



# Education Contributions

Supplementary Planning Document



CONSULTATION STATEMENT

April 2007

## **STATEMENT OF CONSULTATION**

### **Report on Consultation for Draft Supplementary Planning Document**

### **Section 106 Planning Obligations for the Provision of Education Facilities**

**and**

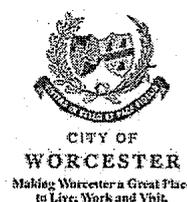
### **Associated Sustainability Appraisal**

Produced by  
Worcestershire County Council

for

Worcester City Council

Worcestershire County Council Consultation on behalf of:



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## Introduction

Redditch Borough Council, Malvern Hills District Council, Worcester City Council and Wychavon District Council have each produced a Draft Supplementary Planning Document (SPD) on Section 106 Planning Obligations for the Provision of Education Facilities. Worcestershire County Council carried out a consultation exercise on behalf of these four District Councils, which ran from 6<sup>th</sup> November to 18<sup>th</sup> December 2006.

There is a summary of recommendations, resulting from the consultation, on page 45.

## Structure of Consultation

- The consultation followed the Statement of Community Involvement (SCI) produced by each Local Authority.
- Consultation packs consisted of a covering letter explaining the purpose and statutory background to the consultation, the draft Supplementary Planning Document, the Draft Sustainability Appraisal, a draft Table of Charges should the policy be adopted, a Statement of SPD Matters, a Statement of Community Involvement and a questionnaire to enable respondents to categorise their comments in a way that would facilitate analysis.
- Consultation packs were sent to 928 consultees. 269 recipients were mailed the consultation materials for all four districts. A further 659 recipients were sent consultation packs relating to one or more local authorities according to their geographical area of interest.
- The number of full consultation packs sent out on behalf of each district were:-

Malvern Hills District	472
Redditch Borough	376
Worcester City	370
Wychavon District	550
- Full consultation packs were sent to county councillors, district / city / borough councillors, parish councils, head teachers, chairs of school governing bodies, housing developers, agents and planning consultants, statutory bodies, neighbouring authorities, some religious organisations, some community groups and some individuals.
- Letters were sent to other groups / individuals who may have an interest to alert them that the consultation was taking place and to inform them on how to participate. These groups included early years providers, parish councils in neighbouring counties that border Worcestershire, some community groups and individuals.
- A full breakdown of consultees is available from Worcestershire County Council (Telephone 01905 766278)
- In addition, a presentation was given to Vision 21, the Malvern Hills Strategic Partnership, in accordance with the Malvern Hills District Council SCI.
- Notices of the consultation were published in local papers in accordance with each district's SCI.
- Posters, leaflets and copies of consultation materials were left in contact centres, e.g. public libraries, one-stop shops. The leaflets included a limited version of the questionnaire.
- Consultation documents were mounted on each local authority's website for the duration of the consultation.

- A simplified and summarised version of the main proposals contained in the draft SPDs was included in the November 2006 Worcestershire Citizens' Panel survey. The purpose of the Panel is to give residents an opportunity to influence decisions on County Council policy and service delivery. The Worcestershire Citizens' Panel comprises 2,000 randomly selected residents of the County. Twice a year, they are asked to complete a postal survey with questions on particular, current issues. Every 2-3 years the panel is "refreshed" and new panel members are recruited. This avoids the panel becoming unrepresentative over time as members learn more about Council policies and services and other issues. Response rates to Citizens Panel surveys, typically about 60% - 70%, are generally higher than those of other types of postal surveys.

## Responses

A total of 48 responses were received to the main consultation exercise.

A list of those respondents commenting on the Worcester City Draft SPD or on the County Council's / District Councils' approach generally is contained in the Appendix.

No questionnaires from the publicity leaflets left in libraries and other contact centres were returned.

In addition 1,220 responses were received to the Citizens' Panel survey, including 196 usable comments. The information given in the Citizens' Panel was necessarily limited to the essential components of the draft policy and the phrase "Section 106" was not used. Thus the responses cannot be used to indicate how particular clauses should be re-written but they do provide a useful complement to the main consultation, this latter was generally aimed at individuals and bodies with more direct interest in planning obligations.

The Citizen Panel results presented in this report are all unweighted; i.e they are presented as straightforward proportions of the total number responding to the survey. They have not been weighted to correct for any bias in the demographic profile of the respondents when compared with that of the County's population.

## Responses per District

Respondents were asked to indicate which Districts' SPD they were commenting on. Some respondents made the same response on more than one SPD. The table below shows the distribution of comments:

Malvern Hills District Council (MHDC)	15
Redditch Borough Council (RBC)	8
Worcester City Council (CoW)	7
Wychavon District Council (WDC)	12
All Districts (ALL)	9

## Responses to Individual Questions

A standard response form was sent out with the consultation packs containing 9 specific questions on sections of the SPD and a space for additional comments under each question. Respondents were not required to use this form and some elected to provide separate written responses. Of those respondents who did use the form, some did not answer all of the questions.

The responses to each of the 9 specific questions are given below. Separate written answers that could not be matched against specific questions are counted as “Did not answer”. A summary of the main issues raised against each question and supporting information from the Citizens’ Panel survey are also given, grouped by topic. Worcestershire County Council has indicated its response and recommendations against each comment.

### Question 1

Do you support the Draft SPD(s)?

Yes	30
No	5
Did not answer	13

The complementary question in the Citizens’ Panel Survey asked Panel members to what extent they agreed or disagreed with the principle of asking housing developers for contributions towards local education facilities. The responses are summarised in the following table.

To what extent do you agree or disagree with the principle of asking housing developers for contributions towards local education facilities?								
Response	Number	Proportion	Response	Number	Proportion	Response	Number	Proportion
Strongly Agree	612	50%	Neither Agree or Disagree	100	8%	Disagree	58	5%
Agree	372	30%	Don't Know / Not Sure	19	2%	Strongly Disagree	40	3%
			Not Answered	19	2%			

80% of respondents agreed or strongly agreed with the principle whilst 8% disagreed or strongly disagreed. However 12% either did not answer, or did not know or could not agree or disagree. Many of the comments indicated a general lack of awareness on planning

obligations and it was inevitable, given the constraints on the level of detail that could be provided in the survey of this kind, that respondents lacked a full understanding of the issues.

In the comments section of the Citizens' Panel questionnaire, 28 respondents particularly mentioned their support for the policy, whilst a further 35 felt that other infrastructure, e.g. roads, health facilities, community facilities, should be subject to similar policies on planning obligations.

Two respondents said in their comments that they disagreed with the policy without expanding on their reasons. 29 respondents had issues with the philosophy underlying policies on planning obligations, believing that costs of providing infrastructure should be more transparent and met from general taxation rather than by planning gain. The phrase "stealth tax" was included in several of these comments. 31 respondents had concerns that the developer contributions would be passed on to purchasers and cause house price inflation.

Seven respondents thought that the policy may lead to distortion of the housing market, perhaps by making sites prohibitively expensive to develop, or by encouraging developers to build below the 5 dwelling threshold for levying contributions, or by encouraging developers to build flats rather than family homes.

## Question 2

Do you consider the Aims of the document, as set out in Section 3, to be correct? If not, please specify which aims you consider inappropriate, and/or any aims you feel have been overlooked. The aims were to provide a clear framework for assessing the requirement for additional educational facilities and calculating planning obligations for development in the City and to give clarity to developers and applicants on the processes.

