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**APPEAL BY WADDETON PARK LIMITED**

**PINS REF.: APP/Y1138/W/22/3313401**

**CIL REGULATION 122**

**COMPLIANCE STATEMENT**

**IN RESPECT OF S106 CONTRIBUTIONS  
FOR EDUCATION**

**ON BEHALF OF MID DEVON DC**

## 1.0 Introduction

- 1.1 This CIL Compliance Statement, prepared in accordance with CIL Regulation 122, on behalf of Mid Devon District Council ('the Council') as Local Planning Authority, relates to the Appeal by Waddeton Park Limited (PINS Ref.: APP/Y1138/W/22/3313401). It is concerned with a request by Devon County Council as Local Education Authority ('the LEA') for Section 106 contributions towards education provision.
- 1.2 The Council considers that the request for an education contribution sought is justified and proportionate and in all other respects reasonable and that it complies with Regulation 122.
- 1.3 In coming to this conclusion the Council relies substantively on the evidence provided by Devon County Council which is appended to this Statement. An officer of the LEA will be available to the Inquiry for the session (presently assumed to be a round-table session) to amplify the case for education contributions and to answer any questions that the Appellant or the Inspector may have.
- 1.4 The Council submits that the request for an education contribution is fully consistent with and justified by *Policy S8* of the MDLP and Paragraph 55 of the NPPF. That is the 'policy' basis of the request. Whilst the other documents relied on by the LEA, in the form of, amongst other things, national and local statements of education policy and good practice, do not it is acknowledged, form part of the Development Plan, or constitute SPD, they are, nevertheless clearly relevant material considerations to which due weight should be accorded. They provide both the rationale, underlying justification for the request for the contribution and its quantification. They have been published by the LEA and are in the public domain therefore. It would be neither procedural appropriate, nor practical to include such detail in a development plan policy.

## 2.0 Regulation 122 Criteria

- 2.1 Regulation 122(2) of the Community Infrastructure Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

These criteria are addressed below in turn.

## 2.2 **Necessity.**

2.2.1 It is axiomatic that housing of the type proposed (i.e., 'family' and not specialist housing) will generate children of schoolage. In the absence of any detailed breakdown of the size of houses at this stage, it is reasonable for the LEA to apply standard projections for pupil yield (primary, secondary and SEN) and that is what has been done in this case. These projections are soundly based on local evidence and this is normal practice throughout the country. That the Appeal Development will produce children of school age across the spectrum of educational needs is indisputable therefore.

2.2.2 The evidence provided by the LEA describes existing provision and the 'capacity' thereof and assesses the impact of the development on that existing provision through the projected pupil yield, including the likely impact on the relevant educational infrastructure, the need to mitigate that impact and the sums required (again based on a set of established and evidenced costs).

2.2.3 So far as *primary* education is concerned, there is a legitimate spatial dimension to the required mitigation. Thus, the objective of making primary education provision that is accessible by parents and children (on foot and by bicycle) (i.e., within 2-miles), which is embodied in national and local education policy and practice, and is also consistent with health and wellbeing policy and with the principles of sustainability, is clearly a sound, well-established and proper one in planning terms. In this context, the LEA evidence shows that the nearest primary schools (within the 2-mile radius) are either already at capacity or are projected to do so in the near future and that those particular schools cannot, for a variety of reasons, mainly related to the limitations of their sites, be extended. Whilst there may be spare capacity in primary schools in Tiverton beyond the 2-mile radius, this capacity is dispersed and involves parent/pupil journeys (in some cases *significantly*) beyond convenient walking/cycling distance.

This is likely to engage the need for dedicated school transport provision and/or to involve increased reliance by parents on the private motor car. Moreover, capacity at these more distant schools is likely to be taken up over time by development within their catchments.

2.2.4 Against this background, and in the knowledge that a new primary school is being constructed imminently close to the Appeal Site (and certainly within the 2 -mile radius), it is wholly reasonable for LEA to propose that the required additional primary school places are provided by contributing towards the delivery of that school. This is clearly a cost-effective solution for all parties and an efficient use of public (education) resources. It also affords young children from the same 'community' (i.e., the Appeal Development) to attend the same school and constitutes a significant additional social benefit, therefore.

