



Education Contribution Methodology

Infrastructure and Planning Annex 2

September 2020

This document sets out Lancashire County Council's methodology for assessing the potential impact of proposed housing developments on education provision within the local area of the development.

Contents

Contents	2
Introduction	4
How to Request an Assessment	6
Planning developments and the introduction of CIL	6
Methodology for Assessing Primary and Secondary Contributions	6
Exemptions	7
Pupil Projections	7
Assessments	8
Assessment Process	8
Pupil Yield	9
Developments Remote from a Lancashire School	10
Calculation	10
<i>Primary</i>	12
<i>Secondary</i>	12
Reassessments	12
Indexation	13
School Site	13
Garden Communities	14
Developer delivery of new schools	14
Forward Funding of Projects	15
Declining to Contribute to Education Infrastructure – Objections to Planning Applications	15
Approved Subject to Section 106	15
Assessing Special Educational Needs, Early Years and Post-16 provision Contributions	15
Identifying Infrastructure Projects	16
Examples of Projects	16
How Lancashire County Council chooses which school to expand	17
Limitations of Naming Projects	17
Splitting contributions across projects	18
Communication with Schools	18
Specific Content Required in a S106 Agreement	18
Reassurance that Contributions will be Spent Locally	19
Lancashire Local Planning Authorities – CIL Adoption	19
Local Planning Authorities Which Have Yet to Adopt CIL	19
Local Planning Authorities who have adopted CIL	19
Windfall Sites for Authorities who have adopted CIL	19
Other Matters	21

Pre-Applications	21
Responding to Information Requests	21
Contact Information	22
Appendix 1: National Policy and Guidance	23
Education Act 1996	23
Education and Inspections Act 2006	23
Expansion of an Existing School	23
The Academy/Free School Presumption	23
Statutory Walking Distances.....	23
Town and Country Planning Act 1990	24
Community Infrastructure Levy.....	24
Section 77 – Disposal or Change of Use of Playing Field and School Land	24
National Planning Policy Framework & Guidance	24
Department for Education Guidance	24
Appendix 2: Example Calculation for Primary and Secondary Places.....	25
Appendix 3: Education Planning Assessment Process	28

The information contained in this report is owned by Lancashire County Council

For further information on the work of the Asset Management School Planning Team, please contact us at:

PO Box 78

County Hall

Fishergate

Preston

PR1 8XJ

Tel: 01772 536289

schools.planning@lancashire.gov.uk

www.lancashire.gov.uk

Introduction

New housing developments place additional pressure on a wide range of infrastructure in an area including roads, health, social services, leisure, recreation and education.

The Department for Education guidance 'Securing Developer Contributions for Education' advises that housing development should mitigate its impact on community infrastructure, including schools. This document sets out the Lancashire County Council methodology used to identify and secure education contributions against housing developments which are expected to create a shortfall school places.

Education services are managed through Lancashire County Council and the two unitary authorities of Blackpool and Blackburn with Darwen. For the purposes of this policy paper, the education services referred to are those covered by Lancashire County Council only.

As stipulated in [Section 14 of the Education Act 1996](#), Lancashire County Council has a statutory obligation to ensure that every child living in Lancashire is able to access a mainstream school place in Lancashire if they want one.

Planning applications are submitted to each of the 12 local planning authorities within Lancashire County Council's boundary. If you have any queries regarding contributions for school places, in the first instance you should contact the relevant local planning authority (the district council). We will work with them to provide further clarity on any education queries.

Pressure for additional school places can be created by an increase in the birth rate, new housing developments, greater inward migration and parental choice of one school over another. If local schools are unable to meet the additional demand, a new development can have a significant impact on the infrastructure of its local community and this impact must be mitigated against. In terms of housing development this mitigation would be in the form of the provision of additional school places, facilitated through education contributions, via either the Community Infrastructure Levy (CIL) Regulations 2010 (Amended 2019) or Section 106 of the Town and Country Planning Act 1990, in order that additional places can be made available. An education contribution could also include a school site.

Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 imposes a limitation on the use of planning obligations and provides that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

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

Quality education provision is at the heart of sustainable communities and, therefore, should be a fundamental consideration of all new housing developments. Where new housing development creates a demand for school places in excess of those available, Lancashire County Council will expect the local planning authorities to work with the county council in seeking an education contribution from developers that is proportionate to the impact in order to mitigate against the effect of any new development on local

infrastructure. It is critical that developers make a contribution towards school places where a need is identified as, without one, the local authority will be unable to ensure school places are accessible, and this is likely to impact on the children and families who come to settle in new developments. This would, therefore, raise concerns about the sustainability of a new development.

An education contribution will only be sought where there is a projected shortfall of primary and/or secondary places at schools within the local area of a development.

