

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

9 June 2020

DEVELOPER CONTRIBUTIONS FOR EDUCATION

Report by the Corporate Director – Children and Young People’s Service

1.0 Purpose of Report

- 1.1 To report the outcome of public consultation on a revised policy for developer contributions for education.
- 1.2 To seek approval to implement the updated policy from 1 July 2020.

2.0 Executive Summary

2.1 In the light of changes to legislation and updated government guidance, the County Council has consulted on an updated policy for developer contributions for education. This includes the following proposals:

- Requesting Section 106 contributions for education across the County;
- Continuing to use our existing method for assessing whether a primary or secondary education contribution is required;
- Following DfE’s preferred cost per place (using national average costs published in DfE school place scorecards);
- Lowering the thresholds for seeking primary education contributions to 10 houses and for secondary education contributions to 25 houses;
- Introducing requests for contributions for Special Educational Needs and Disabilities (SEND) and Early Years for larger developments;
- Recommending the use of model clauses in Section 106 agreements for education contributions and for new education sites.

2.2 Further analysis has been carried out to compare North Yorkshire’s proposals for developer contributions with those of our nearest neighbour county councils, showing that the proposals would be comparable and the total cost per house would remain below the average for this group.

2.3 It is proposed to implement the updated policy from 1 July 2020.

3.0 Background

3.1 Local authorities can seek to negotiate a contribution from developers towards the cost of meeting infrastructure necessary to support their development. For education this means asking for a contribution towards the cost of extending or reconfiguring an existing school or setting, or building a new one.

3.2 Developer contributions are secured by means of conditions attached to a planning permission, either a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL).

- 3.3 A Section 106 agreement is a legal obligation by a person with an interest in the land and the local planning authority to mitigate the impacts of a development proposal. This can secure a contribution directly payable to the County Council for education (or direct provision of a school 'in kind') but the obligation must be:
- 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.
- 3.4 Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area and use to fund infrastructure.
- 3.5 Changes to the regulations governing Section 106 agreements and CIL were made in September 2019. Updated Government guidance documents set out how local authorities can best seek both funding for the construction of more school places and suitable land from developers:
- Ministry of Housing, Communities and Local Government (MHCLG), Planning practice guidance, 'Planning obligations' (September 2019);
 - Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019).
- 3.6 North Yorkshire's policy for developer contributions for education dates back to 1997 and uses historic DfE cost multipliers for primary and secondary provision which have remained unchanged since 2009. Based on this, several of the borough and district councils in North Yorkshire, as the Local Planning Authorities (LPA) for their areas, have produced supplementary planning documents or guidance on developer contributions for education as part of their Local Plans for development.
- 3.7 Some LPAs (Hambleton, Ryedale, Selby) have introduced CIL. The County Council has indicated its education infrastructure needs through Regulation 123 lists (now abolished), which listed the infrastructure intended to be funded through CIL in these districts, but there is no certainty that this funding will be made available from CIL as other projects and infrastructure may be given priority. This represents a potential shortfall in capital funding for the County Council.
- 3.8 Should the Executive approve the County Council's revised policy on developer contributions for education, it will be for each LPA to decide how and when they will seek to adopt this revised policy as part of their Local Plan. This revised policy aims to provide the justification and evidence for developer contributions for education that may be sought and will become a material consideration in determining planning applications but it cannot ensure that the County Council will be able to secure these obligations.
- 4.0 **Proposals**
- 4.1 In the light of the changes outlined above, we have consulted on a new draft County Council policy for developer contributions for education. The proposed policy is set out in Annex 1 with supporting appendices to the policy in Annex 2. This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:
- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years' provision;
 - when we will request contributions of land to provide sites for new or expanded schools.

- 4.2 The method of assessing whether a contribution is required will remain unchanged. The new guidance states that pupil yield factors should be based on up-to-date evidence from recent local housing developments. Recent analysis of housing developments across the County (set out in Annex 2, Appendices 2-3) provides evidence that our current yield rates are an accurate average, accepting that there are variations between sites.

Section 106 contributions

- 4.3 We propose to request Section 106 contributions for education across the County. This will also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 now allow Section 106 contributions to fund infrastructure also being partly funded by CIL. Where a Section 106 contribution for education is agreed to mitigate the impact of a specific development, the County Council will not request an education contribution from CIL revenues to mitigate the impact of the same development.

Contributions for primary and secondary provision

- 4.4 We propose to follow the DfE's preferred cost per place and use the national average costs for mainstream school places published annually in the DfE school places scorecards, adjusting national averages to reflect regional costs using Building Cost Information Service location factors.
- 4.5 We currently apply historic DfE cost multipliers which have remained unchanged since 2009. Applying the average cost for permanent expansions, derived from DfE school places scorecards, to North Yorkshire, would result in an increase in the cost of a primary place from £13,596 to £15,766 and a secondary place from £20,293 to £21,601.
- 4.6 Where a new school is required to mitigate the impact of the development, we will seek financial contributions using the average cost for a new school, derived from DfE school places scorecards, which are currently £18,630 for a primary place and £22,764 for a secondary place.
- 4.7 Thresholds for assessment currently vary across the County reflecting different policies in different LPAs:

	<u>Primary</u>	<u>Secondary</u>
Craven	15+(rural); 25+ (urban)	100+
Hambleton	CIL	CIL
Harrogate	25+	25+
Richmondshire	No threshold	No threshold
Ryedale	CIL	CIL
Scarborough	15+ (rural); 25+ (urban)	150+
Selby	CIL	CIL

- 4.8 Planning Obligations guidance sets a threshold of 10 houses for affordable housing contributions. We propose to lower the threshold (the minimum number of houses with two or more bedrooms) for which primary education contributions would be sought to 10 and for secondary education contributions to 25.

Contributions for special educational needs and disabilities (SEND) provision

- 4.9 Planning practice guidance and DfE guidance state that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

- 4.10 We propose to apply a yield of 0.01 per dwelling for SEND provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for special or alternative school places are set at four times the cost of mainstream places.

Contributions for early years provision

- 4.11 Planning practice guidance and DfE guidance state that requirements for education contributions should consider early years provision.
- 4.12 We propose to apply a yield of 0.05 per dwelling for early years provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for early years provision are set at the same rate as primary school provision.

Section 106 agreements

- 4.13 We propose to recommend the use of model clauses for education contributions and for new education sites in Section 106 agreements.

5.0 Consultation Undertaken & Analysis of Responses

- 5.1 Public consultation was undertaken from 19 February to 1 April 2020, and subsequently extended to 1 May, with LPAs, developers, schools and academies, town and parish councils, and other interested parties. This followed informal pre-consultation discussions with LPAs through the Development Plans Forum in September, Heads of Planning Meeting in January, and with individual authorities at district liaison meetings.
- 5.2 A consultation document was produced (Annex 3) to supplement the draft developer contributions policy and supporting appendices.
- 5.3 Written consultation responses were received from the following groups:

Consultee group	Number of responses
Parish/Town Councils	11
Borough/District Councils & National Park Authorities (LPAs)	7
Councillors	2
Developers	5
Schools	1
Other local authorities	1
Other organisations	2
Total responses received	29

- 5.4 The consultation responses are set out in Annex 4, together with comments on specific issues raised. The draft policy in Annex 1 contains minor amendments to wording (highlighted as tracked changes) in response to comments from consultees. The key issues arising from the consultation are set out below.

Incorporating the Developer Contributions Policy within Local Plans

- 5.5 The LPAs in North Yorkshire are at different stages of updating their Local Plans. They have also taken different approaches on how developer contributions for education have been included in their Local Plans, and this is reflected in their responses to the proposals.

- 5.6 One LPA has indicated that it may be acceptable to update the figures for the level of contributions required for primary and secondary places, without a full review of their Supplementary Planning Document, subject to taking legal advice on the matter. Several LPAs state that the changes in thresholds and new categories have the potential to impact on the viability of housing schemes, and the impact of these changes will have to be considered fully through the review and viability appraisal of the Local Plan. Several LPAs have raised the question of a viability assessment, which is discussed below.
- 5.7 The National Planning Policy Framework states policies in Local Plans should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. The Developer Contributions for Education Policy will provide an evidence base and response for the County Council to feed into Local Plan reviews.
- 5.8 It will be for each LPA to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.

Queries around cost per place

- 5.9 As highlighted in the consultation document (Annex 3), North Yorkshire currently applies the historic DfE cost multipliers which have remained unchanged since 2009. We propose to follow the DfE's preferred cost per place using the DfE school place scorecards, which will lead to cost increases (16% increase in the cost of primary expansions and 6% increase in the cost of secondary expansions). These cost increases compare with an increase in building cost inflation over the same period of between 25% and 40%. It should also be noted that the median price of a newly-built house in several districts (Selby, Craven, Ryedale) has increased by over 50%, and in Harrogate borough by more than 95%, in the same period.
- 5.10 The DfE questioned why the same SEND cost per place has been proposed for both expansions and new schools. They noted that a higher cost for a new SEND school would enable, for example, £91,056 to be charged per SEND place, for pupils over the age of 11. They also queried why the early years cost is the same for new provision as it is for expansions, as using the DfE guidance would allow the Authority to secure £18,630 per place compared to £15,766 from the approach suggested by the policy. Some other consultees also felt that the SEND cost per place was too low.
- 5.11 The choice to use the same cost per place for expansions and new schools, when calculating SEND and early years provision, was a deliberate choice in response to concerns over viability raised in pre-consultation discussions with officers in district councils. Placing a minimum threshold of 100 houses for these types of contributions also tries to limit the impact on smaller developments. It is also unlikely that the scale of individual housing allocations (or even related groups of housing allocations) in North Yorkshire would necessitate the need for a new special school. A new special school for 100 pupils would necessitate a housing development of 10,000 houses. The use of the same cost per place for expansions and new schools (in relation to SEND and early years) and higher thresholds than for primary and secondary, has been adopted by other councils including Worcestershire and Leicestershire.

Land for new schools

- 5.12 Four consultees raised the principle of land contributions, particularly where there was a desire to future-proof a school site for later potential expansion. As set out in the draft policy, National Planning Practice Guidance has an initial assumption that development will

provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development. (MHCLG, Planning Practice Guidance, Viability, paragraph 29). The DfE's recent guidance 'Securing developer contributions for education' (November 2019), states:

"While developers can only be expected to provide free land to meet the education need from their development, the allocation of additional land for education use within a development plan will make it more difficult for land owners to secure planning consent for alternative uses on that land, enabling you to acquire the site at an appropriate cost that reflects the site allocation. This ensures that land is reserved for education uses, and prevents such land being usurped by uses with a higher development value." (pp. 11-12)

- 5.13 Additional details on the preferred sizes of primary school has been added to the draft policy (Annex 1, p. 10). An updated education site suitability checklist will be produced with the assistance of the Property Service based on recent experience of securing sites in the County.

Assessments of viability

- 5.14 Responses from district councils raised concerns about the impact on the viability of schemes, and particularly on affordable housing. The County Council recognises that LPAs are best-placed to conduct viability assessments, taking into account other demands on the planning system. These are produced as part of developing Local Plans. Developers can also submit viability assessments for LPAs to consider on a site-specific basis if they feel a particular site is unable to deliver the required contributions. Our working assumption would be that as we are following national guidance and the practice of a number of other comparable county councils it should be viable in principle.
- 5.15 This has been examined further by comparing developer contributions for education in North Yorkshire with those of its nearest neighbour councils (Annex 5). This uses the CIPFA (Chartered Institute of Public Finance and Accountancy) nearest neighbour group of 15 county councils with the most similar statistical characteristics to North Yorkshire in terms of social and economic features. The total developer contributions for education requested for a development of 100 houses has been calculated in each county, by examining each county council's pupil yields, thresholds, and contributions per place.
- 5.16 This analysis shows that North Yorkshire's proposals, in terms of pupil yields, thresholds for the minimum number of houses on which assessments are made, and contributions per place, are similar to those that have been adopted by other comparator county councils. The full education contribution that would be sought when early years and SEND are taken into account is also comparable with other counties and below the average for this group. Furthermore, taking the median house price of newly built houses as an indicator of the housing market, it can be seen that North Yorkshire's current contributions are among the lowest, and the proposed contributions, with education contributions forming 3 per cent of the median house price, sit comfortably within, and still towards the lower end of, the range adopted by other county councils with similar economic and social characteristics.

6.0 Financial Implications

- 6.1 Following the DfE's preferred cost per place in North Yorkshire would result in an increase in the cost of a primary place from £13,596 to £15,766 (or £18,630 per place where a new school is required) and a secondary place from £20,293 to £21,601 (or £22,764 per place where a new school is required). On developments with a minimum threshold of 100 houses, we also propose to start seeking contributions for Early Years and SEND using

DfE recommended costs per place of £15,766 and £63,064 respectively. These rates will be updated on 1 April each year to reflect the latest published DfE school places scorecard at this date and are therefore subject to change.

6.2 For a development of 100 houses, where a full contribution is required for primary, secondary, early years and SEND, this will increase the contribution requested per house from £6,037 to £8,169.

6.3 As noted in paragraph 3.8 above, it will be for each LPA to decide how and when they will seek to adopt the revised policy as part of their Local Plan.

7.0 **Legal Implications**

7.1 The legal framework is set out in section 3 above.

8.0 **Human Rights Implications**

8.1 There are no Human Rights issues in relation to this decision.

9.0 **Other Implications**

9.1 An Equality Impact Assessment screening form has been undertaken in respect of this change and is attached at Annex 6.

10.0 **Conclusion**

10.1 Following changes to the regulations governing Section 106 agreements and CIL, and updated government guidance documents, there is a need for a new County Council policy for developer contributions for education.

10.2 Public consultation on the proposals set out in section 4 above has found support from several town and parish councils that responded, as well as reservations from district councils over implementation and viability.

10.3 Analysis of the policies of nearest neighbour councils has shown that North Yorkshire's proposals are similar to those adopted by most of these county councils, and the full education contribution proposed (including early years and SEND) to be sought per house (based on a development of 100 houses) would be below the average for this group. When the housing market is taken into account, North Yorkshire's proposed education contributions would still only place the county within the lower half of the range of its nearest neighbours.

10.4 It is therefore considered that the proposed policy would provide a reasonable basis for the County Council to make requests for developer contributions for education, while acknowledging that it would be for each Local Planning Authority to consider how the policy could be referenced within their Local Plans, and to determine on a case by case basis for each development that the obligation was:

- 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.

11.0 **Recommendation**

- 11.1 The Executive is recommended to implement the revised developer contributions for education policy from 1 July 2020, using the draft policy set out in Annex 1.

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Background Papers:

Report to Children and Young People’s Service, Corporate Director’s Meeting with Executive Members, 11 February 2020

Annexes:

Annex 1: Draft developer contributions policy (with minor amendments to wording highlighted)

Annex 2: Draft supporting appendices to the developer contributions policy

Annex 3: Consultation document

Annex 4: Responses received to the public consultation

Annex 5: Developer contributions for education: Comparison of North Yorkshire with nearest neighbours

Annex 6: Initial equality impact assessment screening form

Draft Developer Contributions Policy
(with minor amendments to wording highlighted)



Developer Contributions for Education policy

Proposed to be adopted May-July 2020

Introduction

North Yorkshire County Council has a statutory duty to ensure sufficient school places are available for every child under the Education Act 1996.¹ The timely provision of education infrastructure to support new housing is essential in meeting the objectives to secure high quality school places when and where they are needed.

