

Bolton Metropolitan Borough Council

Environment Department

Planning Control Policy Notes



30. Education

June 2005

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In December 1995 Bolton Council adopted its Unitary Development Plan (UDP) as the sole statutory land use plan for the whole Borough. This plan has since been reviewed. The latest plan is the Second Deposit Version Unitary Development Plan (SDVUDP) which was published in January 2001 and subject to Public Inquiry between November 2001 and December 2002. Proposed Modifications were published in September 2004 and on adoption in Spring 2005 the SDVUDP will replace the 1995 UDP as the statutory plan for the Borough.

The Council has a number of Planning Control Policy Notes, of which this is one, providing detailed policy advice to supplement UDP and SDVUDP policies and help those who wish to understand the Council's detailed planning requirements and advice. These notes will have been subject to public consultation before being finalised.

The interpretation of this advice will relate to the circumstances and particulars of a planning application which will be determined on its own merits.

In the context of changing local, regional and national planning policies it may be necessary for the Council to revise its Planning Control Policy Notes to take these changes into account.

Prospective applicants requiring clarification of the Note's contents should contact the Council's Planning Control Section.

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Provision For Education

Introduction

1. The statutory planning system regulates development and the granting of planning permission invariably results in an increase in land values. These values have traditionally reflected the need to provide for any infrastructure, such as roads, which will facilitate the development of land. However, developers should take account of the costs of providing all necessary infrastructure including the making good of any shortfall in local education provision.
2. The construction of new housing will often place extra demands upon existing schools which may or may not have the capacity to accommodate additional pupils. This will be a material consideration in the determination of any planning application and the Council will therefore take into account the capacity of local education facilities when dealing with applications for residential development.
3. The Council does not, as a rule, have the resources to construct education buildings or other infrastructure to keep pace with the rate of new development, and it will therefore seek contributions from developers towards providing such additional education infrastructure as is deemed to be necessary.
4. The purpose of this Policy Note, therefore, is to set out the Council's policy on the payment of contributions in connection with the provision of educational facilities and to inform developers of such costs at an early stage in the development process. It follows that land values should reflect such costs.

Policy

The Development Plan

5. The policy guidance in this Note amplifies the following Development Plan policies.

6. The Council's Unitary Development Plan includes a policy commitment which will ensure that all new housing developments are only built in areas where there is adequate infrastructure.

7. Unitary Development Plan Policy H2 states:-

The Council will have regard to all of the following in determining applications for housing development on sites which are not identified in this plan:

- (a) the overall requirement for housing;
- (b) giving priority to developing sites in the urban area; and
- (c) *the availability of infrastructure*

8. The following policy of the Second Deposit Version of the Unitary Development Plan have been endorsed by the Inspector following a Public Inquiry and should therefore be accorded weight in the determination of planning applications.

9. Policy H3 states:-

The Council will permit housing development within the urban area provided that the following criteria are met:

- (i) the site is accessible by public transport, cycling and walking, and is well located in relation to places of work and services;
- (ii) the development would help to provide a wider choice and better mix of housing types, sizes and tenures;
- (iii) *the existing and potential infrastructure has the capacity to absorb the development;* and
- (iv) if the proposed site has not been developed previously it can be clearly demonstrated that previously developed sites elsewhere in the Borough are so physically and environmentally constrained that they cannot be developed for housing.