This methodology has been produced in line with government guidance provided by the Department for Education '[Securing developer contributions for education](#)' November 2019.

Contextual information regarding Lancashire schools and the policy for expanding schools can be found within the current '[School Place Provision Strategy](#)'.

How to Request an Assessment

In most circumstances the local planning authority will request an education assessment as part of their assessment of a planning application. All requests should be emailed to the School Planning Team at Lancashire County Council via schools.planning@lancashire.gov.uk

Planning developments and the introduction of CIL

The 12 local planning authorities are currently at different stages in terms of the introduction of the Community Infrastructure Levy (CIL). Please contact the local planning authority for further information.

Regardless of whether a local planning authority has adopted CIL, Lancashire County Council provides an education contribution assessment to determine the impact of the development on local school places.

Methodology for Assessing Primary and Secondary Contributions

All residential developments which result in a net increase of 10 dwellings or more will be assessed to determine whether the developments are expected to result in a shortfall of school places. It should be noted that if a development includes a number of planning applications that are less than 10 dwellings then these applications may be assessed in order to mitigate the overall impact of the development. Similarly, applications that are part of a wider development or additional to an existing permission will require an education contribution assessment.

The assessment will measure the projected impact of the development on surrounding primary and secondary schools within:

- 2 mile radius of the development for primary aged school pupils
- 3 mile radius of the development for secondary aged school pupils

These distances are based on [DfE Home to school travel and transport Guidance – July 2014](#), and [DfE Home to school travel and transport for children of compulsory school age statutory guidance for local planning authorities \(Consultation draft\) – July 2019](#), and are considered reasonable walking distances for pupils of compulsory school age.

Academy and Free Schools are included in assessments in the same way as any other maintained or aided school.

The assessment is based on the grid reference used for the planning application, provided by the local planning authority.

Where there are no schools within the 2 or 3 mile radius of the development, Lancashire County Council will assess on the nearest school.

Exemptions

Contributions are not sought in respect of planning applications for:

Accommodation restricted to elderly residents. If part of a wider mixed dwelling development, the elderly element is to be removed, if conditioned or detailed in the s106

Elderly accommodation is defined as age exclusive dwellings where residents must be over the age of 55.

- Student accommodation

Contributions are sought in respect of:

- Affordable housing
- 1 Bedroom accommodation

Pupil Projections

The county council uses 5 year pupil projections incorporating:

- Current and previous years' school census information containing numbers on roll
- Inward and outward migration of pupils
- School net capacity assessments
- Schools cumulative admission numbers
- ONS birth data
- Approved Planning Application Housing data obtained from the local planning authority's Housing Land Supply (HLS), Annual Monitoring Report (AMR), Strategic Housing Land Availability Assessment (SHLAA) or equivalent. (We consult with each local planning authority to obtain the appropriate housing information for their area).

Further information can be found in our [Pupil Projection Methodology](#).

Please note that we don't provide:

- school by school, year by year projections as this could compromise parental preference and conflicts with public interest
- information relating to the home address of children
- mapping information
- net capacity forms as they are not in the public domain

The 5 year projection figures are used to assess the capacity and expected demand within the local schools. 5 years is the period used in each of the local planning authorities' HLS (or equivalent) documents.

When considering the impact of larger strategic sites it may be necessary to consider pupil projections beyond the 5 year period in line with the build projections. These

longer term projections use data that is based upon certain assumptions, such as the birth rate remaining the same as current rates. The data used will be refined as more accurate information becomes available.

Assessments

The contribution sought from developers will be used to mitigate the direct impact of the development and **not to address any existing shortfall.**

There are several stages to the assessment process. An education contribution assessment will be produced when a planning application is submitted and this will provide the local planning authority and the applicant with an indication of the impact of the housing growth on primary and secondary school places. A further assessment will be provided when the application is being considered for approval in order to provide a more up to date position for the applicant and the local planning authority.

As the education contribution is based on actual demand for school places calculated using the housing mix of the development, for Outline applications the contribution requirement will be finalised once the Reserved Matters approval has been secured. The education contribution for a Full Application will be determined prior to the planning committee as the dwelling bedroom information will allow a final position assessment.

For Outline applications the requirement to reassess the contribution following Reserved Matters approval will mean that a formula will need to be included within the Section 106 agreement. In districts that have adopted the Community Infrastructure Levy, CIL funding applications for education contributions will need to be determined following Reserved Matters approval.

Assessment Process

Using the 5 year pupil projections an assessment will be undertaken to ascertain whether the impact of a development will result in a shortfall of places in Lancashire primary schools within 2 miles and/or Lancashire secondary schools within 3 miles of the development.