Yes	31
No	1
Did not answer	16

Comments	Worcestershire County Council Comments and Recommendations
<p><b>Topic: Need for Strategic Approach</b></p>	
<p>In present circumstances they are partially correct but do not seem strategic enough to deal with changes in catchment area brought on by larger developments or regeneration of schools needing total rebuild or implications of revision of RSS</p>	<p>Developments of 100 dwellings or more are negotiated separately.</p> <p>The County Council will notify district councils if future housing development is likely to generate so many more children that new schools will be required.</p> <p>School catchment areas are the responsibility of Worcestershire County Council as Children’s Services Authority and, as such, cannot be the subject of a district council SPD.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>It should be recognised that the SPD can provide a framework and each development proposal should be treated on its merits - which may require a more detailed approach than can be sensibly set out in SPD.</p>	<p>The County Council has struck a balance between the need for clear obligations for smaller developments and the flexibility to negotiate agreements for more significant housing developments.</p> <p>It is useful to have a clear framework to speed up the planning process.</p> <p><b>Recommendation: No change to SPD</b></p>
<p><b>Topic: Fairness of System</b></p>	
<p>The system is not fair and transparent. If the period between a developer considering purchase of land for housing and approval of plans spans the year end publication of the school roll and assessment of surplus places, then whether or not the development will be liable to charges can change. This could well depend on movement of families within the school catchment area - something of a lottery.</p>	<p>In order to be fair and reasonable the County Council has decided to publish figures once a year in April. These figures are then applied to any applications submitted in the following financial year. Charges are agreed before planning permission is given and most developers would ensure they were able to get planning permission before agreeing a purchase price for the land.</p> <p><b>Recommendation: No change to SPD</b></p>
<p><b>Topic: Other Comments</b></p>	
<p>We are supportive of the principle of the documents, which provide welcome certainty to the development industry. Similarly, that the table of charges is based on annually updated information is also commended.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>
<p>What is proposed here seems quite logical in most respects</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>

### Question 3

Do you support the use of the formula for calculating contributions, as laid out in Section 4.3? If not, please indicate which element(s) of the formula you disagree with, and why. Section 4.3 listed the elements in the calculation of the charge, including cost per pupil of building new accommodation, number of pupils development is likely to yield, number of year groups in local schools, and types of dwelling in the development.

Yes	26
No	8
Did not answer	14

Comments	Worcestershire County Council Comments and Recommendations
<p><b>Topic: Figures Used for Formula</b></p> <p>2 respondents queried if 2001 Census data is still relevant.</p>	<p>The 2001 Census is the most recent comprehensive survey. The figures have been checked against current Primary Care Trust data and have been found to be robust.</p> <p><b>Recommendation: No change to SPD. Justification to be produced as supporting evidence to SPD.</b></p>
<p>What is the figure of children per year group in non privately owned dwellings? E.g. social housing or community housing dwellings. Is it more or less than 2.9?</p>	<p>Applying the same methodology to social housing as is applied to privately owned housing to calculate the pupil yield, the number per children per year group per 100 dwellings is 3.9.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>2 respondents commented that for schools with a catchment area containing a large proportion of family homes, the pupil yield will probably be much higher than 2.9 children per year group per 100 dwellings.</p>	<p>Agree. This is why the draft SPD contains a proposal to apply an additional weighting of 50% for dwellings of 4 bedrooms or more.</p> <p>Individual developments of 100 dwellings or more will be subject to negotiation.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Within the 'pupil yield' paragraph it states that a figure of 2.9 children per year group per 100 dwellings will be used in determining the demand for educational facilities. The demographic profile of the county varies between each local authority area. As such, it is inappropriate to use the blanket figure of 2.9 children per year group per 100 dwellings to negotiate developer contributions. Flexibility should be built into the policy to allow for varying demographic trends.</p>	<p>The County Council has struck a balance between clarity and flexibility in the figures used. School catchments do not always respect district boundaries so it would be impractical to have different figures for each district.</p> <p>Developments of 100 units or more will be negotiated and evaluated separately, which allows the flexibility to take account of site-specific factors.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Basing the formula on nationally determined statistics may be OK for a default policy in the absence of considering a specific development but particularly in rural areas the impact on education / schools may be much more significant than the standard formula allows. For example, may be a single small school directly affected with a major impact (eg need for additional class) caused by a small change in numbers - building costs may vary significantly depending on existing site - may be little flexibility for alternative schools in a popular pyramid.</p>	<p>Building cost multipliers, although nationally determined, are adjusted to reflect regional variations in costs. Pupil yield figures are based on Worcestershire data.</p> <p>It would be unreasonable under government guidance to expect developers to contribute the cost of a whole classroom if their development only generates a few extra pupils.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>3 respondents commented that the 50% increase on the calculated standard contribution for dwellings with 4 or more bedrooms is not justified.</p>	<p>This figure is derived from outputs from the 2001 census.</p> <p><b>Recommendation: No change to SPD. Justification to be produced as supporting evidence to SPD.</b></p>
<p>2 respondents comment that they support the 60% discount on the standard charge for flats, reflecting their potential occupancy.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>
<p>1 respondent commented that the more onerous contributions now being sought under the new SPD will do nothing to encourage the provision of family houses, as now sought by Government policy in PPS3.</p>	<p>The District Councils feel that the proposed SPD is unlikely to discourage developers from providing family houses.</p> <p><b>Recommendation: No change to SPD</b></p>
<p><b>Topic: Method of Calculation</b></p>	
<p>2 respondents suggested that a flat rate charge should be levied on all dwellings, possibly dependant on the size of the dwelling, citing uncertainty and added administration expenses as problems with the proposed system.</p>	<p>The policy is designed so that developers can calculate the likely education contribution required before they purchase a site.</p> <p>A flat rate charge on all dwellings would be unreasonable under the terms of government guidance; contributions for additional facilities must be justified.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>2 respondents suggested that the formula does not take full account of all factors affecting the demand for under 18 education, for example likely attendance at the independent sector, schools not within the pyramid, future population trends and resulting increases in levels of surplus places.</p>	<p>It is reasonable for parents to expect to be able to send their children to the catchment area school if they wish to do so. Therefore contributions will be based on the school local to the development.</p> <p>The birth rate has fallen across the country from 2.77 in 1966 to</p>

	<p>less than 1.8 in the latest decade. This has impacted on numbers of children everywhere and is a cause of school closure, not an effect.</p> <p>If local schools have sufficient surplus places no contribution will be required. The County Council works to manage the level of surplus places in schools across the county while giving enough flexibility to allow for parental preference and demographic changes.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Although the elements stated are relevant, the approach is coarse and does not adequately take into account surplus places issues and the wider picture.</p> <p>Where substantial sums of money are at stake it should be recognised that developers and landowners have a reasonable expectation that such sums should be properly justified in the particular circumstances.</p>	<p>The County Council has struck a balance between the need for clear obligations for smaller developments and the flexibility to negotiate agreements for more significant housing developments.</p> <p>It is useful to have a clear framework to speed up the planning process.</p> <p>Contributions must be directly related to the impact of the development.</p> <p>Negotiation will take place for developments of 100 dwellings or more, which gives scope to take account of site-specific factors.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>3 respondents commented that the policy does not make allowance for ethnic groups who are likely to have larger families.</p>	<p>It is not possible to make assumptions on different family sizes of ethnic groups moving into Worcestershire.</p> <p>However, in recent years the UK has had one of the highest fertility rates in Europe, in 2005 it was an average of 1.8 children per woman. The average across the EU in 2005 was 1.52, typically, countries of southern and eastern Europe were lower still, e.g. Poland 1.24, Spain 1.34. (Source: Eurostat)</p> <p><b>Recommendation: No change to SPD</b></p>
<p>We consider that calculating the requirement based on the largest year group would result in contributions being required where they are not necessary. If there is a year group at class capacity, as it moves through each school year a contribution will be required from developers when applications are made - even if other year groups are significantly below capacity.</p> <p>What is required is a more detailed analysis of the need for financial contributions to individual schools based on actual and predicted class sizes together with better management and distribution of resources. The statistical information is available and updated annually, and this should be used to make a more informed decision as to whether a financial contribution is genuinely required.</p> <p>In our opinion a more refined approach would better meet the test of reasonableness.</p>	<p>The presence of a full year group in a school is indicative that the school is already under pressure which would be increased as the result of any development.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>1 respondent commented that post-16 education facilities such as Further Education Colleges should be included in the policy.</p>	<p>Post-16 education other than in school sixth forms is excluded from the policy as it does not fall under the financial remit of the County Council; it is the responsibility of the Learning and Skills Council. The County Council therefore has no authority to collect contributions on behalf of Further Education Colleges or to oversee the expenditure of funds. Further Education Colleges and the Learning and Skills Council may wish to make representations to the district councils for S106 contributions from particular developments.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>The formulae proposed for calculating the contributions are quite logical and follow established principles.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>