Government Policy

10. Government policy is to be found in Circular 1/97 'Planning Obligations' and Annex B of this Circular advises how the powers under Section 106 of the Town and Country Planning Act 1990 may be used to obtain a range of benefits one of which is the provision of education facilities (paragraphs B9 and B10).
11. In order for the Council to obtain a contribution via a Section 106 agreement, the following tests must be satisfied.
 - The benefit must be *necessary and relevant to planning* to make the proposed development acceptable. In terms of school provision, this means that a housing development would have to generate a demand for school places which could not be met by existing infrastructure.
 - The benefit has to be *directly related* to the proposed development. Contributions will therefore only be sought from new housing developments which generate a need for additional school places which cannot be met locally.
 - The benefit must be fairly and reasonably *related in scale and kind* to the proposed development *and be reasonable in all other respects*. This means that the level of contribution sought must be fair and have a sound justification.
12. The Circular also advises that the cost of maintenance and other recurrent expenditure should normally be borne by the Local Authority. The costs of the day to day provision of education cannot therefore be sought and contributions can only cover the capital costs of new buildings and not the cost of books, furniture and maintenance.
13. The policy will be applied on full planning applications for all private developments of 25 residential units or more including new build, conversions and changes of use. Calculations on the numbers of children likely to be generated by a development will be based upon the numbers of family dwellings which will be defined as any residential unit with two or more bedrooms. Elderly persons' accommodation where occupancy is restricted by condition, and affordable or social landlord's housing will not be subject to any contribution.
14. In the case of flats, maisonettes or apartments the Council estimate, based on 2001 Census data, that there are approximately five children per 100 dwellings. It is also more likely that younger families will be resident in such accommodation. A contribution towards the provision of four primary places and one secondary place per 100 units will therefore be required.
15. In cases where an outline application is submitted on a site which may accommodate 25 residential units or more any planning permission will be so conditioned to comply with the Council's policy on the provision of education.
16. Whilst the Council will seek to obtain contributions for the provision of education where there is a shortage of school places, if the viability of an otherwise worthwhile development is threatened, (for example if the scheme involves the retention of listed buildings or the reclamation of a badly contaminated site), the Council may reduce or waive the payment of the contribution due to the high site development costs. In such cases evidence of the development costs and returns from the development should be submitted with any request for the payment to be waived.

Assessing the Level of Contribution

17. Contributions will only be sought in connection with proposed housing developments where the new housing will generate a need which cannot be met by existing local facilities in accordance with the following two key factors.

Guidance

13. The policy will be applied on full planning applications for all private developments of 25 residential units or more including

- The number of pupils expected to be generated by any proposed development, based upon the numbers and types of dwellings proposed together with the Census data reproduced at Appendix A.
- The projected position in relation to the supply and demand situation for school places within a reasonable distance of the proposed development in the case of primary provision or in relation to schools where the educational needs of any secondary pupils are likely to be met.

18. Consideration of these two factors will indicate the degree of any shortfall in education provision and the scale of the developers' contribution.

19. In assessing the pressure on school places the Council will consider the likely supply and demand situation to coincide with the next school year intake following the grant of planning permission taking account of any unimplemented planning permissions for new family dwellings. The payment of any contribution will be timed to allow for the provision of any necessary infrastructure when it will be required and will take account of the construction period for the development, any future variation in school rolls and the implementation of any extant planning permissions.

20. Contributions may be related to the provision of primary places, secondary places or both and will relate only to the capital cost of education provision. This will be set by reference to the current Department for Education and Skills figure for place provision under the Basic Need formula, for which the capital cost in 2003/2004 was £7,000.00 per Primary School Place and £10,000.00 per Secondary School place (including post 16 students). These statistics are subject to annual revision and updated figures can be obtained from the Council's Education and Culture Department.

21. The DFES in assessing the provision of school places calculate on the basis of a 2

mile radius for Primary Places and a 3 mile radius for Secondary Places. In practice, for a small compact Borough like Bolton, this does not conform to parental preferences or the real position on the ground. The planning of places is therefore related to those schools that will be seen by parents as realistic alternatives. In assessing whether or not there is a shortfall of places within a reasonable distance, the following approach will be adopted.

Primary Provision

22. The Local Education Authority plans primary provision on the basis of 5 areas of the Borough, each split into 3 or 4 sub areas. Each sub area represents a group of schools serving a defined community or local area. Consideration of a shortfall of places will be related to the sub area or if necessary to two or more sub areas, depending on the location and scale of the development.

23. The use of the sub areas for determining shortfalls in provision is based on the following factors:-

- these areas are based on known and identified communities;
- they reflect the fact that most children travel less than half a mile to school;
- short travelling distances are environmentally friendly.