If a shortfall is identified at this point, the contribution sought would be for the full potential pupil yield of the development.

Should there be sufficient places at this stage or only a partial shortfall of places identified, Lancashire County Council will need to consider the impact from approved housing developments not yet included in the 5 year Housing Land Supply, which will impact upon one or more of the schools in the catchment of the assessed development before reaching a conclusion on the expected number of surplus places. This will take into account the impact of any developments which have received planning permission subsequent to the latest update of the Housing Land Supply and pupil projections. The position of some schools may be affected by planning applications in neighbouring districts, which are within 2 miles (primary schools) or 3 miles (secondary schools) of the development.

Should there be sufficient places, or only a partial shortfall of places is identified, Lancashire County Council will need to identify the impact from pending applications impacting on one or more schools in the catchment of the assessed development. This will provide an understanding of the impact of any developments receiving planning permission ahead of the development being assessed and will enable the planning

committee to consider the latest information available. Once Reserved Matters approval has been secured a further reassessment will be provided to determine the final education contribution, subject to application of indexation. The education contribution sought will be calculated taking into account approved applications only.

Lancashire County Council's assessment will work on the assumption that all of the development will be delivered within 5 years. The reason for this is that the data that Lancashire County Council uses in its pupil projections provides far more accurate information up to a 5 year period. In order to ensure that the contribution reflects the actual education requirement the methodology allows for Outline planning applications to be reassessed at the point of Reserved Matters, using the latest pupil projections. For this reason, we recommend the inclusion within Section 106 agreements for Outline applications the provision for the owner or developer to inform Lancashire County Council post Reserved Matters approval to allow Lancashire County Council to provide the updated position based on latest forecasts and the approved dwelling and bedroom mix.

To avoid any double counting the following developments that have a Section 106 which mitigates their impact on school place provision are excluded from the housing assessment process:

- Developments within the Housing Land Supply (or other housing document provided by the local planning authority)
- Developments approved subsequent to the Housing Land Supply update and prior to the submission of the application to be assessed

Pupil Yield

In 2012 Lancashire County Council undertook an analysis to determine the number of pupils who attend mainstream schools who live in recently built houses.

The analysis on which this yield is based includes a cross section of Lancashire conurbations taking into account a mix of rural, urban and city locations. The sample used takes into account a range from large developments to individual dwellings.

Because of this analysis, Lancashire County Council uses a method of assessing the impact of a development based on the mix of the size of the development, based on the number of bedrooms in each property to be built.

The pupil yield for each size of house can be seen in the table below.

No of Bedrooms	Yield per development - Primary	Yield per development – Secondary
1	0.01	0.00
2	0.07	0.03
3	0.16	0.09
4	0.38	0.15
5+	0.44	0.23

When assessing a development, the number of pupils calculated to arise from the development will be subject to rounding, either up or down, to the nearest whole figure.

In order to enable an appropriate assessment, an accurate bedroom mix should be provided for Full and Reserved Matters applications, at the time of the assessment. With Outline applications, an assumption will be made that all dwellings will be eligible 4 bedroom housing and the development will be assessed on this basis. The application will then be reassessed once accurate bedroom information is provided on reserved matters approval - as detailed in the previous section.

Within the application process it is the responsibility of the local planning authority to notify Lancashire County Council of any changes to the application that may impact upon the assessment of the development impact upon local school places so that a reassessment can be undertaken. It is also the responsibility of the local planning authority to notify Lancashire County Council when an application is due to be considered by the planning committee. We would ask that a minimum of 10 working days is allowed for a reassessment to be completed.

An example calculation can be found in Appendix 2 of this document.

The DfE guidance 'Securing developer contributions for education' advises that they are working on a detailed methodology for calculating pupil yields from housing development but this methodology was not available at the time of publishing this document. Future updates will reflect DfE methodology guidance. The DfE suggests that, in the meantime, local approaches to calculating pupil yields remain valid.

Developments Remote from a Lancashire School

Where a planned development is located more than 2 miles from any existing primary school and /or over 3 miles from the nearest secondary school, Lancashire County Council would look at the nearest Lancashire school and, if there are no places at that school, a contribution for additional places would be sought. Any contribution sought would be used to provide places at the nearest Lancashire school where an infrastructure project can be delivered. In such cases Lancashire County Council will incur transport costs to ensure the school places are accessible.

If the places provided to address the impact of the development are beyond 2 or 3 miles for primary or secondary provision (respectively) or if a walking route is unsafe Lancashire County Council acknowledge that it may be necessary to provide transport assistance in line with the Lancashire County Council Home to School Transport Policy.

