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# Introduction

- 1.1 Worcestershire County Council has a statutory duty under the Education Act 1996 to ensure there are sufficient school places for all children (aged 4-18) resident in Worcestershire who wish to attend a publicly-funded school. This includes academies and free schools. Provision of sufficient high-quality school places is crucial in ensuring that all children have an opportunity to gain the vital knowledge, skills and qualifications necessary for life and work.
- 1.2 Worcestershire County Council also has a duty within the terms set out in the Childcare Act 2006 and 2016 to ensure all three and four year olds and all eligible two year olds have access to high quality free early education places<sup>1</sup>, either within school provision or with private providers.
- 1.3 The National Planning Policy Framework (NPPF) paragraph 94<sup>2</sup> states that 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and towards development that will widen choice in education. They should:
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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.

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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

# School Organisation in Worcestershire

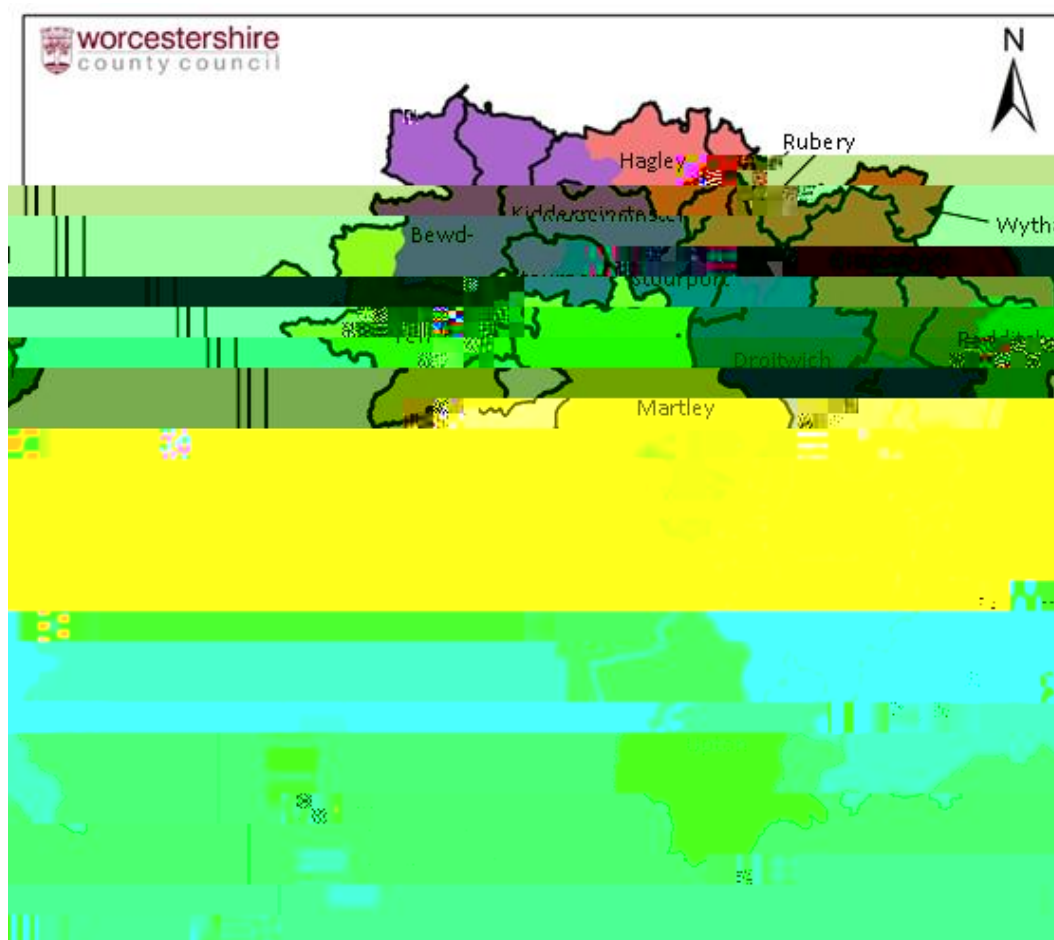
3.1 Worcestershire County Council is responsible for ensuring there are sufficient school places in state funded schools. There are several different types of school that fall within the state funded sector, all of which are eligible to receive funding from planning obligations if they are deemed to be related to a particular development. This includes the following types of school:

- Community
- Voluntary Controlled
- Voluntary Aided
- Foundation
- Academy
- Free School

3.2 Worcestershire County Council's role as a statutory provider of school places has changed with the implementation of academies and free schools, which are operated independently of the local authority. As such Worcestershire County Council now acts as a commissioner of school places, and therefore cannot compel schools to expand.