2.2.5 Accordingly, the LEA has not treated the Appeal site as a component of the TEUE. The relationship to the TEUE and the Local Plan Policies that relate to it, is entirely incidental. The fact that the new primary school is actually provided initially under the TEUE policies and funded by the development therein is neither here nor there. It is not disputed, indeed is relied on, by the Appellant that there will be **interactions** with the other TEUE infrastructure, including the neighbourhood centre, the employment provision and recreational and leisure facilities. Moreover, sending pupils to the school there maximises the opportunities for shared journeys.

2.26 These are all proper planning considerations.

### **2.3 Relationship to the development.**

2.3.1 It is clear from the evidence statement provided by the LEA that the requested contribution is directly related to the development. The basis of the calculation and the statistical relationship to pupil yield is comprehensively explained and justified. The LEA is manifestly not seeking contributions unrelated to the proposed development itself.

## 2.4 Fairly and reasonably related in scale and kind to the development.

2.4.1 Once again, the Local Planning Authority is satisfied that, on the evidence provided by the LEA, the education contributions sought are justified and proportionate and fairly and reasonably relate in scale and kind to the development.

2.4.2 The education contribution is now the *only* additional S106 Obligation sought by the LPA (other than the affordable housing contribution, which is not disputed). The Appellant is not, therefore in the situation where it is faced with a large suite of contributions which are economically onerous. The Obligation burden taken as a whole is not burdensome and falls within the ambit of liabilities that could have been reasonably anticipated by the Appellant.

## 3.0 CONCLUSION

3.1 In the submission of the Local Planning Authority, the requested educational contribution is justified and accords with terms of Regulation 122.

APPEAL BY WADDETON PARK LTD

PINS REFERENCE:  
APP/Y1138/W/22/3313401

LAND AT HARTNOLLS BUSINESS CENTRE

Planning appeal in relation to application  
21/01576/MOUT  
Outline application for the extension of existing  
business park for up to 3.9ha of employment  
land and up to 150 dwellings with associated  
infrastructure and access with all other matters  
reserved Land at NGR 298976 112882  
(Hartnoll Farm) Tiverton Devon

**Revised: 05/09/2023**

Statement by Devon County Council



## 1. Introduction

1.1 This statement sets out the Devon County Council (DCC) response to the planning appeal and DCC requests for s106 contributions to mitigate the impacts of the development. This statement also seeks to address issues relating to the PGL Planning *CIL REGULATION 122 (LACK OF) COMPLIANCE STATEMENT (excluding NHS)* dated July 2023.

1.2 Reasons for Refusal relevant to DCC statement of case:

Reason 4. of the local planning authority objection stated:

*No S106 legal agreement to secure affordable housing and custom build units or education, transport infrastructure and waste contributions has been submitted with the application and no viability assessment has been provided to demonstrate that they cannot be provided. Therefore the development is contrary to Policies S1, S3, S9, TIV2, DM1, DM3 & DM4 of the Mid Devon Local Plan 2013-2033.*

Reason 6.

*By reason of insufficient archaeological investigations it is not known what harm may be caused by the development to archaeology, contrary to Policies S1, S9, DM1 & DM25 of the Mid Devon Local Plan 2013-2033 and guidance within the National Planning Policy Framework*

1.3 The information in the statement relating to the education contribution request and waste infrastructure contribution seeks to demonstrate that the obligations meet the Community Infrastructure Levy Regulation 2010, Regulation 122 tests in that they are:

- a. necessary to make the development acceptable in planning terms;*
- b. directly related to the development, and*
- c. fairly and reasonably related in scale and kind to the development.*

1.4 The statement also references relevant DCC documents which provided part of the evidence base for the Mid Devon Local Plan 2013 - 2033.

1.5 Regarding Archaeology and Transport issues, the statement sets out the position of DCC. In both areas there are no objections to the proposal subject to planning conditions.

## **2. Education Contribution Request**

### **2.1 Policy and Approach**

2.1.1 The evidence base for the education requirements from Land at NGR 298976 112882 (Hartnoll Farm) Tiverton Devon is based on the National Planning Policy Framework (with reference to the Community infrastructure Levy Regulations 2010), Devon County Council's (DCC's) approved Education Approach for Developer Contributions (December 2021), the Department for Education Securing Developer Contributions for Education Guidance and the Mid Devon Local Plan 2013 – 2033. The Education Authority has reviewed the application including up to date forecasts and capacity assessment which has led to a revised request for contributions as if this were a new application, including updated per pupil costs.