Where transport assistance is required, because pupils will need to travel further than statutory walking distances a contribution for transport may be required. The associated transport contribution requirements will be identified within the education contribution assessment

Calculation

After assessing the impact of the development and a shortfall is apparent, a contribution will be sought based on the specific shortfall of places directly resulting from the impact of the development.

The calculation of the contribution uses the DfE national average cost per place as published in the latest DfE Local Authority Scorecard, adjusted by the regional location factor:

DfE national average cost per place (for primary and/or secondary places)	X	Lancashire Regional Location Factor	X	Number of Places
---	---	-------------------------------------	---	------------------

The costs per place will be updated annually, within this methodology to reflect the latest national average costs per place, at the point that the methodology is updated.

However, where there is local evidence of higher costs for a particular project, such as a bespoke feasibility study or known site abnormalities, these costs may be used in preference to the adjusted national average.

All contributions will be adjusted by Building Cost Information Service (BCIS) All In Tender indexation at the point of payment.

Department for Education 2019 Local Authority Scorecard Costs

In most cases the additional places to address the impact of a development will be provided through expansion of existing local schools, however where this is not possible a new school may be required. When the need for a new school has been identified as part of the assessment process, then the 'New Build' national average costs will be used to calculate the education contribution requirements. Where the education contribution has not identified a new school requirement the 'Permanent Expansion' national average costs per place will be used. The latest costs are provided below.

Primary

Type of School Place	Cost Per Place
Permanent Expansions	£17,268
New Build	£20,508

Secondary

Type of School Place	Cost Per Place
Permanent Expansions	£23,775
New Build	£24,929

The calculation for 2020/21:

Primary

Type of Place	DfE Cost		Lancashire Location Factor		Lancashire Cost Per Place
Permanent Expansions	£17,268	X	0.97	=	£16,749.96
New Build	£20,508	X	0.97	=	£19,892.76

Secondary

Type of Place	DfE Cost		Lancashire Location Factor		Lancashire Cost Per Place
Permanent Expansions	£23,775	X	0.97	=	£23,061.75
New Build	£24,929	X	0.97	=	£24,181.13

Lancashire County Council reserves the right to reassess the school place position in respect of a development in accordance with this methodology, to take into account changing circumstances up to the point where a Reserved Matters/Full planning application is approved.

An example calculation can be found in Appendix 2 of this document.

Reassessments

For Outline applications assessment will assume the development consists of all 4 bedroom houses, as dwelling bedroom information is often not available at this stage and provisional bedroom mix projections can be subject to change.

An initial assessment may detail an impact that could vary depending on the impact of other pending applications impacting upon local schools. For this reason reassessments are required. A reassessment will be provided prior to an Outline/Full application being considered for approval, at the request of the local planning authority. At this point infrastructure projects will be identified.

For Outline applications a reassessment is also produced following Reserved Matters approval, once accurate bedroom information is available.

Indexation

Indexation allows the cost per place to be adjusted to take into account the effects of inflation over time, which acknowledges that the contribution will be used to fund school places at a point in the future when the places are needed, where the cost of delivery is likely to have changed. For the education contribution for the provision of school places the Building Cost Information Service (BCIS) All in Tender Price Index will be applied.

Indexation will be applied to Section 106 agreements using the formula below.

Education Contribution	X	BCIS All in Tender Price Index for the period immediately prior to the date of payment under the S106 agreement	÷	BCIS All in Tender Price Index for the period last published before the date of agreement
------------------------	---	---	---	---

Where trigger targets are included in the S106, indexation will apply at each trigger point.

School Site

If a large new housing development is proposed, it may not be feasible to expand one or more existing schools. In such cases, Lancashire County Council will need to investigate whether a school site may be required, taking into account the existing provision in the area. The size of this site would be determined in accordance with DfE guidance. This is particularly important as the Basic Need funding allocation does not factor in funding for land acquisition.

School site requirements should be identified as part of the development of Local Plans. A school site requirement may be identified where the local planning authority have identified a number of housing developments which should be treated collectively as a strategic site.

Department for Education guidance suggests that all new primary schools are expected to include a nursery. This may require a larger site to be sought. Similarly, additional space may be required for post-16 provision at for special educational needs provision.

National Planning Practice Guidance advises how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will be provided by the developer. When the DfE free schools programme is delivering a new school for a development, the DfE expects the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site on a peppercorn basis and make use of developer contributions towards construction.

In the case of the provision of a school site Lancashire County Council would expect to be consulted as early as possible on the proposed location of the school site to ensure its suitability, to be coordinated by the local planning authority. Any land allocated for a school should be safe and fit for purpose, taking into account ground conditions, topography, contamination, flood risks and proximity of incompatible land used.