<p>No evidence of catholic schools inclusion in table of charges</p>	<p>Some Voluntary Aided schools, particularly those whose admission policies give priority to worship at a particular church, are difficult to fit into the framework of Section 106 as it is difficult to demonstrate the direct impact of specific developments on numbers. There is also the possibility that children from a local development could be given lower priority for admission than children living some distance away. It is suggested that such VA schools be possible beneficiaries under the revised policy, where they fall within the prescribed distances stated and are under pressure, but will not form part of the calculation.</p> <p><b>Recommendation: amend paragraph 8.14 to read:</b></p> <p><b>“Contributions may also be spent on Voluntary Aided schools (usually faith schools) which operate admission criteria not based primarily on a geographical catchment area provided they...”</b></p> <p><b>Move revised paragraph 8.14 to section on Disbursement of Monies between paragraphs 8.21 and 8.22.</b></p>
<p>It appears not to take into account that some families may be living in deprived circumstances in a one-bedroom house - schools in these areas are the very schools that will need additional money to support these families.</p>	<p>It would be unreasonable to request contributions for one bedroom dwellings as data from the 2001 Census shows that school age children are much less likely to be living in one bedroom dwellings.</p> <p>Section 106 planning obligations are not intended to address issues of deprivation although there may be indirect benefits from improving local education facilities. Other sources of funding are available to support schools with specific deprivation issues.</p> <p><b>Recommendation: No change to SPD</b></p>

The complementary question used in the Citizens' Panel Survey and the responses are shown in the table below:

<b>To what extent do you agree or disagree that the rules for calculating the amount that building developers must pay, are fair?</b>								
Response	Number	Proportion	Response	Number	Proportion	Response	Number	Proportion
Strongly Agree	116	10%	Neither Agree or Disagree	303	25%	Disagree	84	7%
Agree	452	37%	Not Sure / Don't Know	207	17%	Strongly Disagree	32	3%
			Not Answered	25	2%			

44% of respondents, nearly half, either did not answer, or did not know or could not agree or disagree. 47% agreed or strongly agreed whilst 10% disagreed or strongly disagreed that the rules were fair. There were 21 comments on the reasons for disagreeing that the rules were fair. These tended to centre around three issues, the perceived complexity of the charging rules, the discount for flats, and the weighting for four-bedroomed and larger houses. 16 respondents felt that the charging schedule should be extended to include all development, some because it would simplify the charging schedule and some because all areas of the County could benefit from more investment in schools.

**Question 4**

Do you consider the threshold for charges, as described at Section 5, to be correct? The proposed charging schedule was that developments of fewer than 5 dwellings would attract no charge, developments of between 5 and 100 dwellings would attract a charge depending on the size of the development and the number of spare places in the largest year group in the local schools, whilst each development of over 100 dwellings would be considered individually.

Yes	23
No	10
Did not answer	15

Comments	Worcestershire County Council Comments and Recommendations
<p><b>Topic: Threshold for Charges</b></p> <p>4 respondents felt that contributions should be sought from all developments, including those of 4 dwellings or fewer.</p>	<p>Although the County Council would like to apply the policy to all developments, the additional administrative burden would not be justified by the amount of contributions received. Also, there are concerns from the district councils, as local planning authorities, that it would not be possible to meet the necessary timescales for planning decisions if the number of S106 agreements was increased.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>The approach needs to be more strategic considering whole district rather than local schools / pyramid.</p>	<p>Contributions requested must be related to individual developments.</p> <p><b>Recommendation: No change to SPD</b></p>

The cumulative effects of small developments i.e. 4 dwellings or less, will have an impact on the educational infrastructure.

It is unclear what would happen if a number of developments came forward at the same time which individually did not trigger contribution, or others had been approved earlier but not implemented.

Although the County Council would like to apply the policy to all developments, the additional administrative burden would not be justified by the amount of contributions received. Also, there are concerns from the district councils, as local planning authorities, that it would not be possible to meet the necessary timescales for planning decisions if the number of S106 agreements was increased.

It is important that charges reflect current conditions but the uncertainty generated by updating the charging schedule more than once a year is undesirable.

There is precedence for requesting a contribution on small planning applications that come forward at the same time where the same developer is involved and the sites are in close proximity.

**Recommendation: Section 5.2 be amended to:**

**In general, no charge will be sought for developments of 4 or fewer dwellings. However, the Borough Council will also take into account the full extent of the site area and neighbouring sites, to ensure that housing sites are not developed in a piecemeal fashion in order to keep below the threshold for payment of planning obligations for education provision. Conditions may be attached to permissions for housing sites that fall below the threshold if they form part of a larger scheme on the site.**

<p>It is difficult from the information available to understand why some schools have surplus places under the current charging schedule but none under the proposed schedule. Surely the determination of surplus places should be considered over a period of time rather than at a single moment in time. This could generate instability in the level of charges year on year, as would closure of a particular school.</p>	<p>The current charging schedule is based on a 7% surplus place trigger, which is very sensitive to the size of the school. The proposed revised policy relates absolute numbers of surplus places to the likely impact of the development.</p> <p>The County Council has struck a balance between the need for charges to reflect current conditions and the uncertainty generated by updating the charging schedule more than once a year.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>A threshold of 5 houses is considered a practical cut off point, beyond which the resources involved are probably not justified.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>
<p>The threshold for flats should be higher, perhaps 15 (with 2+ bedrooms).</p>	<p>Disagree. Impossible to implement in mixed developments and the charge is weighted for flats to reflect the reduced pupil yield.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>2 respondents stated that they supported the individual assessment of developments exceeding 100 units.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>
<p>2 respondents stated that they supported allowing for demolished dwellings in assessing the development.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>