Secondary Provision

24. At present places in the Borough as a whole are generally in line with pupil numbers, although there are a number of localities where there are serious pressures on the secondary system. In determining any possible shortfall, the following factors will be taken into account:-

- Notwithstanding parental preferences, developments will normally be served by two or three clearly identified schools, although in Little Lever and Westhoughton there is only a single

- secondary school serving the local community.
- Any shortfall of places will be assessed in relation to those schools which the Council considers will receive pupils as a result of the new development.
25. Prior to the additional infrastructure being provided, the Council will, at the developer's behest, provide details of the infrastructure upon which the contribution will be spent together with its cost. Full details of the cost and timescale for implementation will not be available until discussions have been held with the school and its Governors. Any monies which are not spent within a period of 5 years, or any other period which may be agreed with the developer, will be refunded together with interest calculated at base rate for the time being unless a phased scheme has been agreed.
26. Information on place planning in the Borough, both in terms of the existing position and trends and projections for future years can be found in the yearly School Organisation Plan, a published document approved by the School Organisation Committee. The Plan can be seen at www.boltonlea.org.uk/AssetMgt/index.php
29. The Agreement will be drafted such that it will come into effect when the planning permission is granted, however, the obligation to comply with its requirements will not arise unless the permission is implemented by the commencement of the development on site. After implementation, the terms of the Agreement will be enforceable.
30. All sums specified in Agreements will be subject to the payment of interest. The timing for the payment of the commuted sum will usually be at the commencement of the development so as to allow sufficient time for the infrastructure to be available when the need for it arises. In the case of larger schemes the phasing of payments may be acceptable.
31. All payments will be used for the purpose(s) specified in the Agreement. The payment and any interest (at base rate prevailing at the time) accruing less the Council's reasonable costs will be reimbursed if the sum is not spent on the provision of the required education infrastructure within a reasonable timescale. It should, however, be borne in mind that the actual provision of the education infrastructure may be dependent upon the receipt of other developer contributions which may not be generated until separate development schemes come forward.

The Planning Obligation

27. Planning Obligations will take the form of an Agreement under Section 106 of the Town and Country Planning Act 1990 between the developer and the Council. All Agreements will be prepared by the Council's Legal Services Department and the developer will be expected to pay the legal and administrative costs of the Council in drawing up the Agreement.
28. Applicants will be informed as soon as possible if a contribution will be required, together with its approximate level. The Legal Services Department will be briefed to contact the applicant at an early stage so that the preparation of the Agreement will not unduly delay the issue of any decision notice.

Conclusion

32. This Note is one of a series produced by the Council to give general guidance to developers and the public. The interpretation of this advice may sometimes change as a result of different circumstances and particulars. Each application will be treated on its merits within the context of the general policy guidelines set out in this Note.
33. In all cases early discussions with the Council's Education and Culture Department is advised so that any need for additional education infrastructure can be addressed at an early stage in the development process. Addresses for the

relevant officers can be found at www.bolton.gov.uk.

34. As new Government guidance emerges or changes are made to the Unitary Development Plan, it may be necessary to revise this document in order to take such changes into account.

Appendix A – Expected Pupils generated by a Development

Age of child	Average number per 100 households in Bolton
4	3.3
5	3.2
6	3.1
7	3.3
8	3.3
9	3.5
10	3.5
4-10 total	23.2
11	3.5
12	3.4
13	3.4
14	3.3
15	3.5
11-15 total	17.1
16	3.4
17	3.2
16-17 total*	6.6

* The School Organisation Plan for Bolton 2003-2007 identified a current post 16 year old staying on rate of 24.1% which produces an average of 1.6 post 16 year old pupils staying on at Secondary Schools in the Borough, providing a total Secondary School Age group of 18.7 pupils.

Source: 2001 Census, Office for National Statistics. Crown Copyright. Table S001 and S027

The number of pupils likely to be generated by the proposed development is therefore:-

Primary **0.232 x per family dwelling**

Secondary and Post 16 **0.187 x per family dwelling**