

NORTHUMBERLAND

Northumberland County Council

EDUCATION INFRASTRUCTURE CONTRIBUTION POLICY

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Document Control	
<u>Filename</u>	EDUCATION INFRASTRUCTURECONTRIBUTION POLICY
<u>Version</u>	1.2
<u>Status</u>	
<u>Author:</u>	
<u>Version Date :</u>	June 2021

Document Revision Information			
<u>Version</u>	<u>Date</u>	<u>Author</u>	<u>Description</u>
V 1.0	Sept 2017	B Parvin	New Policy
V1.1	Oct 2017	S Aviston	updated
V1.2	June 2021	L Fife	update

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Northumberland County Council Education Infrastructure Contribution Policy

1. Introduction

The provision of quality education is at the heart of sustainable communities and therefore is a fundamental consideration of all new housing developments. Where a new housing development is forecast to create a demand for school places in excess of those available in the catchment area of the development, the local authority will seek an education contribution from developers that reflects the likely costs of the additional places required.

A contribution will be always be sought where a school's actual pupil population is at 95% or more of its maximum capacity, the 5% figure is used by the Council for contingency planning for example to allow for an unexpected influx of new pupils, managing year to year fluctuations in numbers, and consequential impact of parental preference etc. Where the school population is under but very close to the 95% level (90%+) and there are already approve planned housing developments that will impact on that school, a view will be taken as to whether the proposed planning application would take the capacity of the school to 95% or over and a contribution would be also be sought in that instance.

Due to this impact, without such mitigating education contribution, an objection to the planning application will be made as this will adversely affect the Council's ability to deliver its statutory services.

The education contribution is sought under Section 106 of the Town and Country Planning Act 1990 and is consistent with Northumberland County Council's statutory duty to ensure that every child living in the county is able to access a mainstream school place if they want one.

It is accepted that there are limitations on the use of planning obligations and these may only be used where the obligation is:

- 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.

Northumberland would also seek to be transparent in relation to both how the proposed obligation is calculated, drawing on key pieces of information including some already in the public domain. This should assist all parties in being able to understand the likely amount and impact of any obligation at an early stage in the process.

2. Admissions Arrangements

The Education Contribution Policy relies upon the Council's Admissions arrangements, in order to identify the appropriate catchment area schools, and whether sufficient capacity exists within them to incorporate the likely numbers of new pupils arising from any new development.

The Council's Admissions Arrangements are in line with the requirements of the Department for Education's School Admissions Code 2021, and are contained with the School Admissions Handbooks published annually and available online at:

[School Admissions-Places and Appeals](#)

Separate handbooks, containing information on the respective admissions policies are maintained for:

- First and Primary Schools; and
- Middle, High and Secondary Schools

Admissions policies for each school or academy are set by the relevant Admissions Authority. The respective Admissions Authority for each type of school is shown in the table below:

Type of School	Admissions Authority
Community	Local Authority
Voluntary Controlled	Local Authority
Voluntary Aided	School Governors
Foundation / Trust	School Governors
Academies	Academy Trust

Northumberland County Council sets an Admission Policy which is adopted by Community and Voluntary Controlled schools. While we will make every effort to work on a co-ordinated basis with other Admissions Authorities, they are under no obligation to adopt the same policy or use the same admissions criteria, in part or in whole.