<p>So far as the number of surplus places in individual year groups is concerned, this appears to be a blunt instrument and a deficiency in one year group does not mean that additional school places will be needed.</p>	<p>The presence of a full year group in a school is indicative that the school is already under pressure which would be increased as the result of any development.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>The SPD should recognise that developer contributions will be the subject of negotiation between the developer and Worcestershire County Council.</p>	<p>This is the case for developments of 100 units or more as stated in section 5.6 of the policy. Smaller developments will be subject to the tariff as set out in section 5 of the proposed SPD.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Paragraph 5.3 states that for developments of 5-30 dwellings, contributions will only be sought for schools which have 1 or no surplus places in at least 1 year group. If there are no surplus spaces in only one year group, we are unsure how the County can ensure that the contribution will go towards addressing that specific problem. We would recommend that the SPD is amended to provide an explanation of how obligations will be used in such circumstances.</p>	<p>The aim of the policy is to ensure that all developers contribute towards education provision in relation to the scale of the development. It is recognised that small sums will have limited individual use and these will be pooled or returned to the developer if not used.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>In regard to paragraph 5.6, we recognise the need for a more bespoke approach in relation to larger development. However, the paragraph should confirm that the contribution sought (in what ever form) will still be reasonable and related in scale and kind to the proposed development.</p>	<p>The County Council feels that the planning policy context is clearly set out in section 2 and does not need restating here.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>1 respondent felt that the trigger point, whereby if in any one year group there are up to 2 or fewer surplus spaces, is unjustified and unsustainable as it would result in contributions from new housing which are not reasonably required to provide new classrooms or other facilities since in many cases the new pupil numbers could be accommodated and provided for via a reorganization of the existing premises.</p>	<p>The 7% trigger previously used caused anomalies. The proposed new trigger will be fairer to all schools and reflect more accurately the impact of a development.</p> <p>In many cases smaller developments will not justify the addition of a whole new classroom and the reorganisation, expansion or refurbishment of existing school accommodation may be more appropriate. It is reasonable that developers should contribute towards the costs of such reorganisation. In addition, smaller contributions may be pooled to provide additional infrastructure where a number of developments in an area combine to put pressure on the catchment schools.</p> <p><b>Recommendation: No change to SPD. Justification to be produced as supporting evidence to SPD.</b></p>
<p>We are not content with the uncertainty that now attaches to negotiations in relation to development of 100 dwellings or more. The extension of the tariff as a possibility is not explained in order to determine the level of contribution that might now apply.</p>	<p>Each large development is unique but has a significant impact on the local infrastructure and therefore needs to be considered on its merits. In many cases it may be appropriate to negotiate for land rather than, or in addition to, a financial contribution.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>Paragraph 5.6 - objection is raised to the way in which the council propose to deal with developments of over 100 units. There can be no case for even seeking land or buildings for a new on a development of less than 500 units. Moreover, any such requirement should be identified through the forward planning system.</p> <p>Accordingly, this paragraph should be amended as follows:- For developments of over 100 dwellings a tariff based approach in the same format as that described for developments of 61-99 units will be applied, unless the county council has identified the need for land to accommodate a new or expanded school through the relevant local development framework. If so, the level of financial contribution will be the subject of negotiation, taking account the cost of providing the land required.</p>	<p>The SPD clearly states that each development of over 100 dwelling will be assessed individually. Land may be required but will not be sought by default where is it not justified by the impact of the development.</p> <p>The County Council endeavours to alert District Councils to the need for land for school buildings in connection with the Local Development Framework but the policy needs to be flexible to accommodate the impact of large developments not previously identified.</p> <p>Disagree with suggested wording. This would be unnecessarily restrictive.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>1 respondent suggested that the Pupil Admission Number for each school would be more appropriate then Indicative Admission Numbers.</p>	<p>Disagree. The Indicated Admission Number is based on the physical capacity of the school whereas the Published Admission Number may not be directly linked to the capacity.</p> <p><b>Recommendation: No change to SPD</b></p>

These thresholds will have little impact on most first schools. The size of developments disenfranchise inner-town first schools.

Although the County Council would like to apply the policy to all developments, the additional administrative burden would not be justified by the amount of contributions received. Also, there are concerns from the district councils, as local planning authorities, that it would not be possible to meet the necessary timescales for planning decisions if the number of S106 agreements was increased.

There is still scope for developments of five dwellings or more in 'inner-town' areas through windfall sites, in-filling etc

**Recommendation: No change to SPD**

**Question 5**

Do you agree with the criteria for determining eligible schools, as provided under Section 6? Eligible schools are those whose catchment area includes the development and which meet the surplus place criteria in the charging schedule.

Yes	21
No	13
Did not answer	14

Comments	Worcestershire County Council Comments and Recommendations
<b>Topic: Early Years and Other Community Provision</b>	
1 respondent commented on contributions for early years and other community provision	<p>District Councils will negotiate Section 106 contributions for community buildings other than schools if they feel it appropriate.</p> <p><b>Recommendation: No change to SPD</b></p>
<b>Topic: Eligible Schools</b>	
5 respondents commented that the distances in miles to schools needs to be increased, particularly in rural areas, as parents can choose to drive their children a number of miles to schools and some villages may be more than 3 miles from the local school.	<p>Contributions will be sought for the catchment schools serving a development regardless of their distance from it.</p> <p>Distance criteria only apply to Voluntary Aided schools that do not have a separate and distinct catchment area in order to ensure that contributions are allocated to schools directly affected by the development.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>3 respondents commented that consideration should be given to the number of out of area children attending a school to reflect the popularity of successful schools.</p>	<p>The success of a school will be reflected in the number of surplus places, which is a factor in the calculation of the contribution. A school will only qualify for a contribution from developments within its catchment area. It would be unreasonable to expect a contribution from housing developments in another school's catchment area.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>2 respondents commented that priority should be given to the 'local' school in the parish - then other schools in the rest of the pyramid should be considered.</p>	<p>Disagree. Priority should be given to the most effective use of the contribution in improving education facilities for children of all phases who reside in the catchment area. This may be at the secondary phase school that serves the development.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Agree with schools in catchment area but feel there are other considerations which should be taken into account other than surplus places. A wider picture should inform decisions about expanding schools, not a narrow view.</p>	<p>Requests for contributions have to meet the five tests of reasonableness laid down in Planning Circular 05/2005. The County Council feels that numbers of surplus places is the best measure of need for education contributions.</p> <p>Negotiation will take place for developments of 100 dwellings or more, which gives scope to take account of site-specific factors.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>A calculation which depends on a very small variation in the number of vacancies at the time of preparation of the school roll in January is a nonsense. This could be made void by one family moving from one school area to another.</p>	<p>The movement of families from one area to another is a common occurrence but is only reflected in firm data in the annual School Census conducted in January.</p> <p>In order to be fair and reasonable the County Council has decided to publish figures once a year in April. These figures are then applied to any applications submitted in the following financial year. Charges are agreed before planning permission is given and most developers would ensure they were able to get planning permission before agreeing a purchase price.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>1 respondent commented that the proposals based on identifying where there is spare capacity in schools and targeting the money to provide extra facilities to the schools which are already full are sound.</p>	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>

**Question 6**

Do you feel that the housing types and tenures proposed for exemption are the correct ones? If not, please specify why. Exemptions comprise affordable housing, one bedroom dwellings and specialist housing for the elderly or people with disabilities.