The County Council works closely with the nine Local Planning Authorities in North Yorkshire:

- Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council, North York Moors National Park Authority, Yorkshire Dales National Park Authority.

The County Council also works closely with North Yorkshire schools, academies and other associated organisations, including:

- Maintained schools (community, voluntary controlled, voluntary aided and foundation schools, which are directly funded by the local authority);
- Academies and free schools (state-funded, non-fee-paying schools, operating through funding agreements with the Secretary of State). Free schools are new state schools, whereas many academies are converter schools that were previously maintained by the local authority;
- Multi-academy trusts, or MATs, which run groups of academies;
- Church of England and Roman Catholic Dioceses;
- Regional Schools Commissioner.

This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;

¹ Education Act (1996), Section 14.

- when we will request contributions of land to provide sites for new or expanded schools.

Policy background

National policy context

Section 106 of the Town and Country Planning Act 1990 as amended by the 1991 Act enables local authorities to seek to negotiate a contribution from developers towards the cost of meeting the infrastructure necessary to support their development. The guidance on planning obligations in the National Planning Policy Framework states:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.²

For education this will mean asking housing developers for a contribution towards the cost of extending or reconfiguring an existing school or setting, or building a new one. Government guidance sets out in more detail how local authorities can best seek funding for these purposes:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations';³
- Department for Education guidance 'Securing developer contributions for education' (November 2019).⁴

The Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools. Funding is reduced, however, to take account of developer contributions, to avoid double funding of new school places.⁵ National Planning Practice Guidance states that:

Government funding and delivery programmes do not replace the requirement for developer contributions in principle. Plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts.⁶

Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). CIL revenues are intended to help fund the supporting infrastructure needed to address

² NHCLG, National Planning Policy Framework 2019, paragraph 54.

³ MHCLG, Planning Practice Guidance, Planning Obligations <https://www.gov.uk/guidance/planning-obligations>

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

⁵ MHCLG, Planning Practice Guidance, Planning Obligations, para 7.

⁶ MHCLG, Planning Practice Guidance, Planning Obligations, para 7.

the cumulative impact of development across a local authority area. Alternatively, a Section 106 planning obligation secures a contribution directly payable to the local authority for education (or direct provision of a school 'in kind'), though a planning obligation must comply with the following tests set out in the CIL Regulations, requiring it to be:

- 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

Changes to the CIL regulations in September 2019 removed pooling restrictions which previously limited the number of planning obligations that could be used to fund a single infrastructure project, and allow planning obligations to fund infrastructure also being partly funded by CIL.⁷

Local authorities can use funds from both CIL and Section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed.

Local policy context

North Yorkshire County Council's **Council Plan 2020-24**⁸ sets out our vision that we want North Yorkshire to be a thriving county which adapts to a changing world and remains a special place for everyone to live, work and visit. Its ambitions are:

- Leading for North Yorkshire
- Every child and young person has the best possible start in life;
- Every adult has a longer, healthier and independent life;
- North Yorkshire is a place with a strong economy and a commitment to sustainable growth; and
- Innovative and forward thinking council

The **Young and Yorkshire 2 plan**⁹ aims to improve the lives of children and young people living in North Yorkshire, as well as their families. The plan has been written by the North Yorkshire Children's Trust, a partnership that represents all the agencies working with children and young people across the county. Its vision is to create a place of opportunity where all children and young people are happy, healthy and achieving, and its priorities include:

- Ensure children have great early years
- Raise achievement and progress for all
- Equip young people for life and work in a strong North Yorkshire economy

⁷ The Community Infrastructure Levy (Amendment) (England) (no.2) Regulations

⁸ <https://www.northyorks.gov.uk/council-plan>

⁹ <https://www.northyorks.gov.uk/young-and-yorkshire-2>

The County Council's **Strategic Plan for SEND Education Provision 0-25, 2018 – 2023**¹⁰ is for all children and young people in North Yorkshire who have special educational needs and disabilities (SEND), for their families and for all those working with them. We want all children and young people with SEND in North Yorkshire:

- To have the best educational opportunities so that they achieve the best outcomes.
- To be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
- To make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.

Local plans are prepared by the nine Local Planning Authorities in North Yorkshire, which comprise the seven Borough and District Councils and two National Park Authorities. These Local Plans are then examined independently by the Planning Inspectorate.

Seeking developer contributions for education

North Yorkshire County Council has for many years had a policy of aiming to secure contributions towards education provision wherever possible. This has become significantly more challenging in the context of Community Infrastructure Levy (CIL) and regulations which, until September 2019, restricted the pooling of contributions from multiple developments. Where CIL has been adopted the principle is that the District Councils collect a set sum per unit from all developments [in a particular area](#) under a charging schedule and then distribute to infrastructure projects.

We propose to continue to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 removed pooling restrictions for Section 106 agreements and allowed Section 106 contributions to fund infrastructure also being partly funded by CIL. Our experience to date is that Section 106 agreements offer far more certainty that the school place need arising from a housing scheme will be supported by developer contributions. [Where a Section 106 contribution for education is agreed to mitigate the impact of a specific development, the County Council will not request an education contribution from CIL revenues to mitigate the impact of the same development.](#)

Regardless of whether schools have academy status, are free schools, or maintained schools, the County Council remains the authority responsible for ensuring that there are sufficient school places available to meet the educational needs of the county's population. This means that the County Council remains the appropriate authority in determining the requirements for school provision as a consequence of housing development and will ask to be a party to any Section 106 agreement in order to secure the appropriate contribution. The County Council will work jointly with the nine Local Planning Authorities in North Yorkshire as plans are

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https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Strategic_plan_for_SEND_education_provision_0-25_2018_to_2023.pdf

prepared and planning applications determined, to ensure that all education needs are properly addressed.

PRIMARY AND SECONDARY PROVISION

Calculating developer contributions for primary and secondary education provision

Where a new development is proposed in an area with sufficient projected school places, no financial contribution will be required; however, where the proposed development would result in insufficient projected school places, a contribution will usually be sought.

Forecasts of future school capacity and pupils on roll at local primary and secondary schools are made by the County Council over a five year period. Local primary and secondary schools are generally the catchment area schools for the proposed development. These forecasts are based on school census data and the latest school capacity information¹¹ and will also take into account any unimplemented planning permissions.

- If, following these calculations the local schools are deemed to be at capacity in year **five**, contributions will be sought for every place.
- If the school is “X” places short of capacity in year five and the development generates “Y” places, contributions will be sought on the difference between “X” and “Y”.
- If “X” is greater than “Y” no contribution will be sought.
- If the school is deemed to have some capacity in year five, but not sufficient to provide all the places generated by the development, contributions will be sought for the shortfall of places resulting from the development.

(see Appendix 1 for examples)

Calculations will be based on the number of houses included in the outline planning application, including any affordable housing. Any increase in the number of units approved through, for example, a reserved matters or subsequent application, will generate additional contributions. No account will be taken of the rate of house-building on the site as this is an uncertain variable.

Primary Education contributions will be sought in relation to outline or full applications for planning permission for residential developments of 10 or more dwellings with 2 or more bedrooms.

Secondary Education contributions will be sought in relation to outline or full applications for planning permission for residential developments of 25 or more dwellings with 2 or more bedrooms.

¹¹ [Applying the DfE guidance, Assessing the Net Capacity of Schools \(2002\). Forecasts of future pupils on roll are based on the current pattern of preference for admissions.](#)

Contributions for education provision will not be sought in the following cases:

- Dwellings with less than two bedrooms.
- Sheltered accommodation or genuine elderly person, student or holiday accommodation. Such accommodation will be that which clearly is incapable of occupation for general residential purposes by virtue of its internal layout, ownership or management or which has occupancy restricted by planning condition or legal agreement.
- Temporary housing or bedsits and one-bedroom dwellings, if they are clearly incapable of being enlarged to two-bedroom units.
- Changes of use or conversion or redevelopment schemes where there is no net increase in the number of residential units to which contributions would apply.

Any planning permission granted for the change of use from sheltered or elderly persons, student or holiday accommodation or from one-bedroom flats to general residential units or two-bedroom flats and so on, would be subject to a contribution if the number of units exceeds the threshold criteria set below.

How many places are required?

In order to assess the long term demand arising from a new development, the County Council will use the following pupil yields:

Primary Schools (aged 4 to 11) – 0.25 children per dwelling

Secondary Schools (aged 11 to 16 or 11 to 18) – 0.13 children per dwelling

The pupil yields are derived from recent local housing developments across the County (see Appendix 2 and 3).¹²

The number of children generated by residential development will vary depending on the type and size of dwelling and by the location of the development. In some cases it may be argued that houses are built for a particular market, for example couples, starter homes or that a development is not within easy reach of a primary school. We will not normally reduce the basis for the calculations to account for variables such as these, because, over time, any dwelling (excluding sheltered, elderly person only, or one bedroom units) in any location, has the potential to accommodate children of school age.

What level of contribution is required?

¹² Using the median average. These yields have been reduced by 0.01 to account for those pupils with an Education, Health and Care Plan, which are accounted for separately, under SEN provision.

North Yorkshire County Council will multiply the projected pupil yield by the national average costs published in the DfE school places scorecards,¹³ adjusted to reflect costs in the [county region](#) using BCIS location factors. This is in line with DfE guidance.¹⁴

The present costs (April 2019 to March 2020), derived from DfE school places scorecards published in June 2019, are as follows:

	England Cost of Place £	North Yorkshire location factor	2019/20 place cost multipliers £
Primary schools			
Permanent expansion	16,596	0.95	15,766
New school	19,611	0.95	18,630
Secondary schools			
Permanent expansion	22,738	0.95	21,601
New school	23,962	0.95	22,764

In the majority of cases, unless it is fully expected that a new school is to be provided, the average cost for permanent expansions at primary and secondary schools will be used. Only where a new school is required to mitigate the impact of the development, will we seek financial contributions using the average cost for a new school. [Developer contributions for a new school will typically include both the build cost of the new school and the provision of the land on which the school is to be built \(see section on New schools below\).](#)

These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date. If there is no DfE school places scorecard published within the last calendar year, we will reserve the right to uplift the costs in the latest published scorecard by inflation.

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) PROVISION

Planning policy guidance and DfE guidance¹⁵ states that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

SEND provision in North Yorkshire includes:

- ~~Enhanced mainstream schools (EMS) – mainstream schools providing an enhanced offer to children and young people with SEND.~~

¹³ <https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2018>

¹⁴ Securing Developer Contributions for Education (November 2019).

¹⁵ MHCLG, Planning Practice Guidance, Planning Obligations; DfE, Securing Developer Contributions for Education (November 2019).

[Targeted mainstream provisions \(from September 2020\) – places for children and young people who need significant additional support as well as access to a mainstream school curriculum.](#)

- Pupil Referral Service (PRS) – a school established and maintained by a local authority to provide education for pupils who would otherwise not receive suitable education because of illness, exclusion or any other reason.
- Special School - A school specifically organised to make special educational provision for pupils with SEND. Pupils attending a special school will have an Education, Health and Care Plan.

How many places are required?

The County Council will apply the following yield for SEND provision:

0.01 per dwelling [\(with 2 or more bedrooms\)](#)

This pupil yield is derived from recent local housing developments across the County (see Appendix 4).

A contribution directly required for SEND provision will not be sought on any developments of less than 100 dwellings.

What level of contribution is required?

North Yorkshire County Council will follow DfE guidance that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.¹⁶

The current cost is £63,064 per SEND place.

EARLY YEARS CHILDCARE PROVISION PLACES

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. [This is delivered through the private, voluntary, and independent sectors, some of which are located on school sites, as well as through schools themselves.](#) Planning policy guidance and DfE guidance¹⁷ states that requirements for education contributions should consider all school phases 0-19, including early years.

How many places are required?

For developments of over 100 dwellings with two or more bedrooms an assessment will be made of the need to secure additional S106 funding for early years/pre-school provision, where it can be reasonably demonstrated that there is no capacity for local providers to meet increased demand for early years places arising as a consequence of the development.

¹⁶ DfE, Securing developer contributions for education, paragraph 17.

¹⁷ MHCLG, Planning Practice Guidance, Planning Obligations, paragraph 8; DfE, Securing Developer Contributions for Education (November 2019).

Where developer contributions are considered appropriate a yield rate of 0.05 children per dwellings [\(with 2 or more bedrooms\)](#) will be applied. (This is based on dividing the primary yield rate of 0.25 by 7 (to provide an average yield per year group of primary aged pupils) and multiplying by 1.3 (to account for on average 4 terms (that is to say, 1 year and a term) of early years government funding for 3 and 4 year-olds).

The need for a contribution will be established by comparing the number of children generated by the development, with the vacancies available in existing Early Years providers within a three-mile radius of the development.

Having taken the above factors into account, where it can be demonstrated that the number of Early Years children generated by a development is greater than the space capacity in current or planned Early Years provision the County Council will require a contribution to fund the provision of the additional Early Years places required arising from the development.

What level of contribution is required?

North Yorkshire County Council will follow DfE guidance that developer contributions for early years provision are set at the same as for a primary school.¹⁸

The current cost is £15,766 per early years place.

Following DfE guidance, developer contributions for early years provision will usually fund places at existing or new school sites.¹⁹

Section 106 agreements

The Government encourages Local Planning Authorities to use and publish standard forms and templates to assist with the process of agreeing planning obligations. This does not remove the requirement for local planning authorities to consider on a case by case basis whether a planning obligation is necessary to make the development acceptable in planning terms.²⁰

North Yorkshire County Council ~~will recommend the use of~~ [has](#) model clauses for education contributions in Section 106 agreements [available to developers, as set out in Appendix 5. They do not form part of the policy and are subject to continuing review and negotiation on a case by case basis.](#)

New schools

¹⁸ DfE, Securing developer contributions for education, paragraph 16.

¹⁹ DfE, Securing developer contributions for education, paragraph 16.

²⁰ MHCLG, Planning Practice Guidance, Planning Obligations, paragraph 16.

We will work with plan makers to identify which schools are likely to expand, and where new schools will be needed as a result of planned growth. We will work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at the appropriate time. National Planning Practice Guidance has an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.²¹

The County Council uses the Building Bulletin 103 and Section 77 policies in conjunction with each other, to ensure that new school sites meet both guidelines. Applying this guidance, for a new 3-11 primary school with integral nursery, the County Council would usually request the following site areas for a primary school:

Total pupils	Forms of entry	Total site area
210	1	1.19 ha
420	2	2.14 ha
630	3	3.09 ha

Where a new primary school is established it will include facilities for delivery of early years education and childcare usually in the form of one or 2 class bases and ancillary facilities, e.g. small office, in order to deliver the current 15 hour weekly entitlement.

