

Supplementary Planning Guidance

Planning Agreements -
Education Provision
Local Plan Policy IMP 2

SUPPLEMENTARY PLANNING GUIDANCE

PLANNING AGREEMENTS - EDUCATION PROVISION

1. BACKGROUND

- 1.1 At the Planning and Development Committee meeting held on 13 April 2000 members adopted this Supplementary Planning Guidance document "Planning Agreements - Education Provision" for development control purposes.
- 1.2 This document supersedes the previous Code of Practice entitled "Community Benefits and Planning Agreements".

2. POLICY CONTEXT

- 2.1 Department of the Environment Circular 1/97 January 1997 "Planning Obligations" advises that:

".....the provision of community facilities, e.g. reasonable amounts of small areas of open space, social, educational, recreational or sporting facilities, may be acceptable provided that such facilities are directly related to the development proposal and the need for them arises from its implementation and they are related in scale and kind."

- 2.2 Department of the Environment Planning Policy Guidance 12 (PPG12) dated December 1999 advises that:

"The provision of infrastructure is important in all major new developments. The capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all development plans. 'Infrastructure' here includes services like education and health and other community facilities as well as transport facilities, water supply and sewers. Local Authorities must develop a strategic approach to infrastructure provision when preparing development plan."

- 2.3 Cambridgeshire County Council Structure Plan, December 1995, Policy SP8/1 states:

PROVISION SHOULD NORMALLY BE MADE FOR DEVELOPMENT IN LOCAL PLANS WHERE THE COMMUNITY FACILITIES AND INFRASTRUCTURE DIRECTLY RELATED TO THAT DEVELOPMENT ARE, OR CAN BE EXPECTED TO BE, ADEQUATE IN QUANTITY AND QUALITY FOR THAT PURPOSE.

DEVELOPMENT WILL ONLY BE PERMITTED WHERE COMMUNITY FACILITIES AND INFRASTRUCTURE ARE ADEQUATE OR WHERE THERE IS A FIRM UNDERTAKING OR AGREEMENT TO MAKE APPROPRIATE PROVISION.

2.4 The written explanation at paragraph 8.5 states:

"The local planning authorities will expect the developers requiring new infrastructure or new community facilities (or the expansion of existing facilities) to provide sites and to cover the costs of construction, or contribute to the provision in proportion to the need arising from the scale of the development. This provision may include, for example, roads, footways and cycleways, schools, libraries, sports and leisure facilities, places of worship, open space, public transport, day centres and health centres, and flood protection works (see Policy SP8I7) as may be necessary. These requirements will normally be secured by legal agreements, particularly under Section 106 of the Town and Country Planning Act 1990, and include arrangements for phasing and financial guarantees. Such agreements should be secured before the granting of planning permission. Developer contributions will only be necessary where there will be a shortfall in provision of infrastructure and/or community facilities arising from the proposed development. Guidance on the scope of planning obligations is given in the Department of the Environment Circular 16/91.* Planning Obligations. If developers should opt for unilateral undertakings, as provided for in the Planning and Compensation Act 1991, the local planning authorities will expect them to conform with Policy SP8/1."

* Circular 16/91 has been superseded by Circular 1/97.

2.5 Fenland District Wide Local Plan, August 1993, Policy IMP2, states:

WHERE APPROPRIATE THE DISTRICT COUNCIL WILL SEEK TO SECURE THROUGH PLANNING AGREEMENTS THE PROVISION OF THE FOLLOWING BENEFITS IN ASSOCIATION WITH DEVELOPMENT PROPOSALS:

- i) ESSENTIAL ON AND OFF SITE SERVICES
- ii) HIGHWAY IMPROVEMENTS AND/OR CAR PARKING PROVISION
- iii) COMMUNITY, EDUCATION AND RECREATIONAL FACILITIES, INCLUDING INFORMAL RECREATION PROVISION ON THE BASIS OF THE GUIDANCE SET OUT IN APPENDIX 3. ON DEVELOPMENTS OF 10 OR MORE DWELLINGS ADDITIONAL EDUCATION INFRASTRUCTURE IS REQUIRED IN THOSE SETTLEMENTS SET OUT IN APPENDIX 4
- iv) ENVIRONMENTAL IMPROVEMENTS

3 **PRINCIPLES**

3.1 Negotiations will be initiated by Fenland District Council. Developers will need, however, to discuss their proposals with Cambridgeshire County Council to ensure that any requirements to be contained in Section 106 Agreements are fully understood by all parties.