Where a number of small developments are expected to come forward in an area with an aggregated requirement for a new school, Lancashire County Council would expect the local planning authority to set out their expectations for strategic sites in their Local Plan and assist in the negotiations to secure a school site to accommodate the collective impact of the applications. Where the demand is generated by more than one development or phase, it may be that one developer would be required to provide the school land to address the collective demand. This would require applicants to provide a contribution towards the cost of the school site land, proportionate to the size of their development. Lancashire County Council would seek to work with local planning authorities to ensure that such equalisation arrangements are established prior to the approval of any of the developments affected to ensure that the development 'hosting' a new school is not disadvantaged.

The strategic planning of each district is the responsibility of the local planning authority as well as Lancashire County Council. Both parties will need to ensure education solutions are identified. Lancashire County Council will work with local planning authorities to identify school site requirements within local plans and development plans and reserve land for education use.

It may be necessary to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or a reconfiguration of schools to create a single site. 'Future proofing' can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is projected need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion, and safeguard specific parcels of land within wider development sites for education use. It is expected that the local planning authority would lead on these arrangements.

Garden Communities

Lancashire County Council acknowledges that the 'Garden Communities' being proposed for Lancashire may be planned as district, self-contained and sustainable settlements where the infrastructure needs of residents, including school provision, is provided on site. The county council also acknowledges that new schools can be an important place making component of new communities and can provide core social infrastructure that can help a community to thrive and for this reason developers and local planning authorities are likely to encourage early provision.

In line with the DfE guidance ['Education provision in garden communities April 2019'](#), Lancashire County Council would welcome early engagement with the developer and local planning authority to identify school place requirements and the timing of delivery, taking into consideration the viability of the new school and the potential impact of early provision on other local schools.

Developer delivery of new schools

In line with DfE ['Securing developer contributions for education guidance'](#), in principle, Lancashire County Council supports developer delivery of schools and could represent good value for money, however, we recognise that local circumstances vary and it will not always be the preferred option.

Where developer delivery is considered a suitable local approach, Lancashire County Council would support a partnership approach between the local authority, academy trust (where relevant) and developer to negotiate a brief and design specification, acknowledging that such collaboration is good practice and helps to avoid disputes.

Forward Funding of Projects

In some cases it may be necessary to forward fund infrastructure projects using Basic Need funding, although this approach would only be considered as a last resort. In such circumstances contributions would be secured retrospectively from either S106 of Community Infrastructure Levy contributions.

Declining to Contribute to Education Infrastructure – Objections to Planning Applications

In identifying a shortfall in local provision and asking for a developer contribution, Lancashire County Council is, in effect, objecting to the application on sustainability grounds. A developer contribution that mitigates the impact of the development will, in most cases, overcome the objection.

If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable.

If the development is still approved without any education contribution or a reduced contribution, Lancashire County Council would be seeking clarification from the local planning authority on how the shortfall of education places will be addressed.

For infrastructure requirements that are to be funded by community infrastructure levy the School Planning Team will contact the CIL decision making authority to seek confirmation that the full education contribution requirements can be secured through housing developer contributions prior to the planning application being considered for approval. Should the confirmation of the full education contributions not be provided the School Planning Team would object to the planning application.

Approved Subject to Section 106

Where a development is minded to be approved subject to the sealing of a Section 106 agreement, Lancashire County Council will treat the development as approved when assessing future applications, based on the latest information provided by the local planning authority.

Assessing Special Educational Needs, Early Years and Post-16 provision Contributions

The DfE 'Securing developer contributions for education' guidance advises that education contributions can be sought for the following provision:

- Special Education Needs

- Early Years
- Post-16

The assessment approach for each of these is under development as part of the relevant service strategies.

Identifying Infrastructure Projects

Where a development is expected to result in local schools becoming oversubscribed, Lancashire County Council will seek contributions from the developer to pay a contribution towards the associated capital costs of an infrastructure project (school expansion or new school). Prior to the planning committee for the Outline application Lancashire County Council will identify potential infrastructure projects where additional places are intended to be provided. We will name one specific 'Preferred' primary/secondary infrastructure project and then as a 'Contingency' option we will list all primary schools within 2 miles of the development or all secondary schools within 3 miles of the development. Where there are no primary schools within 2 miles or secondary schools within 3 miles of the development we will name specific schools for the both the 'Preferred' and 'Contingency' projects. Naming more than one infrastructure project will help us to respond to changing circumstances and new information, such as detailed feasibility work leading one project being abandoned.

In circumstances where it is not possible to provide additional places at existing schools a new school may be required to address the shortfall of places. For this reason a school site may also be required.