Yes	24
No	8
Did not answer	16

Comments	Worcestershire County Council Comments and Recommendations
<b>Topic: Exemptions</b>	
9 respondents felt that social housing should not be exempt from the tariff as it will also generate children.	<p>Disagree. It is not reasonable to expect housing developers to provide an education contribution in addition to a subsidy for social housing, which is required by the district councils. In many circumstances social housing does not bring in extra children to the area.</p> <p><b>Recommendation: No change to SPD</b></p>
3 respondents commented that the proposed exemptions are considered reasonable.	<p>Noted</p> <p><b>Recommendation: No change to SPD</b></p>
A development of small bungalows aimed at elderly couples is no more likely to render additional places necessary than one bedroom dwellings. Once you set payment criteria you facilitate injustice.	<p>All one bedroom dwellings and all housing specifically designated for elderly people are exempt under the proposed policy as the County Council recognises that they are very unlikely to generate additional pupils.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>1 respondent suggested that paragraph 7.2 should explicitly state that shared ownership will also be exempt.</p>	<p>Shared ownership will only be exempt to the extent that it accords with the definition of "Intermediate affordable housing" as defined in Annex B of Planning Policy Statement 3 (PPS3) Housing.</p> <p><b>Recommendation: Amend paragraph 7.1 to refer to intermediate affordable housing to reflect the wording in the final version of PPS3.</b></p> <p><b>Recommendation: Amend footnotes 1 and 2 to paragraph 7.1 of the SPD to reflect the definitions in PPS3.</b></p>
<p>People have been known to produce children when living in flats, or even small houses when the huge escalation in house prices will exacerbate the situation.</p>	<p>Noted.</p> <p>The weightings and exemptions are based on existing data. Should there be changes in the number of children living in smaller houses and flats this will be reflected in the next census which will be used to inform policy post 2013.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>A clearer definition is required as to what constitutes a flat that is included in the assessment of a requirement. It is assumed that a one bedroomed flat would be treated as a one bedroomed dwelling (therefore not requiring a contribution) but this is not made clear in the report.</p>	<p>Building Regulations 2000 (SI 2000 no.2531) give the following definition: "A flat is a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally."</p> <p><b>Recommendation:</b>  <b>Add a footnote to Section 4.3 to include the definition of a flat.</b>  <b>Amend paragraph 7.2 to clarify that one bedroom flats will be exempt from any charge.</b></p>

There were two separate questions in the Citizens' Panel relating to exemptions to S106 charging policy. The first asked whether the exemption for affordable housing was fair. It should be noted that respondents to the Citizens' Panel, unlike the recipients of consultation packs, were not given a definition of affordable housing so the question was open to personal interpretation. The results are shown in the table below:

To what extent do you agree or disagree with the following statement "The exemption for affordable housing is fair"?								
Response	Number	Proportion	Response	Number	Proportion	Response	Number	Proportion
Strongly Agree	173	14%	Neither Agree or Disagree	186	15%	Disagree	268	22%
Agree	381	31%	Not Sure / Don't Know	82	7%	Strongly Disagree	100	8%
			Not Answered	30	2%			

24% of respondents, nearly half, either did not answer, or did not know or could not agree or disagree. 45% agreed or strongly agreed whilst 30% disagreed or strongly disagreed that affordable housing should be exempt. There were 16 comments to the effect that affordable housing should be included as there would be children moving in to these dwellings. The other question in the Citizens' Panel related to the exemption for specialist housing and one bedroom homes. The results are shown in the table below.

To what extent do you agree or disagree with the following statement "The exemption for specialist housing and one bedroom homes is fair"?								
Response	Number	Proportion	Response	Number	Proportion	Response	Number	Proportion
Strongly Agree	197	16%	Neither Agree or Disagree	187	15%	Disagree	177	15%
Agree	489	40%	Not Sure / Don't Know	90	7%	Strongly Disagree	56	5%
			Not Answered	25	2%			

Over half of the respondents, 56%, agreed or strongly agreed that the exemption for specialist and one bedroom homes was fair whilst 20% disagreed or strongly disagreed. The remaining 24% did not come to a definite view one way or the other.

### Question 7

Do you agree with the procedure for agreement and payment of contributions, as proposed at Section 8? If not, please specify any reasons. Section 8 specified that payments would be due at the commencement of small developments (less than 10 dwellings) and after a third of the homes were completed for larger developments. Monies would be held by Worcestershire County Council. An administration charge would also be imposed.

Yes	27
No	7
Did not answer	14

Comments	Worcestershire County Council Comments and Recommendations
<b>Topic: Other Methods of Calculating Contributions</b>	
1 respondent suggested that the level of contribution could be based on a percentage of the profits made from sale of the properties on a development.	The profits from the sales are not known.  <b>Recommendation: No change to SPD</b>
<b>Topic: Other Comments</b>	
If the system is to be introduced at 8.2 I would substitute 'require' for 'seek'.	Disagree. Current wording is clear and has not caused problems in operation of existing policy.  <b>Recommendation: No change to SPD</b>
1 respondent commented that County Council officers should be prepared to discuss and negotiate requirements at pre-application stage. It is fundamental that the County Council should be party to any agreements and have a direct relationship with the payer of any contributions.	It has been the practice of the County Council to enter into discussions on education contributions as early as possible but the onus is on District Councils, as planning authorities, or developers to alert the County Council of the possible development.  <b>Recommendation: No change to SPD</b>

<b>Topic: Payment of Contributions</b>	
1 respondent suggested that payments should only be made when the dwellings are occupied.	<p>The County Council will only seek payment on commencement of the development for small developments of less than 10 dwellings. This reflects current practice, which has been operating successfully since 2003.</p> <p><b>Recommendation: No change to SPD</b></p>
2 respondents commented that the Borough / City / District Council should not be involved in the transfer of contributions to the County Council.	<p>Agreed. It is the preference of the County Council to have all education contributions paid directly to the County Council.</p> <p><b>Recommendation: Amend paragraph 8.3 to: Monies from Section 106 Education contributions should be sent directly to Worcestershire County Council.</b></p>
In all cases the value of any developer contribution and the timing for its payments should be the subject of negotiation between the County Council and the developer. This should be specifically referenced in section 8. In particular paragraph 8.2 should be amended to introduce an element of flexibility regarding the timing of developer contributions.	<p>Phasing of payments on developments of 100 dwellings or more will be subject to negotiation. Smaller developments will be subject to the tariff and payment conditions set out in the SPD to provide certainty for developers.</p> <p><b>Recommendation: No change to SPD</b></p>
<b>Topic: Administrative Charge</b>	
5 respondents commented that administrative charges should not be made.	<p>In administering Section 106 contributions the councils have incurred considerable extra costs, which are not covered by any part of the formula spending share from central government. The administrative charge is proportional to the Section 106 contribution, which is related to the scale and type of development. It is capped at £1,000.</p> <p><b>Recommendation: No change to SPD</b></p>

### Question 8

Do you consider the proposed methods for disbursement of monies, as described at Section 9, to be appropriate? If not, please give your reasons. This Section stated that the County Council would spend the money on capital projects at the eligible schools, or a Voluntary Aided school close to the development, including school based early years, extended schools, youth or specialist facilities.