For good organisational reasons, the County Council's policy is to establish new primary schools with whole forms of entry, e.g.:

- 210 place schools (one form of entry (1 FE))
- 420 place schools (2 FE)
- 630 place schools (3 FE)

This facilitates single year group teaching i.e. children grouped by age and implementation of infant class size legislation which limits Foundation and Key Stage 1 class (Reception, Year 1 and Year 2) sizes to 30 pupils to one teacher.

The County Council has a checklist of suitability requirements for new school sites (Appendix 6), and expects developers to show which criteria the proposed site fully meets, and to provide details of how the proposed site might not be considered to fully meet any of the criteria. The County Council ~~will recommend the use of~~ has model clauses for education sites in Section 106 agreements ~~as set out in Appendix 7~~ available to developers. They do not form part of the policy and are subject to continuing review and negotiation on a case by case basis.

Where new schools are planned within housing developments, we will consider whether direct delivery by the developer would represent best value for money, subject to an appropriate specification from the County Council. This would need to comply with state aid and public procurement legislation.

²¹ MHCLG, Planning Practice Guidance, Viability, paragraph 29.

Developer Loans for Schools was launched in autumn 2019.²² This may be used to forward fund schools as part of large residential developments, for example if viability becomes an issue. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.

In multi-phase developments, we may recommend land-equalisation approaches to ensure the development ‘hosting’ a new school (and any additional safeguarded land) is not disadvantaged.

Where appropriate, for instance in the early stages of development while the need for school places is growing, the County Council may seek developer contributions for temporary expansions to existing schools if required, and for transport costs for pupils travelling further than the statutory walking distance.²³ This could include:

- the full cost of any temporary accommodation required on school sites pending the delivery of any new schools or extended school facilities;
- the cost of transporting children to a school, where it is not possible to provide additional school places within an available walking distance of the development. This contribution will be in addition to any pupil place contributions and will relate to the cost of providing a new transport route for the additional pupils for a defined period of time. This claim will usually apply during the early phases of a major development prior to the opening of the new school on site.

Following DfE guidance, we will not usually take into account the capacity of existing primary schools beyond the statutory walking distance when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns.²⁴

Expansion of existing school sites

Where it is determined that there is a need to expand an existing school to mitigate the impact of a development, and the school site is undersized with reference to the capacity of the school and the guidelines for school sites in Building Bulletin 103 and Section 77, then the County Council would seek additional land from the developer wherever possible to mitigate the impact of the development.

Monitoring and Review

The 2019 CIL regulations require County Councils to publish an infrastructure funding statement where they receive a contribution entered into during the reported year. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (Section 106 planning obligations or Community

²² Prospectus available at: <https://www.gov.uk/government/publications/developer-loans-for-schools-apply-for-a-loan>

²³ DfE, Securing Developer Contributions for Education (November 2019), paragraph 29.

²⁴ DfE, Securing Developer Contributions for Education (November 2019), paragraph 30.

Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. [This will report on any developer contributions received, and also when and where contributions have been spent. This will give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.](#)

Summary of proposals for calculating developer contributions for education

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)*	
			Expansion	New school **
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

* These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date. If there is no DfE school places scorecard published within the last calendar year, we will reserve the right to uplift the costs in the latest published scorecard by inflation.

** Developer contributions for a new school will typically include both the build cost of the new school and the provision of the land on which the school is to be built (see section on New schools).

Contact

For further details or advice:

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Supporting appendices

Appendix 1: Examples of calculating developer contributions for primary education provision

Appendix 2: Primary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Appendix 3: Secondary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Appendix 4: Pupils with Education, Health and Care Plans in recent housing in North Yorkshire (summer 2019)

~~Appendix 5: Model clauses for education contributions in Section 106 agreements~~

~~Appendix 6: Education Site Suitability Checklist~~

~~Appendix 7: Model clauses for education sites in Section 106 agreements~~

[Appendices 5-7 will not form part of the policy and are subject to continuing review and negotiation on a case by case basis].

Draft Supporting Appendices to the Developer Contributions Policy

Appendix 1: Examples of calculating developer contributions for primary education provision

Example 1

- If, following these calculations the local schools are deemed to be at capacity in year **five**, contributions will be sought for every place.

Current Net Capacity of School (A)			210
Number of pupils on roll			210
Forecast pupils on roll 2023/2024 (B)			210
Surplus/Deficit in academic year 2023/2024 (A-B)			0
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			25
Anticipated need for new school places from the proposed number of properties as shown above			25
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£394,150

Example 2

- If the school is "X" places short of capacity in year **five** and the development generates "Y" places, contributions will be sought on the difference between "X" and "Y".

Current Net Capacity of School (A)			210
Number of pupils on roll			210
Forecast pupils on roll 2023/2024 (B)			250
Surplus/Deficit in academic year 2023/2024 (A-B)			-40
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			65
Anticipated need for new school places from the proposed number of properties as shown above			25
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£394,150

Example 3

- If “X” is greater than “Y” no contribution will be sought.

Current Net Capacity of School (A)			210
Number of pupils on roll			150
Forecast pupils on roll 2023/2024 (B)			150
Surplus/Deficit in academic year 2023/2024 (A-B)			60
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			0
Anticipated need for new school places from the proposed number of properties as shown above			-35
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£0

Example 4

- If the school is deemed to have some capacity in year **five**, but not sufficient to provide all the places generated by the development, contributions will be sought for the shortfall of places resulting from the development.

Current Net Capacity of School (A)			210
Number of pupils on roll			190
Forecast pupils on roll 2023/2024 (B)			190
Surplus/Deficit in academic year 2023/2024 (A-B)			20
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			5
Anticipated need for new school places from the proposed number of properties as shown above			5
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£78,830

Appendix 2: Primary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Normal Primary School area	Address	Density	Reference	Total pupils
Water Street	Former CDC Offices, Granville Street	57	63/2011/11998	13
Settle CE	Land to South of Ingfield, Settle	37	62/2010/10975	7
Parish CE	Moorview Way, Eley Croft, Skipton	103	63/2010/11062	12
Sutton in Craven CE /CP	Woodturners Close, Sutton in Craven	30	66/2007/7160	24
Sowerby CP	Station Road, Thirsk	167	04/01723/REM	49
Easingwold CP	Ward Trailers Site, Easingwold	44		18
Easingwold CP	York Road Site, Easingwold	93		32
Topcliffe CE	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	6
Applegarth Primary	Yafforth Road, Northallerton	283	09/00795/FUL	55
Carlton Miniott	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	18
Meadowside Primary	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	76
Hampsthwaite CE	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	13
Grove Road CP	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	13
Meadowside Primary	Boroughbridge Road	170	13/02074/OUTMAJ	38
Killinghall CE	Picking Croft, Killinghall	75	13/04634/OUTMAJ	22
Green Hammerton CE	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	3
Western	Former Queen Ethelberga's School	99	94/02181/FUL	20
Brompton on Swale CE	Gatherley Road - ph I	161	N/A	54
Colburn CP	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	11
Colburn CP	Marne Grange, Arras Lines	126	14/00134/OUT	40
Leyburn Primary	Maythorne Farm, Leyburn	47	14/00317/FULL	9
Colburn CP	Arras Lines, Catterick Road	178	03/00285/AORM	47
Norton CP	Cheesecake Farm	79		37
Malton CP	Broughton Road, Malton	262	11/001182/MREM	87
Nawton CP	West of Station Rd, Nawton	21	11/01233/MOUT	5
Pickering Infant & Junior	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	26
Cayton CP	Station Road, Cayton	162	11/01435/RM	37
Seamer & Irton	Crab Lane Phase III	143	00/00590/FL	61
West Cliff Primary	The Creamery, White Leas Road, Whitby	68	09/02013/RM	30
Thomas Hinderwell Primary Academy	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	8
Filey Infant & Juniors Schools	Land To South Of Pasture Crescent Filey North Yorkshire	135	04/01191/FL	35
North Duffield CP	North Duffield	34	2005/0226/FUL	9
Sherburn Hungate	Land of Carosel Walk	120	2012/0468/EIA	45
South Milford CP	Low Street, South Milford	108	2005/1052/FUL	46
Selby CP/Selby Abbey CE	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	59
Embsay CE	Primrose Glen, Embsay	58	C/26/253B	2
Helmsley CP	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	1
			Average	28.49
			Median	26.40

Appendix 3: Secondary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Normal Secondary School area	Address	Density	Reference	Total pupils
Skipton	Former CDC Offices, Granville Street	57	63/2011/11998	9
Settle College	Land to South of Ingfield, Settle	37	62/2010/10975	5
Skipton	Moorview Way, Eley Croft, Skipton	103	63/2010/11062	6
South Craven	Woodturners Close, Sutton in Craven	30	66/2007/7160	13
Thirsk	Station Road, Thirsk	167	04/01723/REM	37
Easingwold	Ward Trailers Site, Easingwold	44		6
Easingwold	York Road Site, Easingwold	93		15
Thirsk	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	5
Northallerton	Yafforth Road, Northallerton	283	09/00795/FUL	23
Thirsk	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	4
Knaresborough	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	53
Harrogate	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	1
Harrogate	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	21
Knaresborough	Boroughbridge Road	170	13/02074/OUTMAJ	16
Harrogate	Picking Croft, Killinghall	75	13/04634/OUTMAJ	17
Boroughbridge	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	1
Harrogate	Former Queen Ethelberga's School	99	94/02181/FUL	21
Richmond	Gatherley Road - ph I	161	N/A	35
Risedale	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	4
Risedale	Marne Grange, Arras Lines	126	14/00134/OUT	16
Wensleydale	Maythorne Farm, Leyburn	47	14/00317/FULL	5
Risedale	Arras Lines, Catterick Road	178	03/00285/AORM	50
Norton	Cheesecake Farm	79		23
Malton	Broughton Road, Malton	262	11/001182/MREM	41
Ryedale	West of Station Rd, Nawton	21	11/01233/MOUT	7
Lady Lumley's	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	19
George Pindar	Station Road, Cayton	162	11/01435/RM	25
George Pindar	Crab Lane Phase III	143	00/00590/FL	41
Whitby	The Creamery, White Leas Road, Whitby	68	09/02013/RM	10
George Pindar	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	1
Filey	Land To South Of Pasture Crescent Filey North Yorkshire	135	04/01191/FL	23
Barlby	North Duffield	34	2005/0226/FUL	4
Sherburn	Land of Carosel Walk	120	2012/0468/EIA	14
Sherburn	Low Street, South Milford	108	2005/1052/FUL	25
Brayton/Selby	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	12
Skipton	Primrose Glen, Emsay	58	C/26/253B	0
Ryedale	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	0
			Average	16.43
			Median	14.00

Appendix 4: Pupils with Education, Health and Care Plans in recent housing in North Yorkshire (summer 2019)

Normal Primary School area	Address	Density	Reference	Total pupils
Water Street	Former CDC Offices, Granville Street	57	63/2011/11998	0
Settle CE	Land to South of Ingfield, Settle	37	62/2010/10975	0
Parish CE	Moorview Way, Elsey Croft, Skipton	103	63/2010/11062	2
Sutton in Craven CE /CP	Woodturners Close, Sutton in Craven	30	66/2007/7160	0
Sowerby CP	Station Road, Thirsk	167	04/01723/REM	3
Easingwold CP	Ward Trailers Site, Easingwold	44		1
Easingwold CP	York Road Site, Easingwold	93		0
Topcliffe CE	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	1
Applegarth Primary	Yafforth Road, Northallerton	283	09/00795/FUL	8
Carlton Miniott	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	1
Meadowside Primary	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	4
Hampsthwaite CE	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	1
Grove Road CP	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	2
Meadowside Primary	Boroughbridge Road	170	13/02074/OUTMAJ	2
Killinghall CE	Picking Croft, Killinghall	75	13/04634/OUTMAJ	1
Green Hammerton CE	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	0
Western	Former Queen Ethelberga's School	99	94/02181/FUL	0
Brompton on Swale CE	Gatherley Road - ph I	161	N/A	0
Colburn CP	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	0
Colburn CP	Marne Grange, Arras Lines	126	14/00134/OUT	0
Leyburn Primary	Maythorne Farm, Leyburn	47	14/00317/FULL	0
Colburn CP	Arras Lines, Catterick Road	178	03/00285/AORM	1
Norton CP	Cheesecake Farm	79		1
Malton CP	Broughton Road, Malton	262	11/001182/MREM	3
Nawton CP	West of Station Rd, Nawton	21	11/01233/MOUT	0
Pickering Infant & Junior	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	1
Cayton CP	Station Road, Cayton	162	11/01435/RM	1
Seamer & Irton	Crab Lane Phase III	143	00/00590/FL	2
West Cliff Primary	The Creamery, White Leas Road, Whitby	68	09/02013/RM	0
Thomas Hinderwell Primary Academy	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	1
Filey Infant & Juniors	Land To South Of Pasture Crescent Filey	135	04/01191/FL	2
North Duffield CP	North Duffield	34	2005/0226/FUL	1
Sherburn Hungate	Land of Carosel Walk	120	2012/0468/EIA	0
South Milford CP	Low Street, South Milford	108	2005/1052/FUL	0
Selby CP/Selby Abbey CE	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	2
Embsay CE	Primrose Glen, Embsay	58	C/26/253B	0

ANNEX 2

Helmsley CP	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	0
			Average	1.11
			Median	1.00

Consultation Document



Developer Contributions for Education

Consultation on a new Policy

February 2020

We are proposing a new County Council policy on developer contributions for education.

What are developer contributions?

Local authorities can seek to negotiate a contribution from developers towards the cost of meeting infrastructure necessary to support their development. For education this means asking for a contribution towards the cost of extending or reconfiguring an existing school or setting or building a new one.

Developer contributions are secured by means of conditions attached to a planning permission, either a planning obligation under **Section 106** of The Town and Country Planning Act 1990, or the **Community Infrastructure Levy (CIL)**.

A **Section 106** agreement is a legal obligation by a person with an interest in the land and the local planning authority to mitigate the impacts of a development proposal. This can secure a contribution directly payable to the County Council for education (or direct provision of a school 'in kind') but the obligation must be:

- 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

Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area and use to fund infrastructure.

Why are we consulting now?

Changes to the regulations governing Section 106 agreements and CIL were made in September 2019. Updated Government guidance documents set out how local authorities can best seek funding both for the construction of more school places and suitable land from developers:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations' (September 2019)
- Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019)

In the light of these changes, we are proposing a new County Council policy for developer contributions for education.

What will our new policy include?

This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;
- when we will request contributions of land to provide sites for new or expanded schools.

The method of assessing whether a contribution is required will remain unchanged. The new guidance states that pupil yield factors should be based on up-to-date evidence from recent local housing developments. Recent analysis of housing developments across the County provides evidence that our current yield rates are an accurate average, accepting that there are variations between sites.

What are we proposing to change?

Section 106 contributions

We propose to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 removed Regulation 123 lists of infrastructure that were intended to be funded through CIL and allows Section 106 contributions to fund infrastructure also being partly funded by CIL. Our experience to date is that Section 106 agreements offer far more certainty that the school place need arising from a housing scheme will be supported by developer contributions.

Contributions for primary and secondary provision

We propose to follow the Department for Education's (DfE) preferred cost per place and use the national average costs for mainstream school places published annually in the DfE school places scorecards, adjusting national averages to reflect regional costs using Building Cost Information Service location factors.

