

Response to Consultation on Draft Education Planning Obligations Policy 7 May – 18 June 2019

Log of Responses	Response to Key Changes								Main Points / Other Comments	
Organisation/How involved in consultation	· Pupil Yield Methodology	· Early Years Provision	· Exemptions from Education Contributions	· Calculation of Financial Contributions	· Special Education Needs and Disability Provision	· Other/Further Comments	· Did you have sufficient Information	· What additional Information is required	· Are you happy to be contacted	
District Council						x				<ul style="list-style-type: none"> •XXXX have considered WCC's responses and changes to the document and see no further need to comment.
Other	x			x	x	x			x	<ul style="list-style-type: none"> •Para 2.19 The word anticipate needs a "d" adding to the end to read "anticipated." •Para 5.4 This paragraph includes the first use of pupil product ratio it is then introduced as an acronym is para 5.6 it should be introduced here. There is also inconsistent use of capital letters between the two. •Para 2.4 Working with the parish councils on CIL is normally considered the responsibility of the district councils. It may be best to amend the text to read, "Worcestershire County Council in partnership with the district councils will..." •Para 2.8 The National Planning Policy Framework (NPPF) is now dated 2019 as it was amended in February 2019. •Para 2.10 references paragraph 55 of NPPF this paragraph concerns conditions it should reference paragraph 54. NPPF should be dated 2019. •Para 2.13 Final two sentences should be amended to read, "The Ministry of Housing, Communities and Local Government (MHCLG) completed a consultation on 31st January 2019. This document currently proposes the removal of the pooling restriction on planning obligations. The implementation date has now been set for 1st September 2019. Worcestershire

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										<p>County Council will follow these revised regulations from this date."</p> <ul style="list-style-type: none"> •Para 5.5 Amend first sentence to read, " In line with the current National Planning Practice Guidance Para 23, education contributions will not be sought on developments of fewer than 10 dwellings." •Para 5.6 A more detailed methodology needs to be prepared ready for future challenges as the document is light on how the pupil product ratio is arrived at. Essentially, we have jumped up and not fully explained how? •Para 5.21 Suggested improvement modify last sentence to read, "If this initial assessment suggests that there are insufficient places to accommodate the additional children likely to be generated by the development, whilst still maintaining the operational surplus, a more detailed assessment will take place." •Para 5.24 It would be good practice to footnote the government policy mentioned here. •Para 6.7 There is no certainty for developers and district councils as to when this will and will not be charged and it is then included in a worked example. As there is no threshold as to when this will be charged it lacks certainty and fairness. •Para 6.8 SEND places are 4 times the cost of normal place. An explanation as to why this cost is so high needs to be given or a footnote to explain how this arrived at. •"Para 6.10 Working Example. Amend Send Contribution to read, "SEND Contribution Primary". Amend plus to read, "SEND Contribution Secondary". •Para 7.1 A new primary school is suggested as required when we have 300 dwellings. This equates to 15 places on the new product ratio and means we will be building several schools a year. Surely this figure is 600? Is this because of the regulation 123 list and considering a school at 15 places? Please note the regulation 123 list will be abolished on the 1st September. •Para 8.5 The government education document suggested a minimum spend period of 10 years for contributions. This could be amended to reflect that position and footnoted.
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District Council		x	x	x		x			x	<ul style="list-style-type: none"> ● Education Planning Obligations Policy Paragraph 7.3 states that 'There should be an initial assumption that both land and funding for construction will be provided for new schools planned within housing developments. Paragraph 7.4 goes on to state that 'If a new school is required solely as a result of new housing, Worcestershire County Council will require the developer to fund all of the build and land costs. The build costs will be determined by a detailed feasibility of the proposed school site where possible or a generic site where not possible.' It is considered that to ensure that a site is viable contributions could be pooled from more than one developer from up to 5 housing development sites. The Government is considering lifting the limit of restricting the number of sites and therefore it may be that in the future, funding from a larger number of sites will be permitted. The total cumulative cost of all monies required by section 106 obligations should not be of a scale that will make development unviable. Viability testing is needed at an early stage in the process to ensure that a site is viable in order for development to proceed. ● Exceptions as shown at paragraph 6.12-6.14, when calculating the level of contributions required for education facilities these should also in addition to those listed include: ● Specialist housing for people with disabilities. ● It is considered that section 7.6 regarding pre-school place requirements should be linked to section 7.4 regarding new

