

## **1. Introduction**

- 1.1 The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. The plan includes a range of planning data which informs actions to ensure appropriate school provision over the next five years.

(Copies of the PSPS are available from Kirklees Children and Young People Service. The key principles which will guide the planning and provision of school places for children of 5 to 16 years are included in Appendix 1 of this document).

- 1.2 A key objective for the LA, through the PSPS, is to provide sufficient school capacity to ensure local school places are available to local children in line with the LA's admission policy.
- 1.3 Each maintained school within the LA is located within a geographical area referred to as a school's 'Priority Admission Area (PAA)'. Parents can usually expect to secure a place for their child at the school within whose PAA they live in line with the LA's admissions policy. (A copy of the LA's admissions booklet is available on request. It outlines the LA's admissions policies for mainstream community primary and secondary schools and for aided and foundation schools).
- 1.4 The PAAs of Community High Schools and Specialist Colleges define the geographical area of a 'Pyramid' of schools. This includes all the schools that have a PAA that is part of this larger area and could, therefore, be considered to be feeder schools to the high school and any special schools that are also located within this area. Any decisions to change the capacity of an individual school are taken after consideration of the impact on the other schools within the pyramid and neighbouring pyramids when appropriate.
- 1.5 The objective outlined at 1.2 cannot be met where major new housing developments generate larger numbers of pupils than local schools can accommodate.
- 1.6 New policy which can be applied through the Town and Country Planning Acts is, therefore, required to ensure that the educational needs of children in major new housing developments can be provided in local schools.

**Policy :** The need for the provision of additional school places will be a material consideration when planning applications for new housing development are considered. The Council will negotiate with developers for a financial contribution to cover the cost of additional school places (or suitable provision as otherwise agreed) where the local school has insufficient assessed capacity within available accommodation for the places likely to be generated.

- 1.7 The following text provides guidance on how this policy will be applied.

## **2. Planning Obligations**

- 2.1 Planning obligations under Section 106 of the Town and Country Planning Act provide a mechanism for a legal agreement between the Council and developer to secure infrastructure and services that authorities believe to be necessary to facilitate proposed development. Contributions may either be in cash or in kind.
- 2.2 Department of the Environment Circular 1/97 gives essential advice on how the powers under S.106 may be used through the granting of planning permission. The provision of education facilities is quoted as an example of a provision which can be secured to address a need created by a proposed development, (paras B9 & B10).
- 2.3 The benefit which can be secured must be necessary for the development to proceed, directly related to the proposal, and reasonably related in scale and kind. These basic principles, as established by Circular 1/97, are adhered to here in the way the new policy is to be applied.

## **3. Which applications are likely to generate the need for a contribution?**

- 3.1 In any housing proposal of 25 dwellings or more the need for educational contributions will be a material consideration. Proposals above this threshold size begin to have a measurable impact on school accommodation and the Council will assess such proposals to decide whether a financial contribution is appropriate.
- 3.2 Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This will be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided.

- 3.3 Affected schools are those **Community and CE Controlled schools** in whose Priority Admission Area (PAA) the proposed development lies within. The provision at these schools will be assessed by the Local Authority (LA) to determine whether there is or will be sufficient capacity to accommodate the extra pupils that the proposed development would generate. The basis of this assessment will be the schools' number on roll (NOR) data, forecasts of pupil numbers at relevant schools and the Net Capacity of schools which is a measure of the accommodation capacity of schools.
- 3.4 In PAAs where there is an aided, foundation or non-LA school which could potentially serve the proposed development, a view will be taken by the LA on the extent to which those schools would contribute to providing education capacity. This view will be informed by local knowledge of the area and the pattern of admissions based on information provided by LA officers and headteachers of the schools involved.
- 3.5 Published information on High School pyramids, school net capacity data, school numbers on roll and forecasts of pupil numbers at each school is available in the Planning School Places Policy. Copies of such information can be made available on request. Maps showing the PAAs of individual schools are available from the LA's Schools Admissions Service and can also be made available on request.
- 3.6 Any family housing will be considered to potentially generate additional pupils and, therefore, place pressure on school accommodation. The LA's forecasts of additional pupils from new dwellings are based on the assumption that an additional 3 children per 100 houses per year group will be generated for primary and 2 for secondary. Normally housing not designed for family accommodation will be excluded from the numbers of dwellings to be considered. Excluded from any assessment will, therefore, be one bed roomed units, sheltered accommodation, or elderly person, holiday units or student accommodation where occupation is controlled by condition, obligation or appropriate covenant.