We currently apply historic DfE cost multipliers which have remained unchanged since 2009. Applying the average cost for a permanent expansion, derived from DfE school places scorecards, to North Yorkshire would result in an increase in the cost of a primary place from £13,596 to £15,766 and a secondary place from £20,293 to £21,601.

Where a new school is required to mitigate the impact of the development, we will seek financial contributions using the average cost for a new school, derived from DfE school places scorecards, which are currently £18,630 for a primary place and £22,764 for a secondary place.

While these are significant increases (16% increase in cost of primary expansions and 6% increase in cost of secondary expansions) they compare with an increase over the same period in building cost inflation of between 25 and 40 per cent.

These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date.

Thresholds for assessment currently vary across the County reflecting different policies in different districts:

	Primary	Secondary
Craven	15+(rural); 25+ (urban)	100+
Hambleton	CIL	CIL
Harrogate	25+	25+
Richmondshire	No threshold	No threshold
Ryedale	CIL	CIL
Scarborough	15+ (rural); 25+ (urban)	150+
Selby	CIL	CIL

Planning Obligations guidance sets a threshold of 10 houses for affordable housing contributions. We propose to lower the threshold (the minimum number of houses with two or more bedrooms) for which primary education contributions would be sought to 10 and for secondary education contributions to 25.

Contributions for special educational needs and disabilities (SEND) provision

Planning policy guidance and DfE guidance state that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

We propose to apply a yield of 0.01 per dwelling for SEND provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for special or alternative school places are set at four times the cost of mainstream places.

Contributions for early years provision

Planning policy guidance and DfE guidance state that requirements for education contributions should consider early years provision.

We propose to apply a yield of 0.05 per dwelling for early years provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that

developer contributions for early years provision are set at the same as primary school provision.

Section 106 agreements

We propose to recommend the use of model clauses for education contributions and for education sites in Section 106 agreements.

Summary of proposals

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)	
			Expansion	New school
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

How can I comment?

Complete the response form online or return by post by 1 April 2020.

Next steps

All responses received by this date will be included in a report to the County Council’s Executive on 21 April. They will decide whether to approve the draft policy for implementation. It is proposed to implement the new policy from 1 May 2020. It will be for each individual district council, as the local planning authority, to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.

**North Yorkshire County Council
Developer Contributions for Education
Consultation on a new Policy**

Observations and/or suggestions:

Name

Organisation

Signed

Date:

Name (Block Capitals)

Address:

.....

.....

Postcode:

To help us assess whether we have provided clear information, please let us know whether you found this consultation easy to understand? YES/NO

Do you have any suggestions for improvement?

.....

Under the provisions of the Freedom of Information Act 2000, responses to the consultation will be published on the County Council's website where it may be accessed by members of the public. Your personal details will not be published. Please send this response sheet to the following "FREEPOST" address. You do not need to use a postage stamp.

FREEPOST RTKE-RKAY-CUJS

Developer Contributions

Strategic Planning

North Yorkshire County Council

County Hall

NORTHALLERTON

DL7 8AE

Or go to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=158073864669>

and submit your response there

To be received by no later than 1 April 2020

We are collecting this information for the purpose of gathering views on the proposal. Your personal data will not be published or passed to any other organisation unless a legal obligation compels us to do so. We may contact you to discuss your views further. For more information about how your personal data is handled at North Yorkshire County Council please visit: www.northyorks.gov.uk/privacy

Consultation responses received

Consultee	Comments	Response
Borough and District Councils and National Park Authorities (Local Planning Authorities)		
Craven District Council	<p><u>1) Method of assessing whether a contribution is required</u> The draft policy sets out that this method will remain unchanged. Appendix B of the CLP accords with the current method, therefore no comment to make in this respect.</p> <p><u>2) Section 106 Contributions</u> CDC does not have a CIL in place, nor are there plans to adopt a CIL. The method currently used by CDC to secure developer contributions for education is via S106 agreements, therefore CDC are in agreement with this element of the draft policy.</p> <p><u>3) Contributions for primary & secondary provision</u> The proposed increase in cost of contributions for could be set out in an SPD, prepared by CDC & linked to adopted local plan policy INF6, however it could be the case that the proposed increase in cost of contributions for primary and secondary places may have an impact in terms of plan wide viability. Viability testing of any increased contributions for education together with other Craven Local Plan policy requirements requiring developer contributions to be made, would be required. The results of this viability testing work may have implications in terms of a Craven Local Plan review. Prior to any necessary viability assessment/local plan review work being carried out, any proposal would be required to meet the existing policy requirements of the adopted Craven Local Plan, as set out in policy INF6 & Appendix B.</p> <p><u>4) Thresholds for which primary & education contributions would be sought</u> The draft NYCC policy proposes to lower the thresholds for which contributions towards primary school provision would be sought to 10 dwellings and 25 dwellings for secondary education contributions. This part of the draft NYCC policy introduces different thresholds than those set out in Craven Local Plan policy INF6 & Appendix B. If the NYCC policy is approved the only way for them to be reflected in the Craven Local Plan is via a review of the policy INF6 & Appendix B. It would not be possible for CDC to require these thresholds within a SPD.</p> <p><u>5) Contributions for special educational needs and disabilities (SEND) provision</u> The draft NYCC policy proposes a yield of 0.01 pupil yield per dwelling for SEND provision and a minimum threshold of 100 houses. Craven Local Plan adopted policy INF6 & Appendix B, does</p>	<p>Noted.</p> <p>Noted.</p> <p>Viability discussed in Section 5.14-5.16 of the main report.</p> <p>NYCC will request that these are reviewed in the next Local Plan review.</p> <p>NYCC will request that these are reviewed in the next Local Plan</p>

	<p>not require developer contributions to be made specifically for SEND provision. If approved, this aspect of the draft NYCC policy could be incorporated into the Craven Local Plan via a review. In order to inform such a review and justify this policy requirement, CDC would require NYCC to provide evidence setting out the forecasted need for SEND within Craven. It would not be possible for CDC to require contributions for SEND provision within a SPD linked to adopted local plan policy INF6.</p> <p><u>6) Contributions for early years provision</u> The draft NYCC policy proposes a yield of 0.05 pupil yield per dwelling for early years provision and a minimum threshold of 100 houses. Craven Local Plan adopted policy INF6 & Appendix B, does not require developer contributions to be made specifically towards early years provision. As such, if approved, this aspect of the draft NYCC policy could only be incorporated into the adopted Craven Local Plan via a review. It would not be possible for CDC to require contributions for early years provision within a SPD linked to adopted local plan policy INF6.</p> <p><u>7) Section 106 agreements</u> The draft NYCC policy proposes the recommended use of model clauses for education contributions and for education sites in Section 106 agreements. The Council could consider the use of any model clauses included in the final policy, within future Section 106 agreements as this approach would provide clarity for developers. One possible approach is to include these in a future SPD relating to education contributions, prepared by the Council if this is considered necessary. Public consultation on such a draft SPD would provide consultees, including developers, an opportunity to comment on the use of any model clauses relating to education contributions and site in Section 196 agreements. Following publication of the final Developer Contributions for Education policy by NYCC, further work may be required by Craven District Council and other district councils in order to implement the policy. This further work may relate to updates to the existing Local Plan evidence base, and in turn, Local Plan review work, which takes a considerable amount of time to complete. Therefore once the NYCC policy is finalised and before it can be fully implemented by Craven District Council, NYCC Education should recognise, in their consultation responses to planning applications in Craven, that proposals are required to meet the policy requirements set out in adopted Craven Local Plan policy INF6 & Appendix B.</p>	<p>review. Details of the forecasted need for SEND in Craven is set out in the County Council’s Strategic Plan for SEND Education Provision 0-25, 2018 – 2023, and further data can be provided on request.</p> <p>NYCC will request that these are reviewed in the next Local Plan review.</p> <p>Noted.</p>
Hambleton District Council	<p>Officers within the Planning department at HDC consider that it is positive to have appropriate arrangements for funding education, but that this does have the potential to affect development viability in lower value areas and have a knock on impact on other things that are funded from development, specifically affordable housing. HDC officers would recommend that NYCC undertake viability assessment to seek to understand the impact that this may have on development in lower viability areas and that consistent robust projections regarding education</p>	<p>Viability discussed in Section 5.14-5.16 of the main report.</p> <p>Priorities for funding education provision from development have</p>

	<p>requirements are ensured. This would ensure that the need for education requirements was understood and planned for appropriately. HDC officers would also welcome opportunity to input into and understand priorities for funding from development to ensure that council and community aspirations are engaged. It is considered that education costs should be spread across all development which would mitigate against proposals on one side of a road being viable and on the other, not being viable, dependent only on the local schools catchment areas. It is considered important that the connection is made between need, costs and development.</p>	<p>been used to inform the Hambleton Infrastructure Delivery Plan.</p>
<p>Harrogate Borough Council</p>	<p><u>Harrogate Borough Council Response to NYCC Education Contributions Consultation – April 2020</u></p> <p>Harrogate Borough Council welcome the opportunity to comment on the current consultation and acknowledge the work that has gone into the preparation of it. Harrogate Borough Council have the following comments to make:</p> <p>Present Situation</p> <p>At present, the process for collecting developer contributions towards education in Harrogate is detailed in the ‘Guidance for Developer Contributions to Education Facilities’ updated in November 2017. Primary and Secondary contributions are sought on sites of 25 dwellings or more and if required the following payments are sought:</p> <ul style="list-style-type: none"> • primary contribution of £13,596 per pupil based on the assumption that every 4 homes (2 bed or greater) will generate 1 pupil • secondary contribution of £20,293 per pupil based on the assumption that every 8 homes (2 bed or greater) will generate 1 pupil • the contribution required per pupil for a new school and expansion of a an existing is the same <p>Proposed Changes</p> <p>The proposals identified by NYCC in the consultation document would result in the following requirements:</p> <p>For Primary Education:</p> <ul style="list-style-type: none"> • contributions would now be sought on sites of over 10 units; • if required a payment of £15,766 per pupil will be sought based on the existing assumption (1 pupil per 4 homes) • if there is a requirement for a new school rather than expansion of existing, the cost per pupil will rise to £18,630 <p>For Secondary Education:</p> <ul style="list-style-type: none"> • no change to threshold – contributions still sought for sites of 25 or more units 	

- if required a payment of £21,601 per pupil will be sought based on the existing assumption (1 pupil per 8 homes)
- if there is a requirement for a new school rather than expansion of existing, the cost per pupil will rise to £22,764

For Special Educational Needs and Disabilities (SEND):

- contributions would be sought on sites of over 100 units
- if required a payment of £63,064 per pupil will be sought on the assumption that every 100 units will generate 1 pupil

For Early Years Provision:

- contributions would be sought on sites of over 100 units
- if required a payment of £15,766 per pupil will be sought on the assumption that every 100 homes will generate 5 pupils

The table below shows a summary of the proposals:

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)	
			Expansion	New school
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

As well as the above proposals, the consultation also puts forward the following changes:

- where a new school is required land should be sought in addition to the usual education contributions. This is referenced in the NPPG which sets out an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development

Impact of Proposed Changes

Whilst it is not simple to determine how the proposed changes could affect development, it is possible to look at worst case scenarios which assumes that there is no capacity in local schools

(primary and secondary) and the schemes are for 2 bed + houses. The Table below shows the difference in developer contributions between the existing and proposed requirements for a number of site size scenarios (number of dwellings):

Site Size	Developer Contribution				
	£Existing Cost	£Proposed Cost Expansion (£Proposed Cost New School)			
	Primary	Secondary	SEN	Early Years	Total
10	£0 £39,415 (£46,575)	£0 £0 £0	£0 £0 (£0)	£0 £0 (£0)	£0 £39,415 (£46,575)
25	£84,975 £98,537 (£116,437)	£65,952 £70,203 (£73,983)	£0 £0 (£0)	£0 £0 (£0)	£150,927 £168,740 (£190,420)
50	£169,950 £197,075 (£232,875)	£131,904 £140,406 (£147,966)	£0 £0 (£0)	£0 £0 (£0)	£301,854 £337,481 (£389,841)
100	£339,900 £394,150 (£465,750)	£263,809 £280,813 (£295,932)	£0 £63,064 (£63,064)	£0 £78,830 (£78,830)	£603,709 £816,857 (£903,576)
250	£849,750 £985,375 (£1,164,375)	£659,522 £702,032 (739,830)	£0 £157,660 (£157,660)	£0 £197,075 (£197,075)	£1,509,272 £2,042,142 (£2,258,940)
500	£1,699,500 £1,970,750 (2,328,750)	£1,319,045 £1,404,065 (£1,479,660)	£0 £315,320 (£315,320)	£0 £394,150 (£394,150)	£3,018,545 £4,084,285 (£4,517,880)
3000	£19,197,000 £11,824,500 (£13,972,500)	£7,914,270 £8,424,390 (£8,877,960)	£0 £1,891,920 (£1,891,920)	£0 £2,364,900 (£2,364,900)	£18,111,270 £24,505,710 (£27,107,280)

In summary the impacts of the proposal are as follows:

- schemes 10 – 25 dwellings will have to pay primary contributions of £3941 per house compared to £0 at present;
- schemes 100 + will now be required to pay contributions towards SEN and Early Years;
- all 10+ schemes requiring a new school will pay increased contributions compared to expansion schemes;
- all 10+ schemes will pay an increased price per place than existing

To summarise the above figures the table below shows the change in the price per house (based on the worst case scenario) as proposed by the consultation:

Size of Site	Price per house (£) ²⁵					
	Cost of Expansion			Cost of New School		
	Existing	Proposed	Increase (%)	Existing	Proposed	Increase (%)
10 - 24	0	3941	3941	0	4657	4657
25 - 99	6037	6749	712 (11%)	6037	7616	1579 (26%)
100 +	6037	8168	2131 (35%)	6037	9035	2998 (49%)

Whilst HBC appreciate there is a need to update the contributions (haven't been updated in 10 years) and recent government guidance opens up the possibility for asking for contributions towards Special Education Needs (SEN) and Early Years provision, we have some significant concerns about the proposals in relation to viability. We have sought the advice of our Viability Consultant in drafting this response and he has highlighted the following:

- up to £9000/unit is being asked for in education contributions alone which is a significant increase than existing and higher than the assumptions used in the Local Plan and CIL viability assessments for all S106 contributions;
- in setting CIL, the wider policy requirements of the Local Plan were taken into account and adopting the proposed education contributions would undermine this viability work

Paragraph 10-007 of the PPG says that '*where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable*'. It also details circumstances where an applicant may be able to challenge the viability at the development management stage including '*where further information on infrastructure or site costs is required*'. Therefore, as we have a newly adopted plan and nearly have CIL if we change the infrastructure requirements at this stage then the whole viability debate would be reopened. Education is only one of the developer contributions required by the Local Plan and changing the requirements now could undermine and threaten the delivery of all of the requirements including affordable housing, open space, building efficiency, transport improvements, village halls and potentially result in less contributions for all infrastructure than presently required.