Yes	24
No	10
Did not answer	14

Comments	Worcestershire County Council Comments and Recommendations
<b>Topic: Expenditure on Other Community Provision</b>	
1 respondent suggested that contributions could be allocated to other educational and community provision such as private playgroups and nurseries	<p>District Councils will negotiate Section 106 contributions for community buildings other than schools if they feel it appropriate</p> <p><b>Recommendation: No change to SPD</b></p>
<b>Topic: Process for Allocation of Contributions</b>	
4 respondents raised comments on the mechanism for notifying schools that Section 106 contributions were available and for allocating the contributions to projects. There were some suggestions that other bodies should have responsibility for allocating the contributions or be consulted on the allocation e.g. school governing bodies, parish councils etc.	<p>The County Council feels that, as the body with responsibility for overseeing education provision in Worcestershire, it is important that it retains control over where contributions are allocated so that they are used in the most efficient and effective way possible.</p> <p>Schools governing bodies have a responsibility to ensure that their Asset Management Plans are up to date and able to inform decisions on disbursement of contributions.</p> <p>The County Council will be reviewing its internal allocation procedures in light of the revised Supplementary Planning Document but is not recommending any change to the SPD.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>4 respondents suggested that schools' Asset Management Plans should involve more local people e.g parish councils</p>	<p>The production of the Asset Management Plan is the responsibility of the governing body, which would usually include representatives from the local community and other interested groups.</p> <p>The County Council will be reviewing its allocation procedures in light of the revised Supplementary Planning Document but is not recommending any change to the SPD.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>3 respondents commented that contributions should be spent as soon as possible to provide the identified additional education facilities. 1 respondent went on to say that contributions should be spent within 3 years, not 10 years as stated in the proposed SPD. A maximum of 5 years was also suggested unless a longer period was agreed on larger sites.</p>	<p>The emerging standard agreement is for 10 years. Contributions are spent as soon as practicable. The County Council will require time from the receipt of the contribution to plan and implement the necessary schemes to improve education facilities in the identified schools.</p> <p>In the case of small developments, it may be appropriate to pool several contributions to make best use of the funds which will require the County Council to hold the funds for some time</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Agree with schools in catchment area but feel there are other considerations which should be taken into account other than surplus places.</p>	<p>Disbursement of contributions is based on the schools designated in the Section 106 agreement and the priorities identified in those schools' Asset Management Plans.</p> <p>The County Council will be reviewing its allocation procedures in light of the revised Supplementary Planning Document but is not recommending any change to the SPD.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>2 respondents stated that the proposed SPD is clear in the manner of assessing S106 contributions but somewhat less clear in distribution regarding Voluntary Aided schools.</p>	<p>Some Voluntary Aided schools, particularly those whose admission policies give priority to worship at a particular church, are difficult to fit into the framework of Section 106 as it is difficult to demonstrate the direct impact of specific developments on numbers. There is also the possibility that children from a local development could be given lower priority for admission than children living some distance away. It is suggested that such VA schools be possible beneficiaries under the revised policy, where they fall within the prescribed distances stated in the draft SPDs and are under pressure, but that they will not form part of the calculation.</p> <p><b>Recommendation: amend paragraph 8.14 to read:</b></p> <p><b>“Contributions may also be spent on Voluntary Aided schools (usually faith schools) which operate admission criteria not based primarily on a geographical catchment area provided they...”</b></p> <p><b>Move revised paragraph 8.14 to section on Disbursement of Monies between paragraphs 8.21 and 8.22.</b></p>
<p>Approach needs to be more strategic- redeveloping a school with modern facilities much better than bolt-on arrangements.</p>	<p>Contributions requested must be related to individual developments and their impact on the local infrastructure. Contributions will be pooled where it is felt that this is a more effective way of improving education provision at particular schools.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>All contributions should be spent only on the facilities which justified them. This should be specified in the S106. If it transpires that the said facilities are not needed to the extent previously assumed, unspent contributions should be returned with interest.</p>	<p>Education contributions will only be spent on those schools specifically mentioned in the Section 106 agreement – usually the designated catchment area schools.</p> <p>Any unspent contributions will be returned in accordance with the terms specified in the agreement.</p> <p><b>Recommendation: No change to SPD</b></p>
<p><b>Topic: Use of Contributions on Capital Projects</b></p>	
<p>1 respondent felt that contributions should not be limited to capital projects as there are many cases where improving facilities in existing buildings would be of great benefit.</p>	<p>There seems to be some misunderstanding about what constitutes capital expenditure. Any works involving expansion, rebuilding or refurbishment of existing school premises would be classed as capital expenditure.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>5 respondents felt that the County Council should consider using contributions to provide temporary accommodation either to alleviate short term need or as a precursor to permanent development.</p>	<p>The use of the phrase Capital expenditure is that defined by the Chartered Institute of Public Finance and Accountability (CIPFA) in their Code of Practice on Local Authority Accounting in Great Britain. This defines it as the acquisition, construction, preparation, enhancement, replacement or demolition of any building or part of a building. Enhancement is defined as to increase substantially the extent to which the asset can or will be used for the purposes of or in connection with the school concerned.</p> <p>Examples of Capital work include: re-roofing of buildings, installation of central heating or double glazing or enlarging facilities so that they can be used by more people.</p>

	<p>Funding from Section 106 would not normally be used to purchase temporary accommodation in support of basic need. Temporary accommodation may be used as an interim measure in support of a permanent build solution.</p> <p><b>Recommendation: No change to SPD</b></p>
<b>Topic: Monitoring of Expenditure</b>	
<p>We would welcome monitoring of disbursement to provide evidence of amounts which were distributed to schools, extended schools, and youth work.</p>	<p>Noted. The County Council will continue to produce regular reports on income and expenditure of education contributions.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Will the split between two local authorities in collecting monies and other requirements under a planning agreement issued by the Local Planning Authority lead to legal and administrative difficulties? E.g. are monies to be paid prior to application approval? If not, in the event of a default, who pursues the matter etc.</p>	<p>The County Council recommends that protocols on the operation of S106 Education SPDs be drawn up between the District Councils and County Council to place the current close working arrangements on a more formal footing.</p> <p><b>Recommendation: No change to SPD. County Council to work with District Councils to draw up procedures for implementing policy.</b></p>

<b>Topic: Interest on Unspent Contributions Returned to Developer</b>	
<p>4 responses (1 respondent) commented that the interest rate on returned contributions should be bank base rate, compounded monthly.</p>	<p>There is no legal obligation in either the 1990 Town &amp; Country Planning Act or the 1991 Planning &amp; Compensation Act for the Local Authority to add interest to refunded S106 contributions. Planning Circular 05/05 is ambivalent on the issue although the draft model agreement does contain clauses pertaining to the repayment of interest. It has been the norm for Worcestershire CC to refund contributions at 1% below base rate as the Council accepted that it had gained a benefit from holding the money. The 1% reduction covers the administration costs incurred in managing the deposit.</p> <p><b>Recommendation: No change to SPD</b></p>

11 comments from respondents to the Citizens' Panel survey indicated that they felt unspent monies should be diverted to other infrastructure or education facilities rather than being returned to the developer. This suggestion would fail the test of reasonableness that S106 contributions have to be spent as stated in the agreement and must be directly related to the development.

**Question 9**

Do you agree with the predicted effects on sustainability arising from the draft SPD, as detailed in the Sustainability Appraisal Report? If not, please give your reasons.

Yes	21
No	6
Did not answer	21

Comments	Worcestershire County Council Comments and Recommendations
<b>Topic: Sustainability Appraisal (SA)</b>	
Re Appendix 2 of the draft SA (which lists appropriate reference documents), suggest inclusion of Active People Survey Dec 2006	<p>The Active People Survey 2006 is not considered to contain sustainability issues relevant to the SPD.</p> <p><b>Recommendation: No change to SPD or SA</b></p>
Sustainability objectives 1, 7, 8, 10, 13 & 16 (environmental and social objectives) should be assisted by developer contributions, particularly since our school is in a rural environment	<p>The purpose of the SPD is to seek developers' contributions solely for the provision of education facilities. These SA objectives are not considered to have a positive effect on the stated aims of the Education SPD. The SA objectives referred to may be pursued by developers' contributions for other purposes, for example for the provision of affordable housing, which are outside the scope of this SPD.</p> <p><b>Recommendation: No change to SPD or SA</b></p>
The chart on page 9 (Sustainability Appraisal Matrix) shows what a waste of effort the SA is.	<p>Although the nature of this SPD does not readily lend itself to an SA, it is Government policy that an SA should be undertaken on all SPDs.</p> <p><b>Recommendation: No change to SPD or SA</b></p>