2.1.2 The principle of securing contributions from development is clearly set out in government guidance, including the recently updated Department for Education guidance document:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1176845/Securing\\_Developer\\_Contributions\\_for\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf)

and attached as Appendix I

Whilst it is recognised that this is non-statutory guidance, the approach towards securing developer contributions identified within the guidance has been implemented by Devon County Council.

2.1.3 Devon County Council's approach to securing contributions from development towards education is clearly presented in the Education Approach for Developer Contributions – Devon County Council (December 2021):

<https://www.devon.gov.uk/planning/planning-policies/pupil-place-planning/>

and attached as Appendix II

This was most recently updated in 2021 and previously included within the authority's Education Infrastructure Plan. The policy sets out a clearly evidenced approach taking into account planning policy requirements, housing delivery and education capacity. The document and approach have been approved by Members.

2.1.4 The DCC approach includes all the pupil yields and costs per pupil (index linked) applied to this development including the DfE published scorecards as also highlighted in the DfE Guidance.



- 2.1.5 The National Planning Policy Framework (NPPF) repeats the tests for planning obligations as set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. These require planning obligations to be:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

These tests have been applied to the contributions requested by Devon County Council and it is demonstrated below how the contributions meet the tests.

2.1.6 *Necessary to make the development acceptable in planning terms*

The contributions requested are considered necessary to mitigate the impact of pupils through additional housing as a result of the planning application. A lack of capacity in existing schools has been evidenced in the information provided in the consultation response to the planning application. Without the requested contribution there would be a lack of school places to accommodate the additional pupils generated by the development and mitigate its impact.

2.1.7 *Directly related to the development*

The requested contribution considers the location of the development site and the capacities of nearby schools. The request is therefore considered to be directly related to the development.

2.1.8 *Clearly and reasonably related in scale and kind to the development*

The level of contributions requested is based on the number of pupils expected to be generated by the development. It also takes into account whether there is any forecast spare capacity in schools. Whilst a formula is used to calculate the contribution, this is based on the cost of delivering a school place, and the actual contribution requested is based on the local context to which the application relates. As such the contributions requested are demonstrated to be related in scale and kind to the development and the approach is not considered to be formulaic.

2.1.9 The Mid Devon Local Plan 2013-2033 was adopted in July 2020

- 2.1.10 As part of the examination of the Local Plan, Devon County Council made representations and produced an Evidence Base Report which set out the approach to securing education contributions towards development and set out that the county council intended to secure contributions towards education from development

<https://www.middevon.gov.uk/media/103510/devon-county-council-community-infrastructure-report.pdf>.

And attached as Appendix III

2.1.11 This included reference to the Education Infrastructure Plan of that time. Devon County Council's approach has therefore been subject to examination as part of the Mid Devon Local Plan 2013-2033.

## **2.2 Application Site**

2.2.1 The land subject to the appeal is an unallocated site, outside of the development boundary. It is adjacent to an allocated site referred to as the Tiverton Eastern Urban Extension (EUE). The EUE is allocated in the Mid Devon Local Plan 2013-2033 under Policy TIV1 Eastern Urban Extension. This policy identifies that the development must provide:

'Community facilities to meet local needs arising, including a new primary school and neighbourhood centre'

2.2.2 Policy TIV4 Eastern Urban Extension Community Facilities further identifies the following community infrastructure will be provided at the expense of all new development in the urban extension area:

a) One serviced site of 1.93 hectares for a primary school at no cost to the Local Education Authority;

b) Provision of a 420-place primary school with early years provision and a children's centre service delivery base funded by appropriate contributions from developers;

c) A site of 2.0 hectares for a shopping and community centre, of which 1.0 hectare will be for community buildings at no cost to the provider;

d) Contribution to new and improved facilities at the secondary school; and

e) Construction cost of appropriate community facilities and buildings including youth and children's provision and a community hall;

f) Contributions towards a new recycling centre to serve Tiverton

2.2.3 The land is immediately adjacent on the eastern end of the allocated Eastern Urban Extension, essentially acting as a further extension. As per the response to the original application in 2021, it is reasonable to assume primary pupils generated from this development would expect and be expected to attend the new primary school and the proposed development will be included in the new school catchment area, with safe walking and cycling to school.

- 2.2.4 In terms of education provision for the appeal site, the land sits on the border of the designated areas for Tidcombe Primary and Halberton Primary School but is nearer to Halberton Primary School. Statutory secondary education provided at Tiverton High School.
- 2.2.5 The Department for Education's guidance (65) 'Securing Developer Contributions for Education' confirms the capacity of existing primary schools beyond the statutory walking distance (two miles for children under eight years of age and three miles for pupils aged 8–16 years) of the site do not need to be taken into account when calculating developer contributions. This approach has been applied to the requested primary contribution.