²⁵ Proposed value includes increased price per place, new primary threshold, SEN and Early Years Contribution

The DfE guidance (Securing developer contributions for education – November 2019) also specifically states at Para 14 that whilst *‘the amount of money that you seek to secure through developer contributions for education provision should reflect the cost of providing school places’* it should still be ***‘linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.’***

Harrogate Borough Council Action

The consultation includes a number of proposals which can be split into three elements:

1. the introduction of the SEN/Early Years requirement;
2. reduction in Primary contribution threshold;
3. increased price per place.

Whilst Harrogate Borough Council are unable at this stage to adopt those elements relating to 1 and 2 it is acknowledged that the price per place figures have not been updated recently and at present do not properly reflect the real cost of provision. Our current guidance may allow for this change without a full review as it states in para 4.5 that *“the elements within this formula will be subject to annual review by the County Council in line with Government guidelines”*, however, we would need to take further viability and legal advice on whether it would be acceptable and appropriate at this stage to use the updated price per place figures in negotiations in the short term without a formal consultation.

If the council were to adopt the proposed increased price per place in the short term, this would result in the following:

Size of Site	Price per place (£)	
	Existing Expansion (New School)	Proposed Expansion (New School)
10 - 24	0	0
25 +	6,037 (6037)	6749 (7616)

The impact of the full changes proposed, including the change in primary threshold and introduction of contributions for SEND and Early Years, will have to be considered fully through the review of the Local Plan and specifically the viability appraisal of the plan as a whole. This viability appraisal would examine what infrastructure a development could be expected to deliver including any new requirements such as climate change, energy efficiency. Once this work is completed it will be for Members to consider what the Borough Council’s priorities are that need to

Viability discussed in Section 5.14-5.16 of the main report.

	<p>be addressed and any recommendation will ultimately be considered by the Inspector at the Examination.</p> <p>With regard to the matter of land contributions, it is imperative that NYCC Education engage fully with the Local Plan review to ensure that any new land requirements are identified and included in any requirements set out in the Local Plan so that they can be factored into any viability assessments.</p> <p>On the matter of the additional categories there is no doubt that SEND and the provision of more specialist education is a crucial issue. In terms of early years, as the majority of early years education in the district is provided by private ventures unrelated to NYCC, the Borough Council would need to be satisfied as to the actual need for this form of educational provision and how any sums would be allocated, spent and monitored.</p> <p>Please take the above as the comments from Harrogate Borough Council and if you need to discuss further please don't hesitate to get in touch.</p>	
<p>Richmondshire District Council</p>	<p>Richmondshire District Council (RDC) agrees that education contributions should be updated to ensure adequate provision in the County's schools and other educational establishments. RDC has tested the revised contributions in its Whole Plan Viability Assessment (WPVA) for the Local Plan Review and concluded that both SEND and Early Years would have a significant impact on the viability of sites over 100 dwellings. We therefore suggest that the introduction of revised contributions should be phased and possibly linked to each Local Planning Authority's (LPA) statutory five-year review of its Local Plan. If introduced in this way then all obligations can be tested afresh through the WPVA to consider and mitigate any significant impact on previously agreed costs in any viability testing before the introduction of the revised contribution amounts.</p>	
<p>Ryedale District Council</p>	<p>Ryedale District Council is committed to ensuring that the impact of new development on infrastructure capacity is addressed and to securing developer contributions for this purpose. However, the proposed policy appears to be well advanced and in this respect, it is very disappointing that the implications of the proposed approach have not been discussed at an earlier stage. As drafted and as it stands, the approach would not be economically viable in Ryedale.</p> <p>Ryedale District Council operates the Community Infrastructure Levy. Whilst the District Council is entirely aware that Section 106 pooling restrictions have been lifted and that Section 106 and CIL can both be used to fund infrastructure, CIL charges in Ryedale are established. The CIL charges have been independently examined. They have been set at a level which ensures that plan-compliant affordable housing contributions can also be secured from development sites</p>	<p>Viability discussed in Section 5.14-5.16 of the main report.</p>

	<p>and that development remains economically viable. The CIL charge is a mandatory charge. Section 106 agreements are secured by negotiation. If NYCC’s policy is to seek education contributions through the use of Section 106 agreements, the contribution will directly compete with the ability of development sites to deliver affordable housing. This is not acceptable to this Authority. In this Council’s experience, sites will not be economically viable if education contributions are sought in addition to affordable housing contributions and mandatory CIL charges. The District Council has no plans to cease the operation of CIL in Ryedale and it will be several years before the charge is reconsidered/ revised. The proposed approach will provide less certainty that necessary school places could be funded.</p> <p>Against this context it is imperative that the County Council reconsider this matter – particularly in areas of the County which operate the CIL. The District Council would be happy to discuss how CIL receipts can be used to address the educational requirements arising from levels of planned growth and to use the new Infrastructure Funding Statements to confirm this. The District Council recognise that the County Council does need a greater level of certainty over the use of CIL contributions. The IFS’s provide the vehicle for achieving this and will also help to ensure that (CIL) contributions can be prioritised ‘holistically’ to reflect other infrastructure requirements which relate to highways requirements for example, as well as education infrastructure.</p> <p>The District Council has progressed its development plan and the allocation of sites for new development on the basis of the use of CIL. The infrastructure required as a result of planned levels of growth has been agreed with the County Council, including school improvements. Contributions secured to date have helped to secure extensions to Malton, Pickering and Norton Primary Schools. It would be helpful to understand if requirements have changed. The County Council is aware that the Ryedale will secure land at Norton for a new primary school and that the CIL will be used to progress the delivery of a new school. The District Council would appreciate urgent confirmation that the County Council remain committed to the delivery of this school and an indication of the financial contribution required for the new primary school at Beverley Road Norton, based on the anticipated number of new homes proposed for the site. Under the proposed method, the level of contribution would be in the region of £2,794,500.00. The District Council would be grateful if the County Council could confirm that this is now the level of contribution that is required for this scheme.</p>	<p>Contributions for extensions to Malton, Pickering and Norton Primary Schools have been received through Section 106 contributions, not through CIL.</p> <p>The County Council has requested a site for the new school at Beverley Road, Norton and a financial contribution.</p>
<p>Scarborough Borough Council</p>	<p><u>Education Contributions – Proposed Changes (Scarborough Borough Council Response)</u></p> <p>The Borough Council welcome the efforts of the County Council to update the methodology for calculating education sums in developments. The payment per pupil has not changed in circa 10 years to keep up with building costs and this should have been updated annually.</p>	

However, there are some concerns about the overall proposal and scale of the proposed increases in Scarborough Borough. Certainly in terms of impact on viability, Scarborough Borough has the scope to be significantly hit by these changes and this is explained below. Examples of how the proposed changes could affect schemes in the borough are also set out in this response.

The Changes for Scarborough Borough Council.

The current regime for negotiating education contributions is as follows.

For Primary Education:

Contributions are sought (subject to capacity) on sites of over 15 units in the rural areas and 25 units in the urban areas. If required a payment of £13,596 per pupil is sought based on the assumption that every 4 homes (2 bed or greater) will generate 1 pupil.

For Secondary Education:

Contributions are sought (subject to capacity) on sites of over 150 units. If required a payment of £20,293 per pupil is sought based on the assumption that every 8 homes (2 bed or greater) will generate 1 pupil.

The proposed changes from NYCC would result in the following updated requirements:

For Primary Education:

Contributions are sought (subject to capacity) on sites of over 10 units. If required a payment of £15,766 per pupil is sought based on the assumption that every 4 homes (2 bed or greater) will generate 1 pupil. If the requirement is for a new school as opposed to an expansion the cost per pupil rises to £18,630.

For Secondary Education:

Contributions are sought (subject to capacity) on sites of over 25 units. If required a payment of £21,601 per pupil is sought based on the assumption that every 8 homes (2 bed or greater) will generate 1 pupil. If the requirement is for a new school as opposed to an expansion the cost per pupil rises to £22,764.

For Special Educational Needs and Disabilities (SEND):

Contributions are sought (subject to capacity) on sites of over 100 units. If required a payment of £63,064 per pupil is sought based on the assumption that every 100 homes (2 bed or greater) will generate 1 pupil.

For Early Years Provision:

	<p>□ Contributions are sought (subject to capacity) on sites of over 100 units. If required a payment of £15,766 per pupil is sought based on the assumption that every 100 homes (2 bed or greater) will generate 5 pupils/children.</p> <p>Other Proposed Changes. Land provision for new schools – the DfE guidance (Securing developer contributions for education – November 2019) suggests in Para 5 that: <i>‘...it is particularly important that education land required within larger development sites is provided at no cost to the local authority wherever possible’</i></p> <p>The County Council has suggested that land should be sought in cases where a new school is required in addition to the usual education contributions. They refer to National Planning Practice Guidance, which sets out an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.</p> <p>Model Clauses for legal agreements - these are set out in the consultation Appendices relating to a typical clause on education payments and on an agreement involving the land. These are noted, as is the inclusion of the County Council as a party to the agreement.</p> <p>Potential Impacts of Proposed Changes It is not a straightforward assessment to determine how the proposed changes could affect development, however, it is possible to look at worst case scenarios. Below are a number of scenarios involving a small scheme (25 units), a medium sized scheme (100 units) and a large scheme (600 units). These show the breakdown of sums before and after the changes. As stated, this shows the worst case scenario so therefore assumes there is no capacity in local schools and the schemes are for 2 bed + homes.</p> <p><u>25 unit scheme:</u> Under the current system this would only require a contribution towards primary education. This would be equal to: $(25 / 4) \times £13,596 = \mathbf{£81,576}$ Under the revised scheme this would require payments towards both primary and secondary education: $[(25 / 4) \times £15,766] + [(25 / 8) \times £21,601] = \mathbf{£159,399}$ (this would increase to £180,072 if this was for new schools) This means if there is no existing capacity there is a potential increase of between 95% and 118% in the contribution.</p> <p><u>100 unit</u></p>	
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	<p>Under the current system this would only require a contribution towards primary education. This would be equal to: $(100 / 4) \times \text{£}13,596 = \text{£}339,900$</p> <p>Under the revised scheme this would require payments towards all areas; primary, secondary, SEND and early years education: $[(100 / 4) \times (\text{£}15,766)] + [(100 / 8) \times (\text{£}21,601)] + [\text{£}63,064] + [(100 / 20) \times \text{£}15,766] = \text{£}816,857$ (this would increase to £903,576 if this was for new schools)</p> <p>This means if there is no existing capacity there is a potential increase of between 140% and 166% in the contribution.</p> <p><u>600 unit scheme:</u></p> <p>Under the current system this would only require a contribution towards primary and secondary education. This would be equal to: $[(600 / 4) \times \text{£}13,596] + [(600 / 8) \times 20,293] = \text{£}3,561,375$</p> <p>Under the revised scheme this would require payments towards all areas; primary, secondary, SEND and early years education: $[(600 / 4) \times (\text{£}15,766)] + [(600 / 8) \times (\text{£}21,601)] + [(600 / 100) \times \text{£}63,064] + [(600 / 20) \times \text{£}15,766] = \text{£}4,836,339$ (this would increase to £5,353,164 if this was for new schools)</p> <p>This means if there is no existing capacity there is a potential increase of between 36% and 50% in the contribution.</p> <p>What does this mean for considering development proposals?</p> <p>Clearly the examples above show a potential significant impact on the contributions that could be required to be paid towards education. Whilst it is heavily dependent on the capacity of schools at a certain point in time, it is critical that the worst case scenario (or highest contribution) is understood.</p> <p>All of the examples shown above have a substantial impact on the contribution that may be required. Schemes under 150 dwellings could be impacted significantly as currently they only make a contribution towards primary education. This would change to include secondary, SEND and early years provision (the latter two for schemes between 100 and 150 units).</p> <p>For schemes above 150 units, the impact is less so in terms of the percentage increase because such schemes already make a secondary contribution (where required).</p> <p>Notwithstanding this, the actual increase in the £ figure is still high. This is shown in the 600 unit scheme worked example, which demonstrates a potential circa £1.2m uplift in the required contribution.</p> <p>These are not insubstantial figures.</p> <p>The planning system has to consider the requirements of a development proposal and education is just one. Other demands of the planning system (as required by the Scarborough Borough</p>	
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	<p>Local Plan) currently include affordable housing, primary health care, open space and recreation, and highways improvements, along with others. In the near future the demands on development are likely to increase further to also include mandatory increases in building efficiency (through building regulations), increased accessibility standards (accessible and adaptable homes) and potentially other climate change (carbon 'offsetting') measures.</p> <p>Given that viability of housing schemes is already a huge issue in Scarborough Borough, such increases would further threaten the viability of development and/or impact on the delivery of affordable housing if adopted in their proposed form.</p> <p>Taking the 100 unit scheme above as an example; any viability appraisal submitted in support of an application would show the circa £500,000 increase (subject to capacity) in the 'costs' column. It is unlikely that this would be counter-balanced by an equal / proportionate uplift in 'revenues' and as such, could (and most likely would) result in a reduction in the affordable housing contribution (with affordable housing often being the most significant 'cost')</p> <p>This is such a fundamental issue that it needs much greater detailed consideration than can be undertaken in the consultation window and this is set out below (<i>under Proposed Actions</i>).</p> <p>Relevant Guidance</p> <p>Before looking at what response should be made it is worth looking at relevant guidance. The DfE guidance specifically states at Para 14:</p> <p><i>'The amount of money that you seek to secure through developer contributions for education provision should reflect the cost of providing school places, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.'</i></p> <p>Planning Practice Guidance provides further information on education contributions as shown below as well as general advice on planning obligations.</p> <p>What funding is available for education?</p> <p><i>Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools.</i></p> <p><i>Funding is reduced however to take account of developer contributions, to avoid double funding of new school places. Government funding and delivery programmes do not replace the requirement for developer contributions in principle.</i></p> <p><i>Plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts.</i></p> <p><i>Paragraph: 007 Reference ID: 23b-007-20190315</i></p> <p>Are planning obligations negotiable?</p>	
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	<p><i>Yes. Plans should set out the contributions expected from development towards infrastructure and affordable housing. Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.</i></p> <p><i>Paragraph: 010 Reference ID: 23b-010-20190315</i></p> <p>The above extracts demonstrate that this is not a clear cut issue and the PPG specifically states that we (the Plan makers) need to assess the extent to which developers mitigate their direct impacts. The specific terminology used here (<i>the extent</i>) would suggest that there may be instances when developers may not be required to fully mitigate impact. This clearly ties in with the DfE guidance that refers to plans that have been informed by viability assessment. This has specifically informed the Council's response on this consultation.</p> <p>Proposed Action by Scarborough Borough Council.</p> <p>If NYCC adopt the standards set out in the consultation it will not be a simple process of adoption by Scarborough Borough Council. Due process has to be followed when policies, be that in a Local Plan or Supplementary Planning Document, are amended and the guidance above specifically states that contributions should be linked to the policy requirements in an emerging or up-to-date adopted plan that has been informed by viability assessment. NYCC has not, as far as the Borough Council is aware, carried out any of its own viability testing of the options in respect of the district councils.</p> <p><u>Adopting revised sums per pupil</u></p> <p>It may be appropriate and acceptable to update the actual figures (£'s) for use in negotiations in the short term, however, the Planning Service will have to take legal advice on that matter. Officers consider that the current SPD may allow for this change without a full review of the SPD.</p> <p>The SPD currently states that (at Para 4.3): <i>The elements within these formulae will be subject to annual review by the County Council in line with the Central Government guidelines.</i></p> <p>As this is clearly stated in the current SPD it would appear reasonable that the price per pupil figure could be updated without a full review of the SPD. The figure has not been updated since 2012 and the latest figures provided reflect real world changes in the cost of provision. This would</p>	<p>Noted</p>
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<p>be the intention of the Planning Service but as stated earlier legal sign-off would be required to implement such changes without a formal consultation.</p> <p><u>Reducing Thresholds and New Categories</u> The changes in thresholds and new categories, as stated above, have the potential to significantly increase contributions and impact on the viability of housing schemes. For this reason it is not something that the Council can adopt in the short term if the County, as suggested, adopt the new standards from May 2020.</p> <p>The impact of the changes will have to be considered fully through the review of the Local Plan and specifically the viability appraisal of the plan as a whole. As part of the process, SBC will be commissioning work by specialists in this field to assess the impacts of all policy requirements in the plan on development and examine various alternatives. The outcome of the assessment will be to determine what a development can deliver in terms of affordable housing when considering the different requirements of infrastructure provision (education, health, transport, open space) but also taking into account any mandatory requirements such as new building regulation energy efficiency requirements (expected soon).</p> <p>Once this work is complete it will be for Members to consider what the Borough Council's priorities are that need to be addressed. Any recommendation will ultimately be considered by an independently appointed Planning Inspector at the Examination in Public.</p> <p>On the matter of the additional categories there is no doubt that SEND and the provision of more specialist education is a crucial issue and one that the Borough Council supports. In terms of early years provision the initial view was less supportive. As you will appreciate the majority of early years education in the borough is provided by private ventures unrelated to NYCC. If this was to be adopted in the future the Borough Council would need to be satisfied as to the actual need for this form of educational provision (the market seems to satisfactorily do the job of providing this at the moment) and how any sums would be allocated, spent and monitored.</p> <p><u>Land Contributions</u> The principal of land contributions is a difficult issue. It is agreed that there may be instances where a land contribution is required due to limited growth options at existing schools or because a scheme is of such a scale that a new school is warranted. In such cases it is considered that these matters should really be determined at the Local Plan preparation stage (as is referred to in the consultation). By ensuring this is identified up front it provides the landowner and the developer with the knowledge that the provision of land for a school is an absolute requirement and that this should be taken into account in any land valuations (as opposed to coming off other requirements such as affordable housing).</p>	<p><u>Reducing Thresholds and New Categories</u></p> <p>Viability discussed in Section 5.14 - 5.16 of the main report.</p> <p>NYCC will request that these are reviewed in the next Local Plan review.</p> <p>With regards to early years provision, the County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. This is delivered through the private, voluntary, and independent sectors, some of which is located on school sites, as well as through schools themselves. DfE guidance recommends seeking developer contributions for all childcare provision, according to the expected demand and capacity. Following DfE guidance, developer contributions for early years provision will usually fund places at existing or new school sites.</p> <p><u>Land contributions</u> Discussed in Section 5.12 of the main report.</p>
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	<p>For this reason it is imperative that NYCC Education are fully engaged in the Local Plan review and ensure that such requirements of development are identified now and consequently included in any requirements set out in the Local Plan. These can then be factored into any viability assessments of sites proposed in the plan review.</p> <p>It is also important to ensure that the provision of land is commensurate with the requirements. For example, if a development brought about the need for a new school due to existing school limitations, it may be that NYCC wish to future proof the new school (to allow expansion). It could not be a requirement of the developer to provide a site capable of expansion beyond what the impact of their development is, however, it may be appropriate to allow a larger area of land to be transferred to NYCC for the school on the basis that the developer's financial contribution was reduced accordingly. An example of how this could work is shown below: <i>A proposal requires a new primary school (one-form entry), however, NYCC want to plan for the future expansion of the school to absorb future growth in the locality. The developer has been informed that they need to provide 4 acres of land to accommodate the school though half of this is to allow for future expansion. The financial education contribution is calculated at £500,000. In this instance it would be appropriate to put a value on the additional 2 acres of land provided (potentially at residential land value) and subtract that from the contribution. So if the land was valued at £300,000 the contribution would be reduced to £200,000.</i></p> <p><u>Legal Agreements: Model Clauses</u> The consultation sets out model clauses for legal agreements and appears to suggest that NYCC should be party to agreements. This is not supported for the majority of cases. With the threshold potentially being brought down to 10 dwellings this would bring most 'Major' residential applications within the scope of education payments. As you will be aware, the proportion of Major applications determined within 13 weeks (or an extension agreed with the applicant) is the most important determinant when taking Council planning services into special measures. In practice, most applications with s106 obligations take longer than 13 weeks. Fortunately, because we are in the same organisation/building as the Borough's Legal Services we can keep applicants up to date on the current position (even if there are sometimes delays), making it easier to predict when the planning permission will be ultimately determined. By bringing a further remote party into the process, any control/influence that we currently have is significantly diminished, and would likely cause further delay, thus undermining the achievement of the key government targets. There may be cases (e.g. land transfer) where NYCC have to be s106 signatories, but for simple commuted sum payments this is not in the Borough Council's best interests and is considered unnecessary.</p> <p>Concluding Remarks</p>	<p><u>Legal Agreements: Model Clauses</u> Model clauses are intended to reduce the timescales required to agree education clauses in Section 106 agreements. The request for the County Council to be a party to any Section 106 agreements concerning education contributions is to regularise the position as other LPAs, including Craven and Harrogate, routinely add NYCC as a party to such agreements.</p>
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	<p>Please take the above comments as Scarborough Borough Council's formal response to the consultation. In addition, I would like to take the opportunity to ask a question on a specific scenario (see below).</p> <p>Question for NYCC Education: How would we be expected to consider a scheme of over 100 units but where the number of 1 bed units reduce the number of 2+ units to 99 units or less? Would this not require a SEND or early years contribution? It would seem perverse that such a scheme would not make a contribution and could be a way for developers to skirt thresholds on schemes.</p> <p>As a suggestion would it not be better to assess the need for SEND places on all schemes where a minimum of fifty 2+ bedroom homes are proposed. The rationale for this would be that the provision of such places would still be based on the 1 pupil per 100 homes but using rounding it would therefore kick in at a lower threshold.</p> <p>As your formulae are based on the statistical likelihood of a development having a resident who has special educational requirements then the balance of probability would suggest that when there is between fifty and ninety nine (2+ bedroom) units there will be a pupil with such needs (so in essence rounds up from any figure between 0.5 and 0.99 to 1)</p>	<p><u>SEND thresholds</u> The thresholds were set at 100 houses to limit the additional financial cost put on smaller developments in the context of concerns about viability. Discussed in Section 5.11 of the main report.</p>
Selby District Council	<p>Thank you for consulting Selby District Council on the proposed changes to Developer Contributions for Education. Although Officers understand the necessity to review contributions for education we have concerns about how the changes will work in practice given that Selby District Council have CIL in place and the implications for the viability of proposals. Further details of our concerns on the proposed changes are set out below.</p> <p><u>Relationship with CIL</u> As you will be aware Selby District Council implemented a CIL Charging Schedule on 1st January 2016. The Charging Schedule was adopted following an independent examination which considered the viability of the CIL charge and the infrastructure requirements identified in the Infrastructure Delivery Plan. Provision for primary and secondary school education was included in the Regulation 123 list and therefore contributions for this purpose have been sought through this mechanism rather than through S106 contributions. The amendments to the CIL Regulations which came into force on 1st September 2019 have replaced the Regulation 123 with the requirement to publish an Infrastructure Funding Statement the first of which will be published in December 2020.</p> <p>The 2019 amendments to the Regulations also removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure. National Planning Guidance says this means that, subject to meeting the 3 tests set out in CIL Regulation 122, charging</p>	

authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.

Officers have concerns that it will be extremely difficult to conclude that S106 contributions are necessary unless it can be demonstrated that the specific infrastructure will not be funded by CIL. It is considered that further detailed analysis will be required to demonstrate to developers what additional funding is required to support additional contributions for education provision until an Infrastructure Funding Statement is in place.

Impact on Viability

Officers also have concerns about the impact the proposals will have in terms of the overall viability of new development in the District. Overleaf are examples of two scenarios based on recent planning permissions in the District.

Example A

Development of 200 dwellings with £679,800 sought for primary school improvements based on anticipated need for 50 school places.

Under the new proposals this would require contributions for:-

- Primary school improvements - £788,300
- Secondary School Provision - £540,025
- SEND contribution - £126,128
- Early Years contribution - £31,532
- CIL contribution - £574,087 (based on 25% affordable housing contribution in a moderate charging area)

Total contributions £2,060,072

This represents an increase of £1,380,271

Example B

Development of 25 dwellings with £84,975 sought for primary school improvements. Based on anticipated need for 6.5 school places.

Under the new proposals this would require contributions for:-

- Primary School Provision - £98,537
- Secondary School Provision -£67,503
- CIL contribution - £71,761 (based on 25% affordable housing contribution in a moderate charging area)

Total Contributions - £237,801

	<p>This represents an increase of £152,826</p> <p>The examples above show that the proposed changes set out in the consultation document will result in significant increases in developer contributions which will undoubtedly impact the viability of future developments. It is important to note that in addition to contributions for education, developers are also likely to be required to provide affordable housing, contributions to health, highways, household waste, recreational open space and bio-diversity offsetting measures. In November 2019 DFE published the paper titled “Securing Developer Contributions for Education”. The paper suggests that Education Authorities work with local planning authorities in devising their approaches to securing developer contributions to consider the most appropriate mechanism to secure contributions from developers towards education alongside other infrastructure priorities. Paragraph 14 goes on to say that the amount of money sought through developer contributions for education provision should reflect the cost of providing school places, linked to the policy requirements in an up to date emerging or adopted plan that has been informed by viability assessment.</p> <p>The National Planning Practice Guidance says that policies for planning obligations should be set out in plans and examined in public. Paragraph 004 of the National Planning Practice Guidance says that whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development.</p> <p>Although planning obligations are negotiable the Community Infrastructure Levy is not and therefore this payment is the starting point in any negotiations with developers in relation to any other contributions which are considered necessary. The CIL charging schedule was based on a viability assessment which stripped out contributions which were to be sought through CIL and this included education provision.</p> <p>As you will be aware Selby District Council are currently preparing a new Local Plan for the District which will seek to establish the infrastructure requirements necessary to support future growth and the viability of proposals will be robustly tested. As part of this process the CIL charging rates will be reviewed and will also be subject to viability testing.</p> <p>The requirement for developers to make CIL payments in addition to the suggested rates for education provision will undoubtedly impact the viability of future development proposals. This will</p>	
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	<p>also lead to delays in undertaking viability assessments at the planning application stage and could have a negative impact on the Council's ability to maintain a 5 year supply of housing.</p> <p>For the reasons outlined above officers consider that any changes to the approach for planning obligations should be subject to detailed analysis of the infrastructure requirements necessary to support future growth with a robust assessment undertaken on the impact proposals will have on the viability of development and that this should be undertaken through the preparation of the Local Plan and CIL review.</p> <p>I hope this information is helpful, however if you require any further information please do not hesitate to me.</p>	
District and County Councillors		
District Councillor	<p>My name is # and I am a District Councillor in Craven who sits on the Planning Committee. I have a great interest in "developer contributions" and have been trying over recent months to help NYCC to get monies rightfully due to them for both education and highways. At times it seems like I am banging my head against a brick wall !! I have been passed you Consultation document by a third party who knows what I am trying to achieve. Many of my fellow Elected Members share my concerns about building more and more houses without providing the necessary infrastructure. Initially I have 2 questions which I need answers to quite quickly because our own Council is trying to get us to pass a planning application in which they have a financial interest and their stance on contributions and safeguarding land for new schools concerns me. This development will probably be discussed by the planning Committee on 16/3/20 and could set a terrible precedent if things are not dealt with properly. Firstly, where land is safeguarded for a new school, do NYCC intend purchasing it at open market value. If they do, my concerns evaporate. But if they expect to get it for nothing or at a reduced rate (as one of your senior colleagues recently told me) I have a problem with what is going on. Secondly, if a developer says that they "won't safeguard their land" because they believe it to be unsuitable for a school, even though the Local Plan says they should, what would you do ?? This is exactly what appears to be happening in this case. I hope to respond more fully to the consultation before the deadline but my initial thought is that there is a fundamental flaw in the proposal. I think a blanket contribution should be made (if acceptable in planning terms) rather than one that is site specific. Currently in Skipton we have the ridiculous situation where NYCC are telling CDC that they do not need a primary school contribution at Airedale Avenue because the local primary school needs pupils. And initially NYCC didn't even know which the relevant catchment area was !! I had to correct their error. The only reason it needs pupils is that it is in "special measures" so all the kids are being driven out to neighbouring villages. That cannot be right and should not lead to a developer avoiding making contributions. The same basic principle applies at the secondary school. Because it currently</p>	<p>Land for new schools discussed in Section 5.12 of the main report.</p> <p>In a situation where a developer is unwilling to safeguard land which has been allocated for education use in the Local plan, it would be for each individual district council, as the local planning authority, to consider on a case by case basis whether the planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.</p> <p>In our view if Section 106 agreements contained a blanket contribution to primary and secondary education provision by every development this would not be acceptable in planning terms.</p>

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	<p>hasn't got the best reputation it is losing pupils to nearby establishments. It isn't fair on developers in areas where school places are sought after that no contributions are sought under these circumstances. Finally, do you not think it would make sense to ask all your Councils to share your consultation document with the decision makers like myself. Just a thought !!</p>	<p>A consequence of making a planning obligation directly related to the development is that where the catchment area primary school or secondary school is forecast to have the capacity to accommodate all the children likely to be generated by the development, a planning contribution would not be sought for that phase of education.</p> <p>Regarding Elsey Croft we remain in communication with both Craven DC and the other party to better understand the specific issues presented by this matter.</p>
County Councillor	<p>Fully agree with all these proposals. Developers should be made to contribute to education provision, whether in existing schools or through new facilities. Welcome the demands for SEND contributions, but think we should demand more, as this is a high cost service. Developers already often manage to avoid contributions to other infrastructure and provision, education should not be able to be treated likewise. It is vital that District Councils who are the primary planning authorities, should also be given support and authority to invoke this with developers, by the County Council.</p>	<p>Discussed in section 5.12-5.13 of the main report.</p>
<p>Town and Parish Councils in North Yorkshire</p>		
Amotherby Parish Council	<p>Agree with the proposed policy.</p>	<p>Noted</p>
Burton Salmon Parish Council	<p>Burton Salmon Parish Council would like to thank you for consulting with them on the new policy for developer contributions for education. They have no comments to make at this time.</p>	
Crakehall with Langthorne Parish Council	<p>The approach outlined in the consultation document is supported by the parish council.</p>	<p>Noted.</p>
Kirkby-in-Cleveland Parish Council	<p>The question was raised as to how the level of liability is calculated if a development of one site is done in two stages, each a separate planning application, as may be the case of the Waters Meet development in Gt. Broughton if the second stage goes ahead. If the second stage is treated as a completely separate development and the shortfall of school places remains the same, the developer could end up with a lower liability than if the whole development had proceeded as one</p>	<p>The forecast of future school capacity and pupils on roll takes into account any unimplemented planning permissions. So with the developments and school capacity set</p>