Admission Criteria

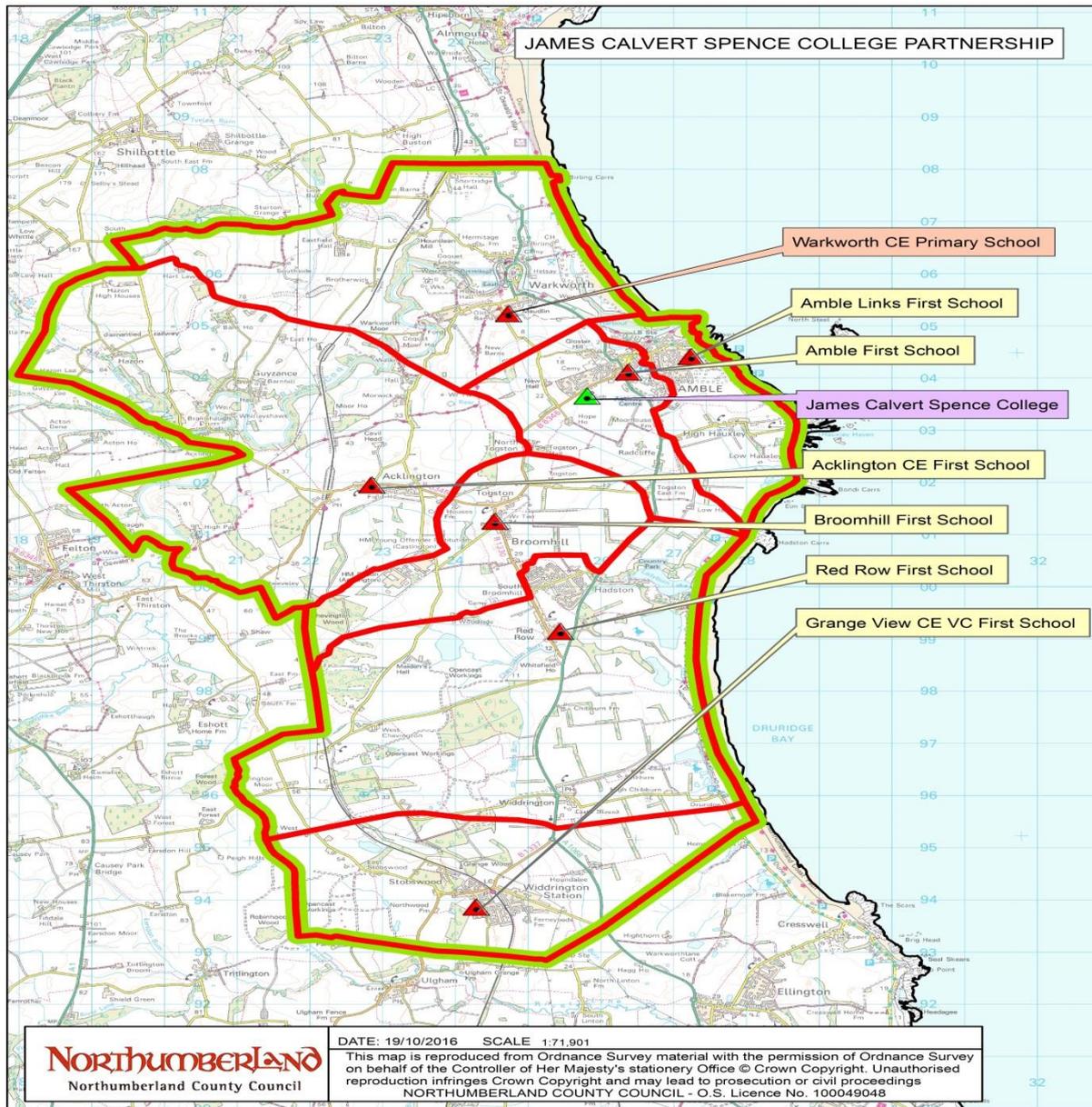
When a school is oversubscribed (i.e. has more applications than places available), the national School Admissions Code requires that priority of admission is given to :

- Children with a Statement of Special Education needs or Education Health and Care (EHC) plan who have the specific school named in the plan; or
- Children who are "looked after" or have previously been "looked after".

Remaining applications are determined on the basis of set of criteria, of which the next is whether or not a child is resident in, or has firm evidence that they will be living in the **catchment area** at the admissions date. Northumberland County Council has allocated a school catchment area to all parts of the county and it is these catchment areas that will be used to determine education contribution where relevant. The Council also uses its own allocated catchment areas to determine transport arrangements. The relevant catchment areas can be reviewed on Northumberland's digital mapping service, available at :

[Northumberland Digital Maps](#)

From this link, insert the relevant address or postcode in the search bar and then from the 'layer list' the relevant school phases can be selected and the catchment area will be shown. For example, the Coquet / James Calvert Spence College partnership shown here demonstrates the relationship between primary (**red**) and secondary (**green**) catchment areas :



Having identified the correct schools relevant to the catchment area within which the development will be located, it is these schools that will be used to assess whether there is currently sufficient capacity in the school in order to accommodate the likely number of pupils generated by the development, i.e. the **“pupil yield”** (see also para. 3 Methodology for further information on pupil yield assessment).

3. Methodology

In line with the restrictions on the use of planning obligations a contribution will only be sought where there are calculated to be or likely to be insufficient school places in the catchment area schools of the development. Given the long term nature of some housing developments, as well as looking at capacity in terms of current school places and actual pupil numbers, it is important to consider potential longer term trends.

If it is found that insufficient school places will exist as a result of the impact of the proposed development, an appropriate level of contribution will be calculated that includes assessment and consideration of the following factors:

- The size of the development;
- Current pupil numbers based on latest census data and forecast school numbers. As part of this, the capacity in the school within specific year groups will also be considered e.g. If a school has surplus capacity within the older year groups of the school but is full in the younger year groups, this would indicate that future developments would have an impact on educational infrastructure.
- Likely pupil yield;
- Birth data for the catchment area : If there are significant variations in birth data for the catchment area this may impact on pupil numbers.
- the impact of this development in conjunction with other developments that are already under construction or have approval for construction within the relevant schools catchment areas;
- The need to manage capacity and retain some flexibility in the system;
- Local and National information in relation to cost factors for the respective type of pupil places.