### **2.3 Primary Education Position Conditions**

- 2.3.1 The primary schools within statutory walking distance of the site, as highlighted above, are Tidcombe Primary School to the west of the proposed site and Halberton Primary School to the East, the schools have published capacity of 195 and 91 respectively. Based on Building Bulletin Guidance BB103, both school sites are under the recommended area and are therefore not capable of expansion.
- 2.3.2 Tidcombe Primary School currently has 177 children on roll and Halberton Primary School 106, school capacity forecasts for Spring 2026 are 156 and 112 respectively and there is a projected total surplus of 18 places or the equivalent of 72 homes. The projections again exclude the impact of local house building.
- 2.3.3 Based the approved consents approved within the school catchment area, (see in Appendix IV) there are a total of 1,043 dwellings approved in the two school designated areas which is forecast to yield 260 pupils. Section 106 contributions have been secured for 227 pupils leaving underfunding for 33 pupils.
- 2.3.4 The Education Authority recognises there has been a fall in the number of children across the town however as identified in 2.2.3, it is reasonable to plan on the basis this site will feed into the new primary school planned in the urban extension and therefore has sought contributions towards statutory primary and early years education, in accordance with DfE guidance and DCC Policy.
- 2.3.5 As set out in the original response (Appendix V) to the planning application, on the basis of 150 dwellings, the expected pupil yield from the site is 37.5 primary pupils, reducing to 36.75, factoring in the number of students requiring a specialist place. The contribution sought for 36.75 primary pupils @ £20,305 per dwelling totals **£746,208**.

2.3.6 In respect of the school land, TIV4 (a) applies and a serviced site should be provided at nil cost to the Local Education Authority. As highlighted previously, the Local Education Authority is planning on the basis this application will feed into the new school and it is therefore considered reasonable that a proportionate contribution is made towards the land. The mechanism for securing the new primary school land is identified within the section 106 for 14/00881/MOUT. The section 106 identifies the total cost of the 1.93 hectare site as £1,414,141, or £733,000 per hectare. The DCC Approach identifies that each family dwelling will require 11m<sup>2</sup> of school land, therefore 1,650m<sup>2</sup> is required for a development 150 dwellings.

2.3.7 A contribution to securing the school land is calculated as **£120,898**.

2.3.8 All new primary schools are expected to incorporate statutory education for early years. The Government has recently approved increased entitlement to childcare and early years for working families. The increased statutory requirements are yet to be incorporated into DCC policy for securing developer contributions. A contribution of £250 per dwelling is sought to support the delivery of early years provision in the new school, total contribution - £37,500. This is in accordance with DCC's Education Approach for Developer Contributions.

## 2.4 Secondary School Provision

2.4.1 As highlighted previously, the proposal sits within the Tiverton High School catchment area. The school offers a published admission number (PAN) of 280 pupils per year, or total 1,400. The capacity used for this assessment for the planning application is 1,485, the published Net Capacity.

2.4.2 The total number of students on roll at July 2023 is 1,267. The numbers on roll however do not reflect the number of children living in the school designated area. Reviewing the data of the number of children living within the school's designated area for future years, the next six years all exceed the PAN of the school. The current NHS Data for future years' cohorts who might seek a place at their local school is as follows:

Academic Year	Published Admission Number	Cohort Size @ September 2022
2024-25	280	340
2025-26	280	336
2026-27	280	326
2027-28	280	311
2028-29	280	334
2029-30	280	301

The current cohorts do not factor in the impact of housing development. If all local children sought a place at their local school, there would be insufficient capacity to meet the need of the current children living in the catchment area. It is recognised there is migration to other school outside of the catchment and to a lesser extent, the independent sector.

2.4.3 The current published forecast for Spring 2029 is 1,205 which excludes the impact of existing house consents, but factors in the current levels of preference for the school and that not all local children will seek a place at their local school.

2.4.4 There are an estimated 1,300 unimplemented dwellings with consent which based on a secondary pupil yield of 0.15 pupils per dwelling would generate an additional 200 students. However, a number of these applications are subject to section 106 contributions and therefore are considered to be mitigated. There are also number of sites allocated in the Local Plan yet to be consented totalling, which total 1,200. Adding a further 150 dwellings will total 1,350 which will generate the need for over 200 secondary school places.