## **4. The Calculation of Developer Contributions**

- 4.1 The number of additional pupils generated from new housing developments may be estimated as follows:
- **An additional 3 children per 100 family houses per year group will be generated for primary and pre-school numbers, (7 year groups);**
  - **An additional 2 children per 100 family houses per year group will be generated for secondary (5 year groups).**

Where the number of children generated by the development would increase the NOR over the net capacity measure, i.e. the children attending the school would exceed its capacity, a financial contribution would be

required for each child over the Net Capacity. This would apply if forecast numbers on roll show a deficit of school places resulting from the additional children generated from the new housing.

Cost basis for the Calculation

- 4.2 The basis of calculating a contribution will be the DCSF cost multiplier. This is the assessment by the government for the cost of a school place per pupil. It is regionally adjusted to take into account local cost of provision (0.96 for Kirklees).

The present cost multipliers (April 2012 to March 2013) for Kirklees are as follows:

- **Primary Sector (4-10 years)                    £11,767 per pupil**
- **Secondary Sector (11-16 years)        £17,730 per pupil**

The cost multiplier will be reviewed on an annual basis in line with DCSF guidance.

**Appendices 2 & 3 provide additional guidance to Developers.** Appendix 2 sets out in summary form the general process of assessment stage by stage. Appendix 3 provides an example of a typical calculation to establish the amount of a financial contribution.

- 4.3 If a development is within the PAA of schools within a three-tier pyramid the differential cost multiplier will be apportioned towards the middle schools based upon the number of primary and secondary year groups they contain. Normally this would be 3 primary year groups and 1 secondary year group but is dependant on whether the development is within the Shelley or Cleckheaton pyramid of schools which both have a 3 tier structure but with a different age of transfer to the middle schools within the system.
- 4.4 Where a proposed development is of a very large scale or its impact is beyond the scale capable of being accommodated at a local school, it may, in exceptional circumstances, be necessary to apply different criteria to those established by this guidance. This may be necessary, for instance, if a new school needs to be provided and a Developer is required to pay a proportion of the overall cost of the school. There may also be occasions where it is cost effective for a Developer to construct a school extension rather than make a financial contribution and this approach may be acceptable to the Council. In these situations special arrangements will need to be agreed with the Council and set down in an appropriate planning obligation. Where a Developer proposes to build new school accommodation, assurances will need to be given on the design and specification of the building to the satisfaction of the Council.

- 4.5 In some instances, if appropriate provision for education cannot be assured, or expansion of local schools is impractical, the LPA may need to consider refusing a planning application because the educational needs of the proposed development cannot be met. Where a financial contribution cannot be made by the developer because the viability of the development would be jeopardised, and this has been demonstrated by a financial appraisal, regard will be had to this matter in weighing the general benefits of the proposal against the consequences for future education.

## **5. Securing Financial Contributions**

- 5.1 To secure financial contributions a planning obligation will need to be entered into by Developers. This will specify the amount of the contribution and the timing of the payment.
- 5.2 In normal circumstances the Council will be seeking early payment of the monies to ensure that new school accommodation is in place as the new houses are occupied. However, it will not always be possible to guarantee the provision of school places for new residents since in some cases the funding received will not cover the total cost of the school expansion envisaged. Sometimes additional funding may be required either from other development schemes or from Council/Government sources which cannot be released until a later date. In these circumstances the Council will endeavour to bring forward schemes as quickly as possible but in some situations temporary accommodation may be provided at the local school until the final scheme can be implemented. Where monies have not been utilised within a reasonable period (normally 5 years after receipt or as otherwise specified) these will be repaid plus the Council's standard rate of interest.
- 5.3 Payment of the contribution will be due when development commences unless the Council has a clear view of a programme of school improvements whereby it is possible to stage payments over a longer period of time. Normally, in these cases, the timing of the payments will be agreed between the Council and developer subject to a long stop date well in advance of the completion of the last house, (usually no later than the completion of 75% of the dwellings). Monies will be held in an Education Account related specifically to contributions negotiated on planning applications. The monies will be linked to a specified planning obligation and to improvements to local schools
- 5.4 Under this scheme the Council, through its Children and Young People Service, is obliged to prepare regular statements (normally annually) to show how the funds received will be spent and school accommodation improved to meet the needs of new housing development.