Where it is necessary to make assumptions in relation to inform the respective calculation, these factors will be subject to annual review to ensure their ongoing accuracy.

The Council's need to retain a certain degree of capacity for place planning and management has also already been highlighted and an ongoing allowance of at least 5% will be factored for this purpose.

At the consultation stage in relation to a potential development, the respective schools within the catchment area for the development will be identified, and consideration given as to whether they have sufficient capacity to manage the numbers of new pupils likely to be generated by the development in the light of the considerations set out above. The current number of pupils attending, compared to the maximum capacity of the school is a key consideration in this respect.

An estimate of the likely impact is calculated by applying the estimated pupil yield arising in relation to the development. Current data suggests this is just under 3 children per year group for Primary and Secondary education. The specific ratios used are shown in the example calculation table below and will be reviewed on an annual basis.

For a 500 home development, the anticipated number of new pupils generated would be calculated as follows:

Phase	Yield	No of Houses	No of Years	PUPILS (Rounded)	LESS 3% SEN (Rounded)	Final Pupil Split
Primary	0.02516	500	7	95	3	92
Secondary	0.02384	500	5	57	2	55
SEN	3% of pupils generated – see Section 4			5	0	5

However, in keeping with the 3 key principles, a charge will only be levied when it is assessed that the catchment area schools will not be able to accommodate the additional anticipated pupil yield without changes to the school’s educational infrastructure to accommodate additional places.

If additional school places are deemed to be required, an appropriate contribution will be calculated, depending on whether primary or secondary school places or both are required, up to Year 11 pupils aged 16.

Despite the extension of the mandatory education age to 18, no charge is currently made in relation to post 16 (Year 12 or 13) students because a number of education options may be available, not all of which will necessarily be school based.

The respective primary and secondary contribution per pupil place is calculated by reference to standard area spaces requirements of 6 m² (primary) and 8m² (secondary) multiplied by an estimated total build costs per metre. Both the space per individual additional pupil and the space requirements have been identified by reference to the National School Delivery Cost Benchmarking study¹, produced in conjunction with the Department for Education, Infrastructure and Projects Authority and the Local updated in June 2019 which identifies new development gross costs per m² in excess of £3,000.

On the basis of both this and comparable local data updated in 2021 the figure of £3,000 per m² remains the basis for the Council’s calculations on the impact of educational infrastructure. Sample calculations for a 500 unit development are shown below, following on from the pupil yield calculations above :

Phase	Number of Pupils	Area (m ²)	Gross or Total Cost per m ²	Contribution Per Pupil (£)	Total Contribution
Primary	92	6	£3,000	18,000	1,656,000
Secondary	55	8	£3,000	24,000	1,320,000
Total for Primary and Secondary contribution					2,976,000

¹ The National School Delivery Cost Benchmarking study, published in February 2017 provides the results of a national cost benchmarking exercise. Funded by the Local Government Association(LGA) information has been shared with the Department for Education and the Infrastructure and Projects Authority

The “Total Cost” figure is cost represents the total capital cost of providing the places, not simply a “build cost” and is made up of the following elements:

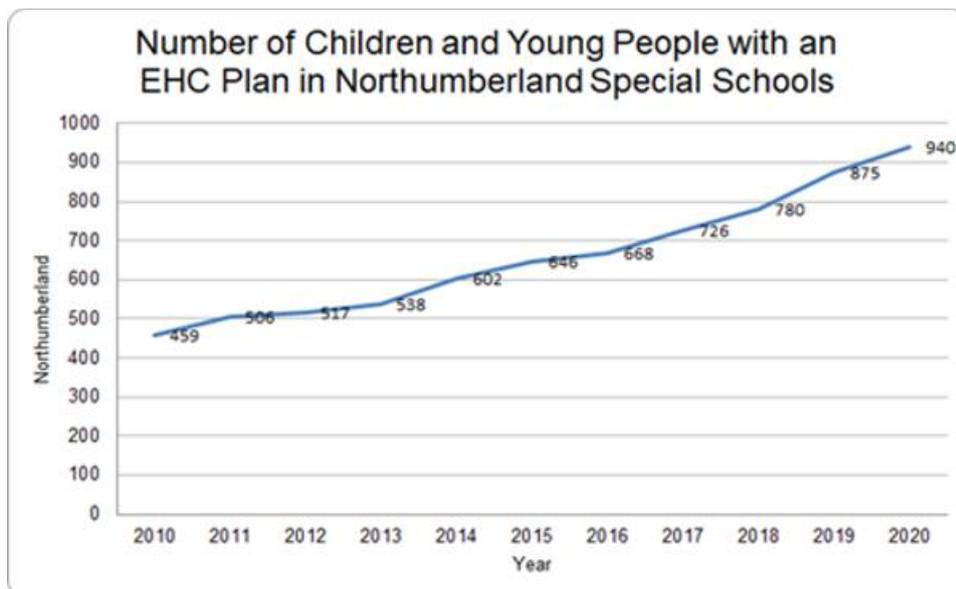
Build Cost	£2,200.00
External Works	£500.00
Professional Fees	£150.00
FF&E	£100.00
ICT	£50.00
Total	£3,000.00