Early engagement in the Local Plan process will help to enable the early identification of a shortfall of places and a potential requirement for a new school. Early engagement in the Local Plan and Masterplan processes may also be able to assist with early identification of viability issues. Also, when CIL charging schedules are prepared, engagement with local planning authorities should ensure that school developments are among those D1 uses that are viability tested.

Infrastructure projects and expenditure for the previous financial year will be reported in the Lancashire County Council Infrastructure Funding Statement.

Examples of Projects

- Provision of additional school places to address the impact of the development.
- Acquisition of additional land
- Project to increase the capacity of a school by a number of places towards providing a half form of entry.
- The provision or extension of a classroom
- The expansion of a hall required to provide more capacity
- Internal remodelling to provide additional capacity

How Lancashire County Council chooses which school to expand

The process Lancashire County Council uses when choosing which school to expand is outlined in the latest [Strategy for School Places](#). When determining which schools are suitable for expansion, Lancashire County Council will consider the following criteria, in no particular order:

- Pupil attainment levels
- Levels of parental first preference
- Current size of the school
- Location of the school relative to population
- Practicalities of expansion on the existing or nearby site
- Costs of expansion and potential joint investment benefits

Limitations of Naming Projects

By naming the projects Lancashire County Council cannot guarantee the named infrastructure project will go ahead. There will often be some time between the naming of the project and the need to deliver places, during which factors which have identified the school as a feasible project may change. The following list are some of the risks we have to a project not proceeding. For example, a project may be subject to:

- The willingness of the school governing body to expand
- Suitability of the site
- Gaining Planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 of the Academies Act 2010
- Consultation with local schools and the community
- Parental preference at the time that the places are required
- School standards and popularity at the time that the places are required
- Availability of other funding streams
- Changes in the overall capacity within the local schools
- Project cost being prohibitive
- Demand not materialising as projected
- Agreement timescale condition expires before demand materialises
- Being unable to find an academy sponsor

Splitting contributions across projects

A contribution may be split across two or more projects to provide the number of places required

Should one project fail to progress resulting in the education contribution being returned, only the contribution allocated to the non-progressing project will be returned.

Communication with Schools

When a particular school is identified within a Section 106 the school will be informed by Lancashire County Council, including details of the development that is providing the education contribution. Any communication with schools about potential projects should be conducted via the Asset Management School Planning Team at Lancashire County Council.

Specific Content Required in a S106 Agreement

We would request to include the following in any planning obligation agreement (also known as S106 agreement):

- A formula that allows for the calculation of the education contribution at Reserved Matters stage of the application process (LCC is able to provide standardised wording). This would be required for any application that is at Outline application stage and has not ascertained the bedroom mix of the development.
- The education contribution would be adjusted by BCIS Indexation from the date of the planning obligation agreement to the date of payment of the education contribution. The BCIS Indexation used will match the indexation used during the initial assessment.
- As Education Authority, the county council has a statutory responsibility to ensure that there are sufficient Lancashire school places available to accommodate every Lancashire pupil. For this reason education contributions secured within a S106 should be paid directly to the county council.
- The amount secured to be repaid to the developer if not spent within 5 years from final payment (This timescale will be subject to review for larger developments, in line with DfE Guidance).
- Any land secured to be returned to the developer if not used within an agreed timescale.
- A clause that states that Lancashire County Council will endeavour to spend any contributions secured on an infrastructure project at a specific school, detailed within the agreement. If the contribution is not spent on the identified infrastructure project the contribution will be returned and the County Council will be responsible for delivering school places at no cost to the housing developer.

Where we are not party to an agreement between a developer and district council, Lancashire County Council would ask the Local Planning Authority to ensure that the wording of the agreement is discussed with us.

Reassurance that Contributions will be Spent Locally

Where the county council is proposing to significantly enlarge a school or establish a new school, there are strict guidelines and regulations which we must follow. Whilst the new School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013 which came into force on 28 January 2014 streamline some of the processes for school expansion, the process still involves consultation with interested parties before a decision can be taken.

Therefore, at the stage where we respond to a planning application, we are unable to predetermine where capital funds will be spent or to pre-empt the outcome of any consultation. However, there is an obligation to meet the tests of Community Infrastructure Levy (CIL) and to demonstrate expenditure is used to mitigate the impact of the development and this means that we will aim to spend the money on the capital cost of providing the places within a three mile radius of the development wherever possible.

The planning obligation agreement established with the developer will provide assurances about this. For more information please refer to 'Specific Content Required in a S106 Agreement' section.

Lancashire Local Planning Authorities – CIL Adoption

All local planning authorities, whether they have adopted the Community Infrastructure Levy (CIL), or not, will still require an education contribution assessment to determine the impact of the development on surrounding schools.

To identify whether your local planning authority has adopted CIL and how they will deal with your planning application, please contact them directly.