## **APPENDIX 1**

### **Main Principles of the Planning School Places Policy.**

The LA will:

- Maintain and develop a pattern of educational provision which will ensure that each child's individual needs can be met and their potential realised;
- Enable all pupils to access a quality school place at their 'local' primary or secondary school; in line with the LA's revised admissions policy;
- Publish and circulate information on the LA's Admissions to Schools Policy and manage admissions as appropriate, fairly and in accordance with agreed policy;
- Ensure that no pupil in Key Stage 1 will be in a class of over 30 pupils or in a class with a higher pupil teacher ratio of 1:30;
- Maintain an accurate and up to date record of the net capacities of all our schools;
- Seek to provide a 'balance' between the supply and demand for school places in the primary, secondary and special school sectors across the Authority as a whole and within smaller geographical areas;
- Ensure that each child has an equal opportunity to access high quality educational provision within the 'local area' for primary and 'local community' for secondary school provision and will not be disadvantaged by race, colour, disability or sexual orientation. (See Council and Children and Young People Service Equal Opportunity Policy, Vision for Equalities and Accessibility Strategy);
- Ensure that planning educational provision is responsive to demographic change and strives to meet parental preferences for school places;
- Ensure that planning school places and the pattern of schools will not be constrained by historic precedent but by principles which relate to the promotion of high standards/ diversity /specialism/accessibility/quality/equality of opportunity/ community needs and support community cohesion;
- Ensure that the pattern of school provision will enable continuity and progression for pupils within a family of schools (school pyramids) where expertise is shared and facilitated by the LA;
- Undertake reviews of individual schools and schools within a geographical area where there is current and/or forecast pressure on school places or there is a large surplus of accommodation. Reviews will be triggered by considering school occupancy levels as described within the PSPS;

***POLICY & GUIDANCE:***  
***PROVIDING FOR EDUCATION NEEDS GENERATED BY NEW HOUSING***

- Bring forward proposals to change the pattern of school provision where to do so would lead to improved standards and would address issues related to surplus school places;
- Use temporary accommodation to respond to pressure to provide school places where there is an immediate or short term need and capital allocations to provide permanent new classrooms cannot be secured;
- Support the promotion of greater diversity of school provision in line with pupils' individual needs and parents' preference;
- Support the inclusion of pupils with SEN in a mainstream school setting as appropriate to individual pupil's needs whilst continuing to maintain a continuum of specialist provision to meet the full range of children's needs;
- Maintain a pattern of school provision which promotes schools' contribution to community life and community cohesion.

## APPENDIX 2

### Guidance for Developers

#### Contributions to educational provisions under Section 106 Agreements

1.	<b>Threshold for the size of housing development</b>	Contributions will only be sought for developments of 25 or more new dwellings
2.	<b>Type of development which will not trigger a section 106.</b>	No contribution will be sought in respect of housing units which comprise one-bedroom properties, sheltered, retirement, student or holiday accommodation.
3.	<b>Determination of the number of school places required</b>	<p>In accordance with the formula identified within the LA's Planning School Places Policy, the following will be used to determine the number of additional pupils considered to be generated from new housing:</p> <ul style="list-style-type: none"> <li>• An additional 3 children per 100 houses per year group will be generated for primary and pre-school numbers;</li> <li>• An additional 2 children per 100 houses per year group will be generated for secondary and post-16 numbers.</li> </ul>
4.	<b>Definitions of existing school capacity</b>	<p>The LA updates the Net Capacity of schools yearly using a standard DCSF method. The Net Capacity defines the number of pupils that a school building can accommodate taking into account the appropriate ancillary areas that are required to deliver the National Curriculum.</p> <p>The LA annually collates information on the numbers on roll at each school in January. Forecasts of pupil numbers are also produced based on pre-school numbers, cohort continuation factors and patterns of transfer.</p> <p>Forecasts are produced for a five-year period.</p> <p>Any existing commitment to increase the number of places will be taken into account when calculating capacity, as will any unimplemented planning approvals that have agreed Section 106 funding in place.</p>