It is consistent with the term “Gross Cost per m²” used in the National School Delivery Cost Benchmarking study but does not include any element of land purchase costs. If land is required that is not owned by Northumberland County Council, then this will be considered as part of the discussions around the required contribution.

4. Special Educational Needs:

It is a fact that approximately 4% of the school age population will have complex Special Educational Needs (SEN), as reflected in both local and national pupil numbers having EHC Plans. This accounts for approximately 1700 school age children in Northumberland. This does not include a wider group of children who do not have EHC plans, but are identified and recorded as needing additional SEN support. Taken together, this accounts for approximately 16% of the school age population.

At the same time Northumberland’s Special Schools are at capacity, with pupil numbers showing 41% growth between 2016 and 2020, as shown in the table below:



Our maintained special schools are now at capacity. We are also placing children in out of county placements due to a lack of places. The placement costs arising from this is currently estimated as more than £4 million per year. We also spend over £4 million per year on SEN transport, both within and outside of the county resulting in long travel times that impact negatively on our pupils. This was highlighted in the 2014/15 Ofsted Annual Report which stated that in areas of Northumberland, pupils may need to travel long distances to access specialist provision (ref page 62, para 102).

Given that Northumberland's 8 maintained special schools are all either good or outstanding, the Council is keen to reverse the trend of increasing out of County placements by increasing the capacity to provide quality SEN education within the county and enable pupils to be educated within their communities.

Where the number of pupils calculated to be yielded by a development meets the threshold for an SEN contribution, this will be calculated accordingly and requested as part of any Education s106 agreement, reflecting the need to develop the Council's capacity on a co-ordinated county wide basis.

This contribution will be calculated based specifically on the smaller cohort of pupils with more complex needs requiring EHC Plans, or previously SEN Statements. This will be examined in relation to the Ward for in which the development is proposed, and up to 3 neighbouring wards. On average it is anticipated that 4% of the pupil yield figure will be assumed to have complex SEN requirements as indicated by the requirement for an Education Health and Care (EHC) Plan.

Following on from the example of the new 500 unit development shown above, the 5 SEN school places identified would result in the following SEN element within the s106 agreement :

Phase	Number of Pupils	Area (m ²)	Gross or Total Cost per m ²	Contribution Per Pupil (£)	Total Contribution (£)
SEN	6	33	£3,000	99,000	595,000

It is also noted that the term SEN covers a wide range of circumstances and requirements. Given that the SEN pupils included in the contribution calculation is now focussed on those with complex needs, the area figure used is drawn from the Department for Education's Building bulletin 104 *Area guidelines for SEND and alternative provision*. It is accepted that there can be a range of variations, in relation to whether new build, extension or refurbishment, and depending on any economies of scales arising from the size of the development, however these will be used as the basis for calculations, and will remain subject to annual review.

Due to the specific nature of a pupil's SEN needs, it is not always possible for these to be met from within the school catchment area, so it is anticipated that the Council will request specifically that there is no geographical restriction as part of the s106 agreement although any additional SEN provision required will be provided as near as possible to the relevant development dependent on the type of provision required.

5. Timing of Payments

It is understood that the scheduling of payments in relation to the Education Infrastructure contribution will be part of an agreement in relation to the timing of the s106 payments overall. However the position in respect of the Education contribution is that a payment profile will be sought that reflects the Council's need to deliver the additional school places during the course of the development. To reflect this, the default profile required will be in three equal parts, falling due :-

- On occupation of the first dwelling;
- After 25% of the approved development's housing units are complete; and
- After 75% of the approved development's housing units are complete

6. Indexation & Review

Because of the extensive amount of time that can lapse between approval being given and time at which it is payable under the terms of the S106 agreement, the charge shall be index linked and subject to annual review, by reference to the Building Cost Information Services index .

Subject to any policy changes made at national level to the process of acquiring developer contributions, the next entire review of this policy will be completed early in 2024. However, given the publication of the National Benchmarking Report annually in February each year, it is proposed that the figures used to calculate developer contribution are reviewed at that point to ensure they remain an accurate reflection of the likely costs to be incurred and if required, new figures would be adopted from 1st April in the relevant year subject to approval by the Council's Cabinet.