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	<p>in the first instance. E.g. First stage development is for 40 houses, liability for primary school places is $40 \times 0.25 = 10$. If the school has 5 spaces the shortfall and the developer's liability would be $10 - 5 = 5$. If there is then a second stage of another 40 houses on the same site but which has gone forward as a separate application and there has been no change in the school's circumstances, then the developer's liability would be the same, i.e. 5, which gives a total of 10 over the whole development. However if the entire development had gone forward under the first application, the calculation would have been $80 \times 0.25 = 20$. The school still has only 5 spaces, but the calculation is now $20 - 5 = 15$ and this would be the developer's liability, 5 more spaces. Is there something in the new policy for developer contributions which will allow for this situation to ensure that the developer makes the appropriate contribution over the whole development?</p>	<p>out in this scenario, if the original development of 40 houses had received planning permission when the second separate planning application of 40 houses was submitted, that would be taken into account in the assessment of capacity and places available at the school, and the developer would be required to contribute towards providing 10 rather than 5 additional places.</p>
Filey Town Council	<p>Filey Town Council Planning Committee support these proposals, they consider that Special Educational Needs are underfunded in our area. Capacity at schools in Filey is not an issue.</p>	<p>Noted.</p>
Husthwaite Parish Council	<p>Husthwaite Parish Council agree with the proposals in the consultation document.</p>	<p>Noted.</p>
Ingleton Parish Council	<p>At the recent Parish Council meeting the Councillors raised concerns that any funding raised through planning gain for education should be ring fenced for the area in which the developments are proposed. It was also suggested that for transparency figures showing the where the money is spent should be provided to local Parish Councils.</p>	<p>An Infrastructure funding statement published online by 31 December 2020 and annually thereafter will report on any developer contributions received, and also when and where contributions have been spent. This will give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area. These details have been added to p. 11 of the draft policy (Annex 1).</p>
Middleham Town Council	<p>This Council seeks to circulate relevant surveys as widely as possible within our community so will put details on noticeboards, the shop window, council website and in the community centre foyer. We shall also email to our contacts. To do this effectively really requires a poster - can one be sent please? I think it would have been helpful to have circulated the response sheet separately or at least refer to where it is at the end of the consultation document. Sorry, I'm not wanting to be critical but these are important topics and we want to support you to get the best possible response.</p>	<p>Poster sent.</p>
Skipton Town Council	<p>Members of Skipton Town Council Planning Committee welcome the introduction of a new policy on developer contributions for education. Members agree with the Pupil yield per house, with the exception that Members feel that 0.01 is set too low for those children with Special Educational Needs and Disabilities.</p>	<p>SEND yield based on yield derived from recent housing developments across the County and is comparable with other local authorities.</p>

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Staveley and Copgrove Parish Council	If these amendments are partly due to a need for more certainty then why not amend CIL? Funds should be directed to the specific area affected, it is not clear that this is the intention rather than simply raising funds for the Council in general to use at any school within its remit.	This is not the intention. Calculating developer contributions for primary and secondary education will be based on shortfalls of places in the local schools which are generally the catchment area schools for the proposed development.
Tadcaster Town Council	By and in large we agree with the proposals that have been put forward in this consultation. Our only major observation is that considering the relative paucity of housing development in our town, the figures being suggested for the threshold at which the developer contributions would kick in are not likely to be of any great help to our town, though we do recognise that we are something of an unusual case in this regard. It could also be made clearer whether secondary schools receive the proposed monies based on development in their immediate locality, or their entire catchment area, as the latter can often be significantly larger, and in our case the relative lack of development within Tadcaster itself would be disadvantageous to the local secondary school.	Calculating developer contributions for primary and secondary education will be based on shortfalls of places in the local schools which are generally the catchment area schools for the proposed development.
Other councils		
Leeds City Council	Although basic need funding can be used for new learning places that are required due to housing development, there is an expectation that the minimum amount of basic need grant funding is used to fund new learning places required as a result of this. The policy changes outlined in the consultation document seem reasonable to help ensure that developers are providing an appropriate contribution towards mitigating the impact of their housing developments on the availability of all types of learning provision and are in line with the recommendation set out in the Department for Education's non-statutory guidance 'Securing developer contributions for education' (November 2019).	Noted.
Developers		
Addison Planning Consultants Ltd	The County Council's proposition to produce a 'bottom drawer' planning policy document to secure developer contributions is contrary to National Planning Policy as a matter of principle and potentially unlawful. Firstly, the County Council is not the Local Planning Authority for the purposes of determining Planning Applications other than Minerals. It has no power to produce Supplementary Planning Documents that impose local planning policy on the Districts within the County. Secondly, the proposal directly conflicts with Government Planning Policy and Guidance in relation to Developer Contributions. Note the following extract from the Practice Guidelines which amplify the NPPF. Policies for planning obligations for developer contributions must be set	The County Council is not seeking to impose local planning policy on district councils. The policy sets out how the County Council will assess developer contributions needed for education. The majority of other county councils in two-tier areas have similar policies, either specifically for

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	<p>out in an Adopted Development Plan following an Examination in Public that test the evidence and justification for those policies: "Where should policy on seeking planning obligations be set out? Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability. This evidence of need can be standardised or formulaic (for example regional cost multipliers for providing school places. See the guidance from the Department for Education on 'Securing developer contributions for education'. However, plan makers should consider how needs and viability may differ between site typologies and may choose to set different policy requirements for different sites or types of development in their plans. It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure. Local communities should be involved in the setting of policies for contributions expected from development. See related guidance: Viability and Plan-making Paragraph: 004 Reference ID: 23b-004-20190901 Revision date: 01 09 2019 See previous version" In addition, the proposed policy would conflict with the policies of the Districts - particularly where some (such as Harrogate) have chosen to pursue an Community Infrastructure Levy. As a matter of principle the County Council should leave the preparation of policies seeking developer contributions for Education to the individual Districts to pursue through their Development Plans.</p>	<p>education or for developer contributions more generally. As stated in the consultation document, it will be for each individual district council, as the local planning authority, to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.</p> <p>Changes to the CIL regulations in September 2019 allow planning obligations to fund infrastructure also being partly funded by CIL.</p>
<p>Anwyl Land Limited</p>	<p>We are concerned that the policy does not allow for the viability of a scheme to be tested in the event that the level of financial contribution will render a development to be un-deliverable. We also request that in the event where a development is providing land for the delivery of a new school, that the residential development value of the land is offset against the level of financial contribution. The loss of residential development land is not recognised within the policy, and should be mitigated for in these circumstances.</p>	<p>Land for new schools discussed in Section 5.12 of the main report.</p>
<p>Banks Group</p>	<p>Banks Property Ltd is commenting on this consultation because we are a developer of a strategic housing allocation in Harrogate (ref H51 in the Local Plan).</p>	

	<p>The principle that each housing development should cover the costs of providing additional education capacity is acceptable but it has to be viewed as part of a bigger picture where local authorities also seek contributions for other facilities and a high proportion of affordable housing on sites. If the cost of contributions keeps rising faster than house price growth then it will start to erode the ability to meet all the expectations. The consultation document refers to build costs increasing between 25 and 40% but house prices have not increased by this amount over this period so there is a threat to viability.</p> <p>The Harrogate Local Plan has recently been examined and found sound. Site viability assumptions which informed that plan were based upon existing levels of education contribution not the increased ones now proposed by the County Council.</p> <p>Where land for a new school is required as part of a development it is rarely going to fall equitably between land owners. There needs to be a mechanism or at least flexibility to accept land as contribution “in kind”. The new policy for education contributions should address this issue.</p>	<p>The house price growth of newly built houses in Harrogate borough has been over 95 per cent between 2009 and 2019.</p> <p>We have included the following statement in the draft policy: “In multi-phase developments, we may recommend land-equalisation approaches to ensure the development ‘hosting’ a new school (and any additional safeguarded land) is not disadvantaged.”</p>
<p>Gladman Developments</p>	<p>Introduction: This representation is submitted in response to the above consultation on the new County Council policy on developer contributions for education. This purpose of this consultation is to consider views on the proposed policy which will set out the methodology to consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and the developer contributions required when capacity is not sufficient. Gladman have considerable experience in dealing with Planning Obligations and the Community Infrastructure Levy (CIL) across the country and these representations are based on our knowledge of the system and lessons learned from our experience.</p> <p>Regulations Planning Obligations sought by North Yorkshire County Council (NYCC) must comply with the Community Infrastructure Levy Regulations (2010), which came into effect in April 2010. The onus is on the Council to provide justifications on the contributions sought, in compliance with CIL Regulations 122. Regulation 122 applies to all decisions to grant planning permission on or after 6 April 2010 and means that all relevant obligations, such as monetary contributions, must meet the following three tests, which are explained under paragraph 56 of the NPPF: • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. It is important to remember that planning obligations should be applied flexibly to prevent planned development from being stalled. Where planning obligations are being sought the Council should take into account changes in market conditions over time. The costs of any requirements likely to be applied to development</p>	

	<p>should, when taking into account the normal costs of development, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.</p> <p>Developer’s Contribution for Education North Yorkshire County Council’s proposed policy in developer contributions for education is generally aligned with the guidance set out by the Department for Education and contained within the PPG. An important impact from development that often requires mitigation is the generation of additional primary and secondary school pupils who require schools within the vicinity of the new housing developments. Expanding or providing new schools in response to increased demand from new housing development can often prove challenging but the Council must not use the lack of land for new schools or the inability to expand existing schools as reasons for refusing otherwise sustainable housing development. Paragraph 94 of the NPPF makes clear that Councils should take a ‘positive and collaborative approach’ to ensuring sufficient choice of school places to meet the needs of existing and new communities. This was reiterated in a letter the Housing and Planning Minister Brandon Lewis sent to Council Chief Executives stating that “...supporting housing development to increase supply, and providing high quality school places for every child are two of the Government’s top priorities.” The letter requires that Councils should “consider carefully representations from developers about the timing of their contributions” and that “where there are genuine concerns that funding new school places alongside the development may render it unviable if homes are yet to be sold, we would encourage local authorities to be flexible in seeking such obligations upfront.” In this regard, NYCC have proposed to lower the threshold for which primary education contributions should be sought to 10 dwellings and for secondary education contributions to 25 dwellings in line with guidance set out in the PPG for affordable housing contributions. Gladman would contend that it is important to recognise regional differences across the County and suggest that a blanket policy approach to delivering contributions for education may not be appropriate if they were to restrict otherwise sustainable development. Furthermore, following the CIL Regulation amendments in September 2019 NYCC have proposed to continue to request Section 106 contributions for education across the County, including those local authorities which have adopted the CIL amendments. Whilst this may allow infrastructure to be funded partly through both sources of developer contributions, it is vital that developers are not charged twice for the same scheme ensuring that the viability of a scheme is properly assessed against the cost repercussions of the CIL and S106 . In this case it is vital that the evidence for setting developer contributions is set out and is and continuously monitored to ensure a transparent and accountable system .</p> <p>Conclusions Gladman welcome the opportunity to comment on the Draft Developer Contributions for Education policy and would like to be kept informed as the document is progressed. Gladman reserve the right to provide further comments on the Policy at any later stage of public</p>	<p>Where a Section 106 contribution for education is agreed to mitigate the impact of a specific development, the County Council will not request an education contribution from CIL revenues to mitigate the impact of the same development. These details have been added to p. 4 of the draft policy (Annex 1).</p>
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	<p>consultation. The fundamental point which Gladman reiterate through this submission is the need to ensure that any obligations sought meet the Regulation 122 tests which state they need to be: • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. I hope you have found these representations constructive, should you wish to discuss any of the points raised in further detail please do not hesitate to contact a member of the Gladman team. A receipt of the above representation submitted by Gladman would be appreciated.</p>	
<p>Gladman Development Ltd</p>	<p>Thank you for the opportunity to comment on the draft policy.</p> <p>1. Viability The proposed increase in the 'cost per place' across all types of schools is not insignificant. It is unclear what work has been carried out in respect of the associated impact on the viability of developments across the County. In addition, the draft policy proposes to request s106 contributions across all LPAs, including those with adopted CILs. This is concerning as the levy rates were informed by viability assessments which took into consideration likely s106 contributions which will not have included education if it was proposed to be covered by CIL. Adding in education s106 contributions on top of CIL will significantly and detrimentally change the overall viability position. The knock on implications need to be considered. The draft policy sets out that "National Planning Practice Guidance has an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development." This approach could represent a significant financial burden on a particular development site, the County Council should explore whether there is a mechanism whereby s106 contributions can be off-set through the provision of land. This must apply where a developer is providing more land than is necessary to mitigate the impact of their development (eg they are providing land for a new school which will benefit other new developments or they are providing more land to future proof the school and allow for its future expansion if necessary at the request of the education authority. At all times s106 contributions and request for land must adhere to the national CIL regulations.</p> <p>2. Calculating contributions The draft policy states that the contribution will be assessed with regards to the anticipated capacity at year 5 (i.e 5 years from the date at which the assessment is carried out as part of the planning application determination). Whilst this may be a sensible approach for smaller sites that are likely to have started delivering housing, and therefore new pupils, by year 5, for larger schemes or those that are more complex there should be some flexibility to allow for projections to look beyond year 5.</p> <p>Plan making Welcome the commitment that NYCC will work with the relevant LPA at the plan making stage as well as through the development management (DM) process. However, we would encourage the Education Authority to ensure it engages with emerging plans from the</p>	

	<p>outset to ensure that all matters relating to education provision, especially where new schools are required, are established clearly in the Plan. we have recent experience in Harrogate where new school provision was not resolved through the emerging Plan process and we are now in the position where this is having to be resolved through the DM process which is causing significant delays to the determination of planning applications. Should you wish to discuss any of the above in more detail we would be happy to do so. Kind regards. I have included more detail on the background evidence used to influence the policy.</p>	
Schools		
Burton Leonard C of E Primary School	<p>just check under Section 106 that it is the total number of houses in the development and not just those that have children at school attendance age.</p>	<p>Education contributions are sought on the total number of houses in the development with 2 or more bedrooms.</p>
Others		
Defence Infrastructure Organisation	<p>NYCC - CONSULTATION ON A NEW POLICY ON DEVELOPER CONTRIBUTIONS FOR EDUCATION</p> <p>We write on behalf of the Secretary of State for Defence in connection with the above consultation. Firstly, may we thank the County Council for the opportunity to comment on the emerging policy. The MOD has one of the largest land-holdings in North-Yorkshire. Over the coming years significant changes will occur over that land area and in some of these areas we are already working with the County Council on development proposals. These changes include:</p> <ul style="list-style-type: none"> • At Catterick Garrison where the Defence Infrastructure Organisation (DIO) is working with Richmondshire District Council to deliver a significant expansion in the provision of Service Family Accommodation (SFA) housing. • At Ripon, we are also working with Harrogate Borough Council on the redevelopment of the barracks site for general market housing. • Significant changes across a range of other MOD sites in North Yorkshire, both in terms of provision for operational facilities, but also other general market developments. <p>The DIO therefore has a keen interest in the development of this new policy on developer contributions.</p> <p>The new policy would result in a significant increase in contributions to the provision of new secondary and primary school places across North Yorkshire as a whole. Proposed contributions are derived from published figures in the Department for Education school place scorecards and are therefore considered reasonable.</p>	