**APPENDIX 2**

5.	<b>Calculation of additional places required</b>	<p>The method taken to determine the number of additional places required will be as follows:</p> <ol style="list-style-type: none"> <li>i. Determine which school priority admission area(s) (PAAs) the proposed development is located and establish which local schools will be affected.</li> <li>ii. Calculate the number of additional pupils and hence additional places which will be generated by the proposed development.</li> <li>iii. Determine the capacity of the relevant primary and secondary schools at the date on which the housing units will begin to be occupied, this may take account of the likely phasing of the building works after consultation with developers and Planning Services.</li> <li>iv. Deduct the value for iii) from that of ii) to determine the deficit of school places and number of additional places required at each school to meet forecast additional demand from the new housing units.</li> </ol> <p>NB: The above data (Jan. NOR, school capacities and methodologies to forecast pupil numbers) can be found in the LA's Planning School Places Policy.</p>
6.	<b>Cost of additional places</b>	<p>The cost per pupil place will be the DCSF cost multiplier which is updated yearly.</p> <p>The cost for April 2012 to March 2013 will be:</p> <ul style="list-style-type: none"> <li>• £11767 per primary and pre-school place;</li> <li>• £17730 per secondary school place.</li> </ul> <p>These figures will be updated annually.</p>
7.	<b>Type of educational facilities for which provision may be sought</b>	<p>Sites and construction costs for new schools.</p> <p>Contributions towards the provision of additional classrooms and related facilities at existing schools (e.g. toilets/cloaks/ancillary facilities)</p> <p>Contributions towards extending related external provisions including hard play, grassed areas and sports pitches.</p> <p>A contribution towards highway needs arising as a result of development including the provision of additional car parking in schools.</p>

**POLICY & GUIDANCE:  
PROVIDING FOR EDUCATION NEEDS GENERATED BY NEW HOUSING**

APPENDIX 2

8.	<b>Nature of capacity to be provided.</b>	<p>The additional capacity required may be met by extending existing schools, dependent upon the constraints of the site and associated facilities. In such cases, the contribution sought would be that of providing for the extension.</p> <p>In order to provide places for local children it may be necessary to use the funding to provide additional capacity at other schools within the pyramid of local schools. In this case the LA reserves the right to transfer the funding.</p> <p>Where the number of pupils exceeds that which can reasonably be accommodated by extending the facilities at existing schools, the Developer would be expected to provide a site and construction costs, including professional fees, together with furniture and equipment.</p>
9.	<b>Nature of the contributions</b>	<p>The contribution sought through Section 106 for educational provision will normally only be in the form of a capital allocation. It will be expected to be met either as a cash payment or by work in kind, to Kirklees specification.</p>
10.	<b>Main Education Contacts</b>  <b>Main Planning Officer Contact</b>	<p>Warwick Firmin, Head of School Organisation and Planning / School Funding Strategy Manager.</p> <p>Steven Wright, Acting Senior Planner – Planning Policy Group, Investment &amp; Regeneration Service.</p>

## APPENDIX 3

### Guidance for Developers

#### Example of contribution to educational provisions under Section 106 Agreements

Application No	
Officer	
Date	

#### Primary Provision

School	PAN	Year Groups	NET Capacity	Current NOR	Forecast NOR				
					10/11	11/12	12/13	13/14	14/15
Primary School	40	7	280	248	262	258	262	263	258

#### Secondary Provision

School	PAN	Year Groups	NET Capacity	Current NOR	Forecast NOR				
					10/11	11/12	12/13	13/14	14/15
High School	218	6.27	1330	1323	1327	1320	1312	1337	1335

#### Calculations

Primary School	Factor	multiplied	Dwellings	multiplied	Yr Grps	equals	Additional Places
	0.03	x	205	x	7	=	43.05
	Capacity		minus		NOR	equals	Surplus Places
	280		-		262	=	18
	Add Places		minus		Surplus	equals	Extra places needed
	43.05		-		18	=	25.05
	Extra Places		multiplied		Value	equals	Contribution
	25.05		x		£11,767	=	£294,763

High School	Factor	multiplied	Dwellings	multiplied	Yr Grps	equals	Additional Places
	0.02	x	205	x	6.27	=	25.707
	Capacity		minus		NOR	equals	Surplus Places
	1330		-		1312	=	18
	Add Places		minus		Surplus	equals	Extra places needed
	25.707		-		18	=	7.707
	Extra Places		multiplied		Value	equals	Contribution
	7.707		x		£17,730	=	£136,645
							Total Contribution
							£431,408

#### Notes

1 Pupil numbers from the PSP Document

2 Projected numbers forecast for 2012/13

3 The figure of 6.27 year groups for High School takes into account the sixth form