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									<p>schools required as a result of new housing, the detail of which could be made clearer and clarified.</p> <ul style="list-style-type: none">• Early engagement for allocated site is encouraged so that any issues are resolved at an early stage in the Planning Policy process such as at Issues and Options stage or at Preferred Options. Viability testing should be carried out at an early stage in the plan making process to ensure that the site is viable in order that development may proceed. <p>The level of contribution per dwelling will be agreed at this stage. In respect of outline planning applications an amount per dwelling will be agreed with the developer, which will then allow a final contribution to be calculated at the detailed planning application stage.</p> <p>Planning Policy Guidance (PPG) states that Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage.</p> <p>It is accepted that for 'windfall' developments the Policy position will continue to apply.</p> <ul style="list-style-type: none">• It states that The Worcestershire Draft Education Planning Obligations Policy Consultation will be applicable to any applications submitted from 1st August 2019. The District Council have engaged with Worcestershire County Council regarding allocated sites in the Pre-Submission Publication Document which will be submitted to the Planning Inspectorate to be examined, therefore the planning applications for many of these sites will be submitted after 1st August 2019. It is considered that the sites as discussed should not at this late stage in the planning policy process be subject to additional criteria that could make them unviable. <p>It is unclear within the document as to threshold in which education contributions will be sought. As a threshold is not included in the exemptions, is a fair assumption that for all residential development of 2+ bedrooms a contribution would</p>
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										be required? It is considered that more clarity is needed in this respect.
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School		x			x	x			x	<ul style="list-style-type: none"> •VA schools like ours have our own admissions criteria where catchment area is not priority 1 will need to be considered. •Ratio's may wish to be considered in Early Years as well as floor area as local staffing makeup will determine how many children the workforce can legally supervise. •I hope that Special Schools would be considered for S106 on a case by case basis as when I applied in the past on behalf of a Special School, I was informed that Special Schools do not qualify for S106 funding. •I think that if a school is named to qualify for S106 it should be informed. Droitwich is full of housing development currently and I am not aware of our school being mentioned in any application.
School					x	x			x	<ul style="list-style-type: none"> •Special schools are already at capacity and our own Local Authority roll forecasting analysis is showing that numbers are going to be much higher than the capacities of the school without taking into account the additional housing. •The County cannot ignore the impact that housing will have on capacity issues in schools.
District Council			x						x	<ul style="list-style-type: none"> •To continue exempting 100% affordable housing developments from education contributions.

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Housing Association			x						x	<ul style="list-style-type: none"> • It is important that an exemption is made for RPs providing affordable housing. There are a number of reasons for this. 1) RPs meet the existing housing need in a Borough therefore there is no increased education needs stemming from developments of Affordable Housing and therefore no legitimate justification for imposing an educational charge on housing provided to meet the need of the existing community. 2) RPs receive public funding to provide affordable housing the funding is not intended to support Education Contributions which receives alternative support from the Treasury. To spend funding allocated for Housing on Education would be a misdirection of public funds. 3) There is a severe housing shortage in Worcestershire which directly impacts upon the most vulnerable communities in the County by taking Contributions for Education from RPs you would be directly reducing the ability of organisations to address this shortage. I would therefore kindly ask that you maintain the exemption from contributions for RPs.
Housing Group			x	x					x	<ul style="list-style-type: none"> • There has been an increase to the cost of each student's place. In particular there is a £2,625 increase for every primary and early years place. What is the basis for this increase? Previously the cost was increased by RPI, however the documents now suggest that "inflation" is the cause. Could you provide more detail on this if possible? • Also, there was previously a cost weighting applied to apartments or homes with 4 bedrooms or more (60% reduction or 50% increase respectively). Could you advise as to why these have been removed from the formula?