3.2 Education contributions needed as a direct consequence of proposed new development will be sought from the developer at limited cost to the public purse.

3.3 Contributions will be sought in proportion to the number and size of residential units, subject to the circumstances of each proposal such as spare capacity in schools facilities and the type of development proposed.

3.4 The Council will be able to advise on relevant costs and requirements in conjunction with Cambridgeshire County Council.

4 **METHOD OF ASSESSMENT**

4.1 Separate assessments, carried out in conjunction with the County Council, will be required for both primary and secondary education impact. It is anticipated that the current assessments as outlined in the Local Plan Appendix 4, are relevant for the whole of the Plan period to 2006 as supplemented or superseded by the County Council's School Organisation Plan which is rolled forward annually.

4.2 When dealing with outline applications, where no details of the number or size of dwellings are committed, it will be necessary to secure a Section 106 Obligation which requires that payment towards provision of Education facilities will be required and be assessed on the basis of the subsequent details (Reserved Matters) in accordance with Policy IMP2 and the Council's adopted Supplementary Planning Guidance.

4.3 When dealing with Reserved Matters submissions where the associated outline permission has no Section 106 Obligation under the terms of 4.2 above, assessment is not required. However, applications for the extension of time in which to submit Reserved Matters for approval will be assessed.

4.4 When dealing with full applications, assessment will be required unless the application proposes minor amendments to a pre-policy permission (e.g. revised layout, new house designs, etc). However, amendments to house types which introduce increased bedroom numbers will require assessment on the basis of the additional benefit which the proposed development will derive from provision of any extra facilities resulting from the amendment.

4.5 In formulating assessments for appropriate developments, the total number of dwellings of each size should be used for calculations.

4.6 If the development falls below the threshold(s) in Appendix 3 of the District Wide Local Plan, and is in a settlement excluded from the catchment area of schools in settlements listed in Appendix 4, then assessment is not required.

5. **TYPES OF DEVELOPMENT WHICH WILL NOT ATTRACT ASSESSMENT**

5.1 Specialist residential development by Housing Associations or similar bodies for mobility1 elderly care accommodation. Also, affordable housing which meets the District Council's Affordable Housing Criteria (Policies HI 3 and H14).

- 5.2 Residential development of less than 10 dwellings (or 1.0 acre if outline submission). However, individual phases of a proposal resulting in a development of 10 or more dwellings will be the subject of evaluation against Policy IMP2. Also, if a proposed development of 10 or more dwellings is sold off as individual plots, then subsequent planning applications for each plot will be the subject of a contribution based on the costs set out in the formula in paragraphs 6.1 and 6.2 below.
- 5.3 Residential development comprising 1-bedroomed accommodation.

6. SCALE OF FINANCIAL CONTRIBUTIONS

- 6.1.1 Where assessment is required and contributions are requested towards the provision of education facilities, payments will be sought on the basis of the following formula:

	2-bed Dwelling	3-bed Dwelling	4-bed or more Dwelling
Primary Schools	£350	£1,350	£2,000
Secondary Schools	£400	£1,500	£2,250

- 6.2 A maximum contribution per dwelling will, however, be applicable when there is a requirement to contribute for both primary and secondary school facilities costs. In such cases the maximum contribution per dwelling will be as follows:

	Maximum Contribution Primary and Secondary
2-bed dwellings	£500
2-bed dwellings	£2,000
4-bed or more dwellings	£3,000

Note: A 2-bed dwelling refers to a dwelling with 2 bedrooms.