Local Planning Authorities Which Have Yet to Adopt CIL

The local planning authorities which are still to move to the Community Infrastructure Levy will continue to require assessments and enter into agreements using Section 106s to secure contributions towards education infrastructure.

Local Planning Authorities who have adopted CIL

In districts that have adopted CIL, infrastructure projects may receive funding from both CIL and Section 106. This could include a land contribution towards a new school.

To discover how your development will contribute to the education infrastructure in the area, please contact the relevant local planning authority.

Windfall Sites for Authorities who have adopted CIL

Windfall sites for developments within local planning authority area who have adopted CIL may be dealt with in one of two ways:

- Using Section 106 agreements

- An amendment of the Regulation 123 List, Infrastructure Funding Statement or equivalent document at the discretion of the local planning authority

Clarification should be sought via the local planning authority on whether the site to be assessed constitutes a windfall site and the relevant arrangements in place.

Other Matters

Pre-Applications

As the school forecasts are continually updated to reflect the up to date position on births, migration and housing approvals, the forecast position used within a pre-application assessment is likely to change by the time the planning application is submitted. The School Planning Team would therefore encourage you to use the yield calculator on page 9 of the Education Contribution Methodology – <https://www.lancashire.gov.uk/council/planning/planning-obligations-for-developers/> to give you an indicative calculation of the impact of the development on school places.

If you intend to submit an Outline application at a later date then we would recommend calculating your impact on a 4 bed mix, as this is the mix calculation you will be provided with at Outline application stage, to be reassessed once the accurate mix is provided as part of the Reserved Matters permission. If you intend to submit a full application at a later date then it is recommended that you use an indicative mix to provide you with a more accurate assessment of impact on school places.

Any calculation you produce is only an indication of impact. The assessment by the School Planning Team at planning application stage would specify the detailed education requirements from your development.

Responding to Information Requests

Requests for information must be provided in writing to:

schools.planning@lancashire.gov.uk.

Lancashire County Council will endeavour to respond to enquiries within 10 working days.

Contact Information

Please do not hesitate to contact us should you have any questions or would like to discuss any element of the methodology.

Name: School Planning Team
Address: PO Box 78
County Hall
Fishergate
Preston
PR1 8XJ
Tel: 01772 536289
Email: schools.planning@lancashire.gov.uk

Where your enquiry refers to a planning application, where available please provide:

- The name of the local planning authority
- The name of the development
- The planning reference number(s)
- The name of the local planning authority case officer

Appendix 1: National Policy and Guidance

The following policy underpins the methodology for seeking education contributions in Lancashire.

Education Act 1996

[Section 14 of the Education Act 1996](#) stipulates that local authorities must secure sufficient appropriate school places to serve their area. The policy refers to the provision of mainstream school places only. It does not relate to the planning of nursery, further education, special education need and disability, nor independent school provision.

Education and Inspections Act 2006

[Part 1 of the Education and Inspections Act 2006](#) outlines the education functions of Local Authorities. It places Lancashire County Council as the appropriate authority to secure diversity in the provision of schools and increase parental choice opportunities.

Expansion of an Existing School

Where an expansion of an existing school is considered to be significant, where more than 30 places are to be provided and will expand the school by more than 25% of the existing school capacity or 200 pupils, a statutory significant enlargement process will need to be followed. As the significant enlargement of an existing school or the establishment of a new school both require the authority to consult interested parties before making any decision, under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) and [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#).

The Academy/Free School Presumption

In accordance with strategy, Lancashire County Council prefers to expand existing schools to accommodate additional pupils in an area, in some circumstances it may not be feasible to expand any schools in an area. The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the academy/free school presumption) to the Education and Inspections Act 2006. Where a LA identifies a need for a new school in its area it must seek proposals to establish an academy/free school.

Statutory Walking Distances

The Department for Education specifies that "statutory walking distance is two miles for children aged under eight, and three miles for children aged eight and over" ([DfE Guidance on home to school travel and transport – July 2014](#)). This is reflected in Lancashire County Council's [Home to School Transport Policy](#). For this reason Lancashire County Council assesses primary schools within two miles and secondary schools within 3 miles of the development. For the purpose of planning developments, this is determined by applying a radius from the grid reference used for the planning application and not using travel distances to each individual school.

Town and Country Planning Act 1990

[Section 106 of the Town and Country Planning Act 1990](#) introduced the ability to seek a contribution from developers by Local Authorities towards mitigating the impact of pupils living in the new development on local school capacity.

Community Infrastructure Levy

The [Community Infrastructure Levy Regulations 2010, amended 2019 \(2\)](#)

Section 77 – Disposal or Change of Use of Playing Field and School Land

[Section.77 of the School Standards and Framework Act 1998](#) as amended by the [Education Act, 2011](#) refers to the disposal or change of use of playing field and school land. Any changes to the use of school land requires consent of the Secretary of State.

