projected position in relation to the supply and demand situation for school places within a reasonable distance of the proposed development for ~~both~~ primary **school**, ~~and~~ secondary school, **early years, post-16 and SEND provision.**

2.3.8 **For primary and secondary school provision**, the level of contribution sought will then be calculated by multiplying the number of primary and secondary school pupils for whom capacity does not currently exist, **or is forecast not to exist**, against the cost of providing a primary and secondary school place. **The cost of school places will be taken from the latest local authority school places scorecards published on the DfE's website:**

<https://explore-education-statistics.service.gov.uk/find-statistics/local-authority-school-places-scorecards>.

2.3.9 Contributions towards early years provision, post-16 provision and Special Educational Needs and Disabilities (SEND) will be requested where capacity does not currently exist, or is not forecast to exist. Contributions will be calculated in line with the latest local authority school places scorecards, with early years provision being aligned with the cost of primary school places and post-16 provision aligned with the cost of secondary school places. The cost of SEND places will be calculated on a case-by-case basis depending on the particular type of provision required.

~~2.3.9 The Council uses the Department for Education's cost multipliers (updated by applying the most up to date construction cost indices and a regional adjustment factor) to establish the cost of providing school places in Warrington. For the academic year 2023/24 (using BCIS for Q3 2024) this equates to £17,733 per primary school place and £22,785 per secondary school place. The Council is committed to ensuring that these costs are updated in line with those published annually by the Department for Education.~~

~~2.3.10 Contributions towards early years provision, post 16 provision and Special Educational Needs and Disabilities (SEND) are not requested separately and are included within the overall contributions sought for primary and secondary places. For this reason, the Council may direct monies towards this provision where there is a specific need arising in a particular area.~~

2.3.11 Education contributions will generally be sought as a single payment. The Council may seek contributions on a phased basis on larger sites in a manner which will most effectively deliver the educational provision that is required.; **This will be** as considered on a site-by-site basis.

2.3.121 Developer contributions may be pooled in order to meet overall education needs, provided they would be directly related to the development, acceptable in planning terms and fairly and reasonably related in scale and kind to the development, in accordance with the legal test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Strategic Development Requirements

2.3.132 The Council will seek to secure the land necessary to deliver a new school as part of an overall development proposal, at no cost to the Council, where a development proposal is of such a magnitude that unmet demand would justify the delivery of a new school and where there are no alternative deliverable options to unmet demand through expansion of existing schools or through provision of a new school(s) elsewhere which could serve the development.

2.3.143 The mechanism for delivering a new school will need to be agreed with the Council's Family and Wellbeing Directorate as part of the pre-application process, taking into account the requirements set by the Department for Education. This will then be reflected in the S106 agreement.

2.3.154 Where land is being provided, the Council will seek to secure a financial contribution for the school's construction **in line with the latest local authority school places scorecards using costs which are relevant to new build schools (rather than extensions to existing schools)** ~~in line with the methodology set out above~~, subject to viability. Where the land provided will accommodate a school which is larger than the demand generated from the development the value of the additional land will be offset against the financial contribution sought. Development on neighbouring land may be asked to contribute to the new school facility proposed. Where land is provided by a developer or landowner for the purpose of delivering a new school, the Council will seek to ensure that equalisation is considered in order that contributions between different parties are made on a fair and equitable basis.

Our Ref: DfE/Warrington Planning Obligations SPD/January 2024

23 January 2024

Dear Sir/Madam,

Re: Warrington Planning Obligations SPD

Consultation under Regulation 12 of Town and Country Planning (Local Planning) (England) Regulations 2012

Submission of the Department for Education (DfE)

1. We welcome the opportunity to contribute to the development of planning policy at the local level.
2. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for some of these, rather than local education authorities. However, local authorities still retain the statutory responsibility to ensure sufficient school places, including those at sixth form, and have a key role in securing contributions from development to new education infrastructure. In this context, we aim to work closely with local authority education and planning departments to meet the demand for new school places and new schools. We have published guidance on securing developer contributions for education and estimating pupil yield from housing development, at <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations and viability.¹
3. We would like to offer the following comments in response to the proposals outlined in the above consultation document.

Developer Contributions for Education

4. The department welcomes the confirmation, within *PO 3 Education* (page 24), that developer contributions will be sought for all residential developments exceeding “10 dwellings or more (of 2 bedrooms or greater), or on sites of 0.5ha or more” to meet the education needs created by new housing developments.

¹ <https://www.gov.uk/government/collections/planning-practice-guidance>

5. The department welcomes the SPD's assertion that both land and funding (**paragraph 2.3.15**) for the provision of schools will be required. However, it is unclear whether the Council is relying on historic DfE cost multipliers to estimate costs per place, or the local authority school places scorecards, which are now recommended.² For instance, the SPD states that adjusted costs for 2023/24 equate to £17,733 per primary place and £22,785 per secondary place. The 2022 scorecard, before any BCIS adjustment to bring it up to 2023/24 costs, would set the cost at £19,425 per primary place and £26,717 per secondary place. These costs are for permanent expansions to existing schools in the North West region. New schools cost more again, at £23,192 per primary place and £28,096 per secondary place. It appears that the SPD is underestimating the costs of school provision. Further to this, paragraphs 33 and 34 of DfE's guidance recommends that costs are uplifted to take account of the latest policy requirements for sustainable construction, which are not reflected in the scorecard's historic data on the capital costs of school development.
6. The pupil yield factors set out in **paragraph 2.3.7** do not match those for Warrington in DfE's pupil yield dashboard,³ but they are broadly similar. The SPD would be strengthened by referring to the DfE guidance, Estimating Pupil Yield from Housing Development,⁴ explaining the reasons for any alternative approach to be applied locally. We recommend that pupil yield factors are based on up-to-date evidence from local housing developments, using school census and property data to calculate numbers of children living in housing developments completed in recent years.
7. The department does not support the SPD's intention to combine developer contributions for early years, post-16 and SEND places with the contributions for school places, without any consequential uplift in the pupil yield factors. The given pupil yields for primary and secondary places clearly relate to the number of school-age children that the Council considers will need a school place when housing developments are occupied. Early years, post-16 and special school places are additional to this, so developer contributions should either be sought separately (subject to evidence of need and compliance with the Regulation 122 tests), or if combined, the pupil yield factors should reflect these additional children and young people in different phases of education. As it stands, there will be insufficient funding sought to provide anything other than school places.
8. It would also be helpful if the document recognised the higher costs associated with providing places in special schools and alternative provision, where the cost is typically, at least, four times greater than for a mainstream school place. The DfE's recently revised Developer Contributions Guidance document provides useful guidance on this subject. The SPD should set out more clearly how these higher costs will be accounted for within the payment sought for education.

Conclusion

9. I hope the above comments are helpful in shaping the Warrington Developer Obligations SPD, with specific regard to the provision of land and funding for schools and other education infrastructure. Please advise the department of any

² <https://explore-education-statistics.service.gov.uk/find-statistics/local-authority-school-places-scorecards>

³ [Pupil Yield Data Dashboard \(shinyapps.io\)](https://shinyapps.io/pupil-yield-data-dashboard/)

⁴ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

proposed changes to the emerging policies and/or evidence base arising from these comments.

10. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to working with Warrington Borough Council to aid in the preparation of sound policies for education.

Yours faithfully,

John Pilgrim MRTPI
Forward Planning Manager – North

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