6.3 However, where the provision of education facilities are required to service new development, for example in accordance with Appendix 3, a new neighbourhood township scale development, then a full contribution will normally be required.

7. PHASING TRIGGER FOR PAYMENTS

- 7.1 Payment will normally be required prior to the occupation of 50% of the approved development, or each phase of the development.

8. **PLANNING OBLIGATIONS**

- 8.1 Agreements between the parties will be entered into under the provision of the Town and Country Planning Act 1990, Section 106 and other relevant legislation.
- 8.2 In addition to references to the specific piece of land and the amount and timing of any contributions towards educational infrastructure costs, it will also be specified that moneys received must be used for that purpose within 5 years. If not so applied, or if arrangements have not been made for its application within that timescale, the moneys shall become repayable on demand. A clause will also be included providing details in respect of the actual payments requested being "index linked" and, in the event of any delay in the payment, interest shall become payable.
- 8.3 It is usual practice for Cambridgeshire County Council, as Education Authority, to calculate and collect financial contributions from developers.

EDUCATION SERVICE IMPLICATIONS ARISING FROM FENLAND DISTRICT WIDE LOCAL PLAN

This list details those settlements where education contributions would be sought from developers as a result of new development, and gives a broad indication of how any contribution could be spent. More detailed information will be provided by the County Council during discussions surrounding any planning application and contact should be made with the Chief Financial Planning Officer.

Chatteris

The first phase of Glebelands Primary School has been built. Further developments on the remaining housing land allocated in the Local Plan will make it necessary to expand this school. Secondary School expansion will also be necessary. Developers seeking or renewing planning permissions for various sites are expected to make contributions towards this provision in scale with the size of their developments.

Coates, Eastrea and Tuwes

Planning permissions already granted are expected to lead to an increase of up to 40 pupils in the roll at Coates Primary School. If planning permissions fail to be renewed, developer contributions are sought.

Doddington

Local Plan proposals for new dwellings mean further classrooms will be required. Due to the awkward shape of the site it may be necessary to acquire additional land (about 1.0 acre) for the school, together with the extension to the buildings. The developer of houses is expected to meet the cost of acquiring additional land for the school, together with the extension to the buildings when new or renewed applications are considered.

Elm

Developer contributions should be sought to finance extensions to the school when any housing planning permissions are renewed.

Gorefield

Once a proposed extension is completed at the village school, it is expected that some capacity will be available to meet needs arising from new housing developments.

Leverington

This school is near full capacity and has a rising roll. Further permissions and renewals will trigger a need for the village school to be expanded and developer contributions towards the cost of this expansion are sought.

Manea

Developer contributions will be sought to finance school expansion when new applications or renewals are considered.

March

Additional permissions should be subject to contributions being made towards educational provision at the primary and secondary level in line with the scale of developments.

Murrow

Further house building in this village makes it necessary for some changes to be made in the school accommodation and developer finance is sought towards costs.

Tydd and Newton

Permissions for residential development at Tydd and Newton are expected to trigger a need to expand the village school and developer contributions towards this work are sought.

Whittlesey

Further development in Whittlesey will necessitate additional educational facilities, particularly for primary age pupils and developers of new or renewal sites are expected to contribute towards this provision in line with the scale of their developments.

Wimblington

Expansion to the village school will be necessary as a consequence of developments and developers of sites are expected to contribute to school expansion in line with the scale of their developments.

Wisbech

Additional school extensions will be needed if new housing development takes place in most areas and contributions are expected from developers in line with the scale of their developments.

Wisbech St Mary

The village primary school is being enlarged and can accommodate a limited number of additional pupils.

NB The above named settlements represent catchment areas for school provision. Therefore if pupils from a development in a settlement not named above require schooling in a settlement named above, then developer contributions are expected in line with the scale of their developments.