	<p>It is not, however, entirely clear from the document whether the figures have been adjusted to take account of BCIS Location Indices, in accordance with Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019), and which regional index has been applied. It would therefore aid transparency if this could be set-out in the new policy and within emerging Local Plans.</p> <p>The provisions for contributions towards Special Educational Needs and Disabilities (SEND) and early years provision, in line with 'Securing developer contributions for education' (November 2019), are noted and we have no objections to these. However, it is again unclear how the pupil yields, and thresholds have been calculated and it would therefore be helpful if the rationale for these could be set out in the new policy.</p> <p>The report also does not confirm whether developer contributions negotiated in S106 agreements will be index-linked to ensure payments take account of inflation. This should also be confirmed in the forthcoming policy. The use of standard UK Government indexes should be referenced. For clarification: The MOD has a large stock of on-site Single Living Accommodation (SLA) at its bases in North Yorkshire. Given its unique characteristics this type of accommodation is distinct from Class C3 housing or flats and has not been subject to developer contributions towards education infrastructure. It is recommended that the new policy confirms that this exemption will apply to provide clarity for any future negotiations with planning authorities.</p> <p>Embedding the policy within emerging Local Plans would clarify the position for developers and strengthen its weight, but also ensure that viability considerations have been considered. It is important to ensure that developments are not made unviable, once these costs are added to wider planning obligations.</p> <p>Equally at the specific development level there is a need to ensure that contributions are proportionate, fair, reasonable and a viable level of contribution is sought taking on board other costs to be borne.</p> <p>We trust that these comments will be of assistance and will look forward to receiving the responses to the issues raised.</p>	<p>National average costs published in DfE school place scorecards have been adjusted to reflect costs in the region using BCIS location factors.</p> <p>SEND pupil yield derived from recent local housing developments across the County (Annex 2, Appendix 4). Early Years pupil yield set out on pp. 8-9 of draft policy (Annex 1).</p> <p>Cost place multipliers will be updated annually – see p. 7 of the draft policy.</p> <p>Developer contributions will only be sought for dwellings with 2 or more bedrooms: see p. 5 of draft policy.</p>
DfE	<p>Submission of the Department for Education</p> <p>1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.</p>	

	<p>2. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for many of these, rather than local education authorities. However, local education authorities still retain the statutory responsibility to ensure sufficient school places, including those at sixth form, and have a key role in securing contributions from development to new education infrastructure. In this context, we aim to work closely with local authority education departments and planning authorities to meet the demand for new school places and new schools. We have published guidance on education provision in garden communities and securing developer contributions for education, at https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations and viability.</p> <p>3. We would like to offer the following comments in response to the proposals outlined in the above consultation document.</p> <p>Specific Comments</p> <p>4. The overall policy approach to developer contributions suggested by North Yorkshire County Council is positive. However, there are some parts of the policy which would benefit from more detail to help explain the approach taken.</p> <p>5. We welcome the commitment to use DfE school places scorecards to calculate the costs per place, for added clarity it would be useful to include a link to the scorecards within the document.</p> <p>6. Special Educational Need and Early Year places - it would be helpful if the policy could include the evidence and justification used for using the chosen thresholds (Page 4) for SEND and EY. We support the recommendation made in the SEND section of the policy on Page 3 that developer contributions for special or alternative school places are set at four times the cost of mainstream places. It would be helpful to provide the context to this figure by including a link to the space standards set out in Building Bulletin 104.</p> <p>7. The document would be strengthened by including the evidence used to derive the yields outlined on Pages 3 and 4 of the document. It would provide the development industry with greater clarity if the yields (set out in the table on Page 4) included a breakdown based on bedroom numbers. The EY yield used looks to be on the low side, this should encompass all children from birth to age four. DfE guidance recommends seeking developer contributions for all childcare provision, according to the expected demand and capacity.</p>	<p>5. This is provided in p.6 of the draft policy (Annex 1)</p> <p>6. This is set out in pp. 7-8 of the draft policy (Annex 1).</p> <p>7. Evidence used to derive the yields is included as Appendices 2-4 in the supporting appendices (Annex 2) to the draft policy.</p>
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<p>8. The first paragraph on Page 3 should be amended to clarify that developer contributions will typically include both the build cost of the new school and the provision of the land on which the school is to be built. In addition, the policy should include information on the approach that will be taken in relation to seeking planning obligations from affordable housing.</p> <p>9. In the summary table (Page 4), it is unclear why the same SEND cost per place has been used for both expansions and new schools. By having a higher cost for a new SEND school would enable, for example, £91,056 to be charged per SEND place, for pupils over the age of 11. It is also unclear as to why the early years cost is the same for new provision as it is for expansions. In this instance, using the DfE guidance would allow you to secure £18,630 per place compared to £15,766 from the approach suggested by your policy, you may wish to consider revising your guidance accordingly</p> <p>10. The policy should also provide details on how school capacity will be calculated and whether this will take account of out-of-catchment admissions.</p> <p>11. DfE is currently undertaking a data-linking project to determine pupil yield from housing developments across the country. It will show pupil yields from developments completed in 2008, from first occupation until the latest record, providing evidence of how quickly yields build up, peak, and start to stabilise. There will be recommendations for LAs on how they can update the data in subsequent years using the school census and free housing data from Ordnance Survey, to increase long-term value, as this is likely to be a one-off exercise for DfE. While initial outputs for a smaller study area are expected to be produced alongside draft guidance by late spring 2020, the dates for consultation are unknown due to the ongoing Covid19 situation. If North Yorkshire Council wishes to be involved and has capacity to respond to a targeted consultation on the draft pupil yield guidance over the coming months, please contact me.</p> <p>Developer contributions</p> <p>12. Local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions for the same item or type of infrastructure. However, the revised CIL Regulations remove this constraint, allowing unlimited pooling of developer contributions from planning obligations and the use of both Section 106 funding and CIL for the same item of infrastructure. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. DfE supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations.</p>	<p>8. Clarification added on p. 5 and p. 7 of the draft policy (Annex 1).</p> <p>9. Discussed in section 5.10-5.11 of the main report.</p> <p>10. These are based on the latest school capacity information, applying the DfE guidance Assessing the Net Capacity of Schools (2002). Forecasts of future pupils on roll are based on the current pattern of preference for admissions.</p>
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	<p>13. Developer Loans for Schools (DLS) was launched in autumn 2019. The DLS may be used to forward fund schools as part of large residential developments, for example if viability becomes an issue. In light of the objectives of this policy, it would be helpful to reference this initiative within the document. Please see the Developer Loans for Schools prospectus for more information. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.</p> <p>Conclusion</p> <p>14. Finally, I hope the above comments are helpful in shaping the North Yorkshire County Council's Developer Contributions for Education Policy. Please advise DfE of any proposed changes to the emerging policies and/or evidence base arising from these comments.</p> <p>15. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to working with North Yorkshire County Council to aid in the preparation of sound policies for education.</p>	<p>13. Reference to Developer Loans for Schools added to p. 10 of the draft policy (Annex 1).</p>
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Developer contributions for education: Comparison of North Yorkshire with nearest neighbours

1 Introduction

- 1.1 This analysis compares North Yorkshire with 15 other councils with the most similar statistical characteristics in terms of social and economic features, based on the CIPFA (Chartered Institute of Public Finance and Accountancy) nearest neighbour dataset. These are all county councils in two-tier authority areas which are predominantly rural.
- 1.2 The total developer contributions payable per house based on a development of 100 houses are assessed by examining each county council's agreed pupil yields, thresholds (for the minimum number of houses assessed), and contributions per place for:
- primary and secondary education;
- and where they are requested, for:
- 16-18
 - Early Years
 - SEND
- 1.3 Some of these counties have CIL charging regimes operating within parts of their areas, but it is assumed here that for education provision only Section 106 contributions are being requested.
- 1.4 It is assumed that local schools serving the development will be at capacity, and therefore that contributions are being sought for every place. All contributions per place are for expansions to existing schools rather than for new schools.

2 How do North Yorkshire's proposals compare with what its nearest neighbour counties are requesting for developer contributions for education?

- 2.1 Using the policies of each county council, North Yorkshire's current and proposed rates for developer contributions for education are compared with those of its nearest neighbour county councils.
- 2.2 These are examined firstly for primary and secondary education contributions (Table 1). This comparison shows that North Yorkshire's current contributions for education sought per place are lower than most other nearest neighbour county councils. North Yorkshire's primary and secondary pupil yields per house are comparable with those used by the other county councils. North Yorkshire's proposed thresholds for assessment and costs per place are comparable with those currently being applied in many other nearest neighbour county councils.

Table 1: Primary and Secondary education contributions in comparator counties

	Primary Pupil yield per house	Threshold	Contribution per place	Secondary Pupil yield per house	Threshold	Contribution per place
N Yorks (current)	0.25	15-25	£13,596	0.13	25-150	£20,293
N Yorks (proposed)	0.25	10	£15,766	0.13	25	£21,601
Cumbria	0.20	15	£12,051	0.14	15	£18,188
Staffordshire	0.21	10	£13,165	0.15	10	£17,114
Lincolnshire	0.20		£11,276	0.19		£16,991
West Sussex	0.25		£18,933	0.18		£28,528
Warwickshire	0.26	10	£16,098	0.19	10	£19,403
Norfolk	0.28		£14,022	0.15		£15,664
Nottinghamshire	0.21	10	£17,426	0.16	10	£23,875
Gloucestershire	0.28		£15,091	0.17		£23,012
Leicestershire	0.30	10	£14,592	0.20	10	£18,118
Devon	0.25	4	£16,432	0.15	4	£22,513
Somerset	0.32		£17,074	0.14		£24,861
Suffolk	0.25	10	£16,596	0.18	10	£22,738
Worcestershire	0.27	10	£17,649	0.19	10	£23,528
Cambridgeshire	0.30		£23,833	0.22		£26,255
Mean average	0.26	9.9	£16,000	0.17	11.6	£21,493

2.3 The full education contributions being sought in comparator counties are also examined and compared with those currently sought and being proposed in North Yorkshire (Table 2). This shows that the proposed contributions for early years and SEND in North Yorkshire are comparable with other counties and below the average for this group. The full education contribution that would be sought when early years and SEND are taken into account is also comparable with other counties and below the average for this group.

Table 2: Full education contributions sought per house in comparator counties

	Full Education Contribution sought per house	Primary & Secondary Contribution sought per house	16-18 Contribution sought per house	Early Years Contribution sought per house	SEND Contribution sought per house
N Yorks (current)	£6,037	£6,037			
N Yorks (proposed)	£8,169	£6,750		£788	£631
Cumbria	£5,041	£5,041			
Staffordshire	£6,284	£5,332	£557	£395	
Lincolnshire	£6,184	£5,484	£700		
West Sussex	£11,106	£9,868	£1,238		
Warwickshire	£9,652	£7,822	£724	£841	£266
Norfolk	£7,807	£6,211	£235	£1,360	
Nottinghamshire	£7,479	£7,479			
Gloucestershire	£9,363	£8,136		£1,227	
Leicestershire	£9,323	£8,001		£757	£564
Devon	£10,029	£7,485	£1,351	£25	£1,168
Somerset	£10,481	£8,944		£1,537	
Suffolk	£10,811	£8,242	£910	£1,660	
Worcestershire	£12,754	£9,236		£1,871	£1,647
Cambridgeshire	£18,837	£12,795		£4,989	£1,053
Mean average	£9,412	£7,741	£816	£1,466	£940

3 How do North Yorkshire's proposals compare with other counties when the housing market is taken into account?

- 3.1 Data on house prices of newly built houses in each county is used to compare the different housing markets.
- 3.2 The full education contribution (including early years and SEND) sought per house (based on a development of 100 houses) is compared against the median house price of newly built houses (Table 3). This shows that North Yorkshire's current contributions per place are among the lowest of the comparator counties, and that the proposed contributions would still only place the county within the lower half of the range adopted by other county councils with similar economic and social characteristics.

Table 3: Full education contribution (including early years and SEN) sought per house compared with median house price of newly built houses

County	Education contribution payable per house (based on 100 houses)	Median house price (newly built houses)	Education contribution as % of median house price
N Yorks (current)	£6,037	£275,000	2.20
Cumbria	£5,041	£227,250	2.22
Staffordshire	£6,284	£263,000	2.39
Lincolnshire	£6,184	£212,995	2.90
N Yorks (proposed)	£8,169	£275,000	2.97
West Sussex	£11,106	£369,000	3.01
Warwickshire	£9,652	£320,000	3.02
Norfolk	£7,807	£257,995	3.03
Nottinghamshire	£7,479	£247,023	3.03
Gloucestershire	£9,363	£306,000	3.06
Leicestershire	£9,323	£295,000	3.16
Devon	£10,029	£280,000	3.58
Somerset	£10,481	£274,998	3.81
Suffolk	£10,811	£279,995	3.86
Worcestershire	£12,754	£314,950	4.05
Cambridgeshire	£18,837	£374,950	5.02
Mean average	£9,877	£290,779	3.35

Note on data: Median house price (newly built houses) - This is the unadjusted median house price for new build residential property sales (transactions) in the area for the 12 month period ending Quarter 3 of 2019. These figures have been produced by the Office for National Statistics using the Land Registry Price Paid data on residential dwelling transactions. The median is the value determined by putting all the house sales for a given year, area and type in order of price and then selecting the price of the house sale which falls in the middle. The median is less susceptible to distortion by the presence of extreme values than is the mean. It is the most appropriate average to use because it best takes account of the skewed distribution of house prices.

ANNEX 6

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Children and Young People's Service		
Service area	Education and Skills		
Proposal being screened	Developer contributions for education.		
Officer(s) carrying out screening	John Lee		
What are you proposing to do?	Produce a revised policy for developer contributions for education.		
Why are you proposing this? What are the desired outcomes?	<p>In the light of changes to legislation and updated government guidance the County Council has consulted on an updated policy for developer contributions for education.</p> <p>This includes proposals to request S106 contributions for education across the County; use DfE's preferred cost per place; lowering the thresholds for seeking primary and secondary education contributions; introducing contributions for Special Educational Needs and Disabilities (SEND) and Early Years for larger developments; recommending the use of model clauses in Section 106 agreements for education contributions and for new education sites.</p>		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	

ANNEX 6

Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristics			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	We have no evidence that the impact should be greater on areas where there are known inequalities/probable impacts.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	It is not anticipated that there will be a significant effect on how our partners operate. Partners have been consulted in the development of the policy.		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	No potential for discrimination or adverse impact has been identified.		
Signed (Assistant Director or equivalent)	Judith Kirk		
Date	29/4/20		

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