National Planning Policy Framework & Guidance

The latest version of the National Planning Policy Framework was published in February 2019 and sets out the Government's planning policies for England and how they are expected to be applied. Paragraph 94 specifically refers to the provision of school places:

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 to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Department for Education Guidance

[Securing Developer Contributions for Education, November 2019](#) provides guidance for local authorities with a responsibility for providing sufficient school places under the Education Act 1996. It may also be a source of information for local planning authorities and other stakeholders involved in the delivery of schools.

[Education Provision in Garden Communities, April 2019](#) provides guidance to local planning authorities and their delivery partners involved in delivering Garden Villages and Garden Towns as part of the government's Garden Communities programme.

Appendix 2: Example Calculation for Primary and Secondary Places

If a housing development was to come forward with 100 houses, with the bedroom information broken down as:

Number of Bedrooms	Number of Houses with that Number of Bedrooms
1	10
2	20
3	40
4	25
5+	5

Calculate the number of children expected from the development

No of Bedrooms	Yield per development - Primary	Yield per development - Secondary	Primary Pupils Expected	Secondary Pupils Expected
1	0.01	0.00	$10 \times 0.01 = 0.1$	$10 \times 0.00 = 0.0$
2	0.07	0.03	$20 \times 0.07 = 1.4$	$20 \times 0.03 = 0.6$
3	0.16	0.09	$40 \times 0.16 = 6.4$	$40 \times 0.09 = 3.6$
4	0.38	0.15	$25 \times 0.38 = 9.5$	$25 \times 0.15 = 3.75$
5+	0.44	0.23	$5 \times 0.44 = 2.2$	$5 \times 0.23 = 1.15$
Total			19.6 (20 Pupils)	9.05 (9 Pupils)

Next step - schools within 2 miles for primary and 3 miles for secondary of the development are identified and an assessment on the schools 5 year future capacity and 5 year future number of pupils expected in the school is completed.

Primary

	Future Net Capacity of School	Projected Number of Pupils on Roll
Primary School A	210	215
Primary School B	315	310
Primary School C	198	200
Primary School D	210	210
Total	933	935

For Primary Schools in the area, we are expecting a shortfall of 2 places (933 – 935 = -2) before the impact of this development, the pupils expected from this development will make the situation worse. So for this development we would be seeking a contribution for all the primary aged pupils i.e. 20 pupils.

Secondary

	Future Net Capacity of School	Projected Number of Pupils on Roll
Secondary School A	800	798
Secondary School B	650	627
Secondary School C	1,050	1,028
Total	2,500	2,453

For Secondary Schools in the area, we are expecting to have 47 spare spaces.

However, there are 4 additional applications which have obtained planning permission prior to this assessment. Collectively these applications are planning to yield 44 children. These developments will use 44 of the spare places leaving a surplus of 3 places. The secondary impact of this development is 9 places, leaving a shortfall of 6 places. so an education contribution will be sought for this development for 6 pupils.

However, in addition to the additional applications, there are also 2 pending applications, collectively contributing a further 5 places. Should these applications come forward ahead of this application the shortfall from this development would increase to 11 places, so an education contribution would be sought between 6 and 9 (the full yield of the development) places.

A reassessment should be undertaken at the point of decision to identify those developments which have gained planning permission prior to this application.

Calculation

In this scenario it is assumed that the additional primary and secondary places can be provided by permanent expansion of existing schools rather than establishment of a new school and, therefore, the 'Permanent Expansion' cost per place has been used.

Using the formula

DfE national average cost per place (for primary and/or secondary places)	X	Lancashire Regional Location Factor	X	Number of Places
---	---	-------------------------------------	---	------------------

Primary

£17,268	X	0.97	X	20	=	£334,999.20
---------	---	------	---	----	---	-------------

Secondary

£23,775	X	0.97	X	6	=	£138,370.50
---------	---	------	---	---	---	-------------

Secondary up to

£23,775	X	0.97	X	9	=	£207,555.75
---------	---	------	---	---	---	-------------

In Summary

Lancashire County Council would be seeking a contribution for 20 primary school places and 6 secondary school places.

$$£334,999.20 + £138,370.50 = £473,369.70$$

However, as there are a number of applications that are pending a decision that could impact on this development should they be approved prior to a decision being made on this development the claim for secondary school provision could increase up to a maximum of 9 places.

$$£334,999.20 + £207,555.75 = £542,554.95$$

BCIS All In Tender Price Indexation will be applied at the point of each payment.

Appendix 3: Education Planning Assessment Process