<p>Comments relate to 'SPD Draft Education Contributions Sustainability Appraisal page 9. I agree with objectives but do not follow how it will effect objective 5 (Community Participation in Decisions) . It will have limited effect on 9. May I suggest it could have a similar limited effect on 12 (Health Inequalities).</p>	<p>Objective 5 will be achieved through the public participation exercises that have been carried out on the Draft SPD, The overall effect of the SPD on sustainability objectives 9 and 12 are difficult to predict. The Sustainability Matrix highlights only those overall linkages where they are considered to be clear.</p> <p><b>Recommendation: No change to SPD or SA</b></p>
<p>The scoring of table 1, impact of SPD on selected sustainability objectives, is totally spurious and does not give credance.</p>	<p>Disagree. It is considered that Appendix 2 of the SA provides the rationale for the scoring of Table1.</p> <p><b>Recommendation: No change to SPD or SA</b></p>
<p>We note that there is no mention of the need to reduce flood risk in the context of sustainable development as advised in Planning Policy Statement (PPS)1 and PPS25.</p> <p>Objectives in the SA matrix should be amended to include the need to reduce the risk of flooding in new educational development (both to the educational facilities and to third parties off site). The risk of flooding should be assessed using the sequential test and if then necessary, an FRA, as advised in PPS25. The use of SUDS should be promoted as part of this approach.</p>	<p>Agree.</p> <p><b>Recommendation that the SA be amended accordingly:</b></p> <p><b>New SA objective: Ensure development does not occur in high-risk flood prone areas and does not adversely contribute to fluvial flood risks or contribute to surface water flooding in all other areas</b></p>
<p>The draft SA is simplistic in its approach, and appears to be a very unsatisfactory and unwieldy tool for this sort of application. It is difficult to see how meaningful conclusions can be drawn about the proposed change in education contributions policy.</p>	<p>The SPD does not readily lend itself to a SA. However as it is government policy to produce an SA, this has been carried out. Agree that it is difficult to draw meaningful conclusions on what is essentially a policy to seek developers contributions and not on how and where the contributions will be used. The findings of the SA should be seen in this context.</p> <p><b>Recommendation: No change to SPD or SA</b></p>

### Other Comments

Including comments from Question 10 of the response form and other non-specific comments from respondents who did not use the response form.

Comments	Worcestershire County Council Comments and Recommendations
<b>Topic: Process for Allocation of Contributions</b>	
2 respondents commented on raising contributions for other provision such as village halls and youth centres	Funding for village halls and privately owned meeting places is the responsibility of other organisations.  <b>Recommendation: No change to SPD</b>
What are the timelines for the enlarging of schools in line with developments?	Money has to be allocated within a timeframe agreed at the time the Section 106 agreement is completed. This would normally be ten years from the date of receipt of the contribution.  <b>Recommendation: No change to SPD</b>

<p>I am concerned at the lack of involvement of the local community in decisions as to where in the pyramid monies will be spent. It appears that income is used to fund existing projects rather than specific issued arising from individual developments, leading to the contribution becoming a stealth tax rather than a contribution to solve problems created by development.</p>	<p>The County Council feels that, as the body with responsibility for overseeing education provision in Worcestershire, it is important that it retains control over where contributions are allocated so that they are used in the most efficient and effective way possible.</p> <p>Schools governing bodies have a responsibility to ensure that their Asset Management Plans are up to date and able to inform decisions on disbursement of contributions.</p> <p>The County Council will be reviewing its internal allocation procedures in light of the revised Supplementary Planning Document but is not recommending any change to the SPD.</p> <p><b>Recommendation: No change to SPD</b></p>
<p><b>Topic: SPD Consultation Process</b></p>	
<p>I have responded on behalf of the governing body, however time pressure has meant that I have not been able to consult with other governors. My responses here are based on the interests of the school and a brief examination of the information enclosed.</p>	<p>The statutory consultation period on the proposed Supplementary Planning Document was six weeks.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Whilst accepting the statutory requirements of the day and the responsibility cascade policies of central government - this is still a gargantuan bureacratic exercise requiring response - if you are lucky!! - from many agencies who will respond in an appropriate manner on a case by case basis at the relevant time. The cost of all this paperwork also cascades down - I consider this to be a waste of resources.</p>	<p>Noted</p> <p>The District Councils are bound to meet the statutory regulations for consultation on Supplementary Planning Documents.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>Why are Wyre Forest and Bromsgrove District Councils not included in the consultation?</p>	<p>Wyre Forest District Council has conducted a separate consultation on a generic planning obligations policy, which includes a section on education contributions based on the same principles as the proposed policies for Malvern Hills District Council, Wychavon District Council, Redditch Borough Council and Worcester City Council.</p> <p>Bromsgrove District Council (DC) has not included the preparation of an Education Contributions SPD in its current statement of the planning documents it intends to produce. This is necessary before work can commence on an SPD. The County Council has requested that Bromsgrove DC agree to produce a similar SPD to those in the other districts and hopefully this will be agreed to by the District Council.</p> <p><b>Recommendation: No change to SPD</b></p>
<p><b>Topic: Regional Spatial Strategy</b></p>	
<p>The draft SPD contains no acknowledgement of the possible significant impact of the forthcoming revision of the Regional Spatial Strategy on the requirement for new houses and schools in Wychavon district. If these are mainly family homes and central government grants for education continue to be below the national average, then developer contributions for new schools will need to be much higher than those generated by the proposals in the draft SPD.</p>	<p>Disagree. The Supplementary Planning Document will be applied to any and all housing developments that meet the criteria. It would be unreasonable to expect developers to make up the perceived shortfall in central government funding.</p> <p>Significant housing developments of 100 dwellings or more will be subject to individual negotiations at the time the planning application is submitted.</p> <p><b>Recommendation: No change to SPD</b></p>

<b>Topic: Miscellaneous Comments</b>	
<p>The County Council needs to decide whether it is trying to deliver education or social services through its schools and develop a strategic policy accordingly. At the moment it is a haphazard mess. Many schools need a complete rebuild. S106 monies should be directed here first. Codge extensions and improvements are not a sustainable answer.</p>	<p>Any authority tasked with expenditure of Section 106 contributions is obliged to respect Planning Circular 05/05 which guides policy. S106 Education Contributions must be spent on facilities that will serve the housing development from which they were raised.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>I have a feeling that this system has been wished on you by a government more interested in stealth taxes than an efficient working system. I have not found it possible to restrict my comments to a system which replaces clarity with increased administration costs, is unfair and in my opinion profoundly floored. (sic)</p>	<p>Section 106 planning obligations have been part of legislation since 1990. The government has recently conducted a consultation into replacing Section 106 with a development uplift tax but possible changes in legislation are not expected in the near future.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Is this funding additional or part of the normal County Council expenditure budget?</p>	<p>Any contributions received from planning obligations are in addition to the normal County Council funding.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>Householders already make a contribution to education both through general taxation and council tax, which will be increased by new development. This is just an additional levy to increase general local authority income with little correlation to actual need of schools.</p>	<p>Disagree. The need for additional education infrastructure is reflected in circular 05/2005 and the proposed Supplementary Planning Documents.</p> <p><b>Recommendation: No change to SPD</b></p>