3.3 Worcestershire County Council operates 16 Education Planning Areas, based around the main population centres. Figure two below shows how these Education Planning Areas relate to district council boundaries.

**Figure 2: Education Planning Areas**









**Table 2: Pre-School 15 hour Place Requirements**

<b>No. of dwellings</b>	<b>Pupils per year group (x 0.07)</b>	<b>2 Year old places (32% eligibility)</b>	<b>3 year old places (168% eligibility)</b>	<b>4 year old places (168% eligibility) *2/3rds</b>	<b>Estimated early education places</b>
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**Table 3 Pupil Product Ratio per year group per dwelling in Worcestershire**

	Pupil Yield
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determining the level of developer contributions and the point at which obligations for secondary schools will be required.

### **Bulge Year Groups**

5.19 Where a school may have admitted an exceptionally large cohort in response to a short-term spike in demand, this will be taken into consideration when assessing the number of surplus places. It will not be taken as evidence that the school can admit additional children in every year group nor will it be counted as the largest year group.

### **Identifying Related Schools**

5.20 When a development site comes forward Worcestershire County Council will identify schools that are considered to be directly related to the development. Related schools are usually:

- Schools that operate a catchment area as part of their admission criteria which covers the area in which the development is situated or;
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# Calculating the Level of Contribution at an Existing Provider

## 6.1 Where a financial contribution









# Calculating the Level of Contribution When a New School is required

- 7.1 Typically, a new primary or first school may be required where a development will contribute 300 or more new dwellings, or in areas where no potential school expansions can be identified. When a large scale development in excess of 100 dwellings is proposed we recommend developers and district councils engage with Worcestershire County Council at an early stage to allow for appropriate planning and feasibility work to be undertaken.
- 7.2 As per the pre-school place requirements in section 5 above all new First and Primary schools are likely to be required to provide early years provision on site. This requirement will be included in any feasibility work undertaken.
- 7.3 A new secondary or special school is only likely to be required on very large sites or in an area where there is a significant amount of new housing across several developments. A new school may also be required when an expansion at an existing provider is not possible
- 7.4 There should be an assumption that both land and funding for construction will be provided for new schools planned within housing developments
- 7.5 If a new school is required solely as a result of new housing, Worcestershire County Council will require the developer, or developers, to fund all of the build and land costs. The build costs will be determined by a detailed feasibility of the proposed school site where possible or a generic site where not possible.
- 7.6 Worcestershire County Council will consider payment in kind by the direct provision of buildings by the developer. In this instance the specification and design of any provision must be agreed with Worcestershire County Council.
- 7.7 Under current government policy, all new schools should be opened as free schools, which are operated under an academy trust. When a new school is required as a result of new housing, Worcestershire County Council will run a competition to determine the operator of the new school(s). Community access to school buildings for purposes other than education will be agreed upon by the school operator once they are determined. The local authority aims to work with schools and local communities to ensure the best use of school premises.
- 7.8 Where a number of small developments are expected to come forward in an area with an aggregated requirement for a new school, Worcestershire County Council would expect the local planning authority to assist in the negotiations to secure a school site.

## Payment of contributions

- 8.1 Where Section 106 education planning obligations are required a legal agreement will be completed. If the application is in outline, without detailed breakdown of the types of affordable dwellings an estimated cost based on the total number of dwellings will be provided until a breakdown of house types is available.
- 8.2 Financial contributions will be subject to indexation and interest on late payments. The calculation of indexation and interest will be set out in the legal agreement.
- 8.3 Payment of agreed financial contributions will usually be sought on or before occupation of one third of the total number of dwellings on the development. On larger scale developments of 100+ dwellings trigger for payment will be subject to negotiation. Worcestershire County Council will consider payment by instalments so long as the final balance is received prior to occupation of 90% of the total number of dwellings. The trigger points for payment will usually be expressed as a percentage of the proposed number of dwellings.
- 8.4



# Contact Details

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Revision	Date	Amendment
V2	06/10/2020	Deletion of paragraph 2.12 pooling restrictions. Renumbered and replaced with paragraph 2.13