<p>1 respondent stated that contributions are likely to increase house prices.</p>	<p>There is no evidence that planning obligations increase the price of housing. Such costs will usually be met by depressing the purchase price of the land.</p> <p><b>Recommendation: No change to SPD</b></p>
<p>I believe it would be appropriate for paragraph 1.3 to also refer to unilateral undertaking.</p>	<p><b>Recommendation: amend paragraph 1.3 to read:</b></p> <p><b>Planning obligations include “Section 106 Agreements” and “Unilateral Undertakings” authorised by Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991, Section 12. Section 106 agreements are negotiated between the local planning authority and the developer, usually in the context of planning applications, intended to make acceptable development which would otherwise be unacceptable in planning terms. In the context of this Supplementary Planning Document (SPD), the use of a planning obligation is to mitigate, or compensate for, a development’s impact on school capacity to accommodate local pupils.”</b></p>
<p>Paragraph 1.3 - it would be helpful to state here that the use of a planning obligation is to mitigate, or compensate for, a development's impact on school capacity, i.e. where the pupils generated by the development cannot be accommodated within existing schools without capital investment.</p>	<p>Disagree. The suggested wording is taken from the current Supplementary Planning Guidance, which has operated satisfactorily since 2003</p> <p><b>Recommendation: No change to SPD</b></p>

<b>Topic: Improving School Standards</b>	
<p>There are many reasons for schools at present having surplus places e.g. they may be seen to be a failing school or one where facilities are not of the highest standard therefore most in need of the investment that might come with an education contribution. This system would further prejudice their chances of raising their standards. It could be seen as being socially inequitable, and a contradiction of present government policy of encouraging parental choice assuming all schools have the same opportunity.</p>	<p>It is not the role of Section 106 contributions to improve standards in schools. Their role is to provide additional infrastructure required by housing developments. Other sources of funding and support are available to schools looking to improve their facilities and raise standards.</p> <p><b>Recommendation: No change to SPD</b></p>

## Summary of Recommendations

- **Paragraph 1.3** (Definition of Planning Obligations) - Amend to read:

Planning obligations include “Section 106 Agreements” and “Unilateral Undertakings” authorised by Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991, Section 12. Section 106 agreements are negotiated between the local planning authority and the developer, usually in the context of planning applications, intended to make acceptable development which would otherwise be unacceptable in planning terms. In the context of this Supplementary Planning Document (SPD), the use of a planning obligation is to mitigate, or compensate for, a development’s impact on school capacity to accommodate local pupils.”

- **Paragraph 4.3**(Discount for flats) - Add footnote to include the definition of a flat as follows:

Building Regulations 2000 (SI 2000 no.2531) give the following definition: "A flat is a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally."

- **Paragraph 5.2** (Threshold size of development) - Amend to read:

In general, no charge will be sought for developments of 4 or fewer dwellings. However, the City Council will also take into account the full extent of the site area and neighbouring sites, to ensure that housing sites are not developed in a piecemeal fashion in order to keep below the threshold for payment of planning obligations for education provision. Conditions may be attached to permissions for housing sites that fall below the threshold if they form part of a larger scheme on the site.

- **Paragraph 7.1** (Definition of Affordable Housing) - Amend to refer to intermediate affordable housing to reflect the wording in the final version of Planning Policy Statement 3 (PPS3).
- **Paragraph 7.1** - Amend footnotes 1 and 2 to paragraph 7.1 of the SPD to reflect the definitions in PPS3.
- **Paragraph 7.2** (Exempt Dwelling Types)- Amend to clarify that one bedroom flats will be exempt from any charge.
- **Paragraph 8.14** – (Extension to allow moneys to be disbursed on Voluntary Aided Schools) Amend to read: “Contributions may also be spent on Voluntary Aided schools (usually faith schools) which operate admission criteria not based primarily on a geographical catchment area provided they...”
- **Paragraph 8.14** - Move revised paragraph 8.14 to section on Disbursement of Monies between paragraphs 8.21 and 8.22.

- **Paragraph 8.3** - Amend to:

Monies from Section 106 Education contributions should be sent directly to Worcestershire County Council.

- **Sustainability Appraisal** - New SA objective:

Ensure development does not occur in high-risk flood prone areas and does not adversely contribute to fluvial flood risks or contribute to surface water flooding in all other areas.

- Justifications for underlying figures to be produced as supporting evidence to SPD.
- County Council to work with District Councils to draw up procedures for implementing policy.

### **Further Information**

Further information and the documents listed below can be obtained from Worcester City Council, Planning Department, or the Schools Information & Planning Section, Worcestershire County Council, tel:01905 766278

1. Worcester City Council.  
S106 Planning Obligations for the Provision of Education Facilities – Draft for Consultation  
November 2006
2. Worcester City Council  
S106 Planning Obligations for the Provision of Education Facilities – Sustainability Appraisal – Draft for Consultation  
November 2006

Appendix: Respondents to the Consultation

Brookend Residents Association 3 Brookend Lane Kempsey WORCESTER WR5 5LA	Bob Sharples Sport England 5th Floor No 3 Broadway Five Ways BIRMINGHAM B15 1BQ
Mr C A Thompson 1 Evendine Close WORCESTER WR5 2DB	Hallam Land Management c/o Alasdair Jones Stoneleigh Planning Kinglsey House 63 Holly Walk LEAMINGTON SPA CV32 4JG
SJS Property Management Limited c/o Martin Friend Vincent And Gorbing Planning Associates Ltd Sterling Court Norton Road STEVENAGE SG1 2JY	John Tredwell Principal Worcester Sixth Form College Spetchley Road WORCESTER WR5 2LU
Ian Imray Chairman Of Governors Blessed Edward Oldcorne Catholic College Timberdine Avenue WORCESTER WR5 2XD	Rev David Morphy Worcester Diocese Board Of Education Old Palace Deansway WORCESTER WR1 2JE
Mrs H Taylor Inkberrow First School Inkberrow WORCESTER WR7 4HH	Hilary Berry Environment Agency
Jan Kinsman Efm 5 Abbots Rise Standstead Abbots WARE WR9 2NP	Amanda Smith English Heritage

Taylor Woodrow Developments  
c/o Simon Hawley  
Barton Willmore Planning Partnership  
Midlands  
Corner Oak  
1 Homer Road  
SOLIHULL  
B91 3QG

Max Whitehead  
Bloor Homes  
Ashby Road  
Measham  
SWADLINCOTE  
DE12 7JP

West Midlands Planning Consortium  
c/o Rachel Lim  
Tetlow King Planning  
Unit 2  
Eclipse Office Park  
Staple Hill  
BRISTOL  
BS16 5EL

Haydn Jones, Principal Planner  
Pegasus Planning Group  
5 The Priors  
Old London Road  
Canwell  
SUTTON COLDFIELD  
B75 5SH

Responses were also received from English Heritage and The Environment Agency.

This information is available in large print, Braille, PC disc, CD-ROM or DVD, and audio tape on request.  
Call 01905 722 230 or minicom (text telephone) 01905 722 156 for your copy.

Need help with English? Contact Ethnic Access on 01905 25121.

Bengali

ইংরেজি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোনঃ 01905 25121

Chinese (Cantonese)

“如需我們幫助你理解英文—聯繫 Ethnic Access（少數民族服務獲取組），電話：01905 25121 ”

Portuguese

‘Necessita de ajuda com o seu Inglês? – contacte Ethnic Access Tel.: 01905 25121’

Punjabi

ਮੰਗੀ ਵਾਸਤੇ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ - ਟੈਲੀਫੋਨ ਨੰਬਰ 01905 25121 'ਤੇ ਮੈਥਨਿਕ ਮੈਕਸੈਸ [Ethnic Access] ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Urdu

آپ انگریزی میں مدد چاہتے ہیں— نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں ٹیلیفون: 01905 25121

## Worcester Local Development Framework (LDF)

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