2.4.5 However, reviewing the most up to date information, the Education Authority will not be seeking a secondary contribution from this development. If permission was granted, then the school would be forecast to be at capacity.

## **2.5 Special Educational Needs**

2.5.1 As identified in the DfE guidance (25), Local Authorities are advised to seek contributions for SEN provision to reflect the need for a proportion of children who need to access specialist provision. This will be for children and young people with educational needs identified through an Education Health and Care Plan (EHCP) which has established a need for special school provision. The DfE guidance confirms that most Local Authorities apply a factor of four times the cost of a mainstream place. DCC takes this approach as identified in the Education Approach for Developer Contributions.

2.5.2 Devon County Council's approach confirms that 2% of the school population will require a specialist provision. In March 2023, there were 2,466 learners with EHCPs accessing specialist provision against a total population of 105,249, therefore 2.3%. All Devon's special schools are forecast to be at capacity.

2.5.3 150 dwellings are forecast to yield 60 learners (based on 0.25 primary and 0.15 secondary) of which 2% will require a special place. Therefore, a contribution of 1.2 special school places of @ £89,974 totalling **£107,968** is required.

### 3. Waste Infrastructure Contribution Request

Request for contribution towards waste infrastructure withdrawn.

#### 3.1 Policy

~~3.1.1 The provision of a replacement Household Waste Recycling Centre is supported in policy both by the Mid Devon Local Plan 2013-2033 and the Devon Waste Plan and the level of contribution sought is supported by the DCC 'Waste Management and Recycling Development Contribution Methodology' (Appendix VI).~~

~~3.1.2 Paragraph 3.59 of the Mid Devon Local Plan 2013-2033 states that: The Council's strategic infrastructure policy is set out earlier in the Local Plan under Policy S8, but there are infrastructure requirements specific to Tiverton that are listed under Policy TIV15. The Council will use CIL, planning obligations for strategic sites and other sources of funding to deliver the infrastructure listed wherever possible. The Council's Regulation 123 list and accompanying policy on the use of Section 106 agreements, sets out the mechanism to be used to fund infrastructure.~~

~~Policy TIV15 – Tiverton Infrastructure states:~~

~~The Council will work with partners to deliver the following infrastructure for Tiverton:~~

~~1) Provision of a replacement recycling centre facility~~

~~3.1.3 The evidence base for the Mid Devon Local Plan 2012-2033 provides more detail on this. Devon County Council's report "Evidence Base Report for the Mid Devon Local Plan Review (February 2015)" (Appendix III) states:~~

~~5.2.3 There are currently two household waste recycling centres in Mid Devon, one at Punchbowl in Crediton, the other at Ashley just south of Tiverton. The recycling centre at Ashley is undersized and its current arrangement hampers the efficiency of the service. The county council is considering alternative sites for the delivery of a new recycling centre to serve the Tiverton / Gullompton / Willand (and surrounding) area, although no solution has been determined as yet.~~

~~Paragraph 5.4.2. continues:~~

~~5.4.2 With regards to household waste recycling centres, these are operated by commercial waste operators through contracts with the county council - although the sites and facilities are generally owned / leased by the county council. As set out above, Policy W21 of the Devon Waste Plan requires development to mitigate its impact in locations where sufficient waste management facilities do not exist. The county council will therefore seek developer contributions through CIL or s106 towards waste management facilities when appropriate.~~

~~3.1.4 The Draft Infrastructure Plan, Regulation 123 list and Section 106 policy (December 2016) (Appendix VII) includes a District Wide infrastructure item of a 'New recycling centre (replacement for Ashley)' which had, at the time of writing, a total estimated cost of £3.5m, which would be secured through developer contributions and DCC funding. The strategic priority of this was listed as 'important' - Infrastructure required to deliver specific schemes and provide services and facilities to meet the needs of new residents. The delivery of an allocated site may fail without the delivery of this infrastructure.~~

~~3.1.5 The Devon Waste Plan (2011-2031) Policy W21: Making Provision for Waste Management (Appendix VIII), which forms part of the development plan, states that:~~

~~Proposals for major non-waste development will be permitted where it can be demonstrated that:~~

- ~~(a) The development includes adequate provision for the management of its anticipated waste arisings;~~
- ~~(b) The development makes financial or other provision for the off-site management of its anticipated waste arisings; or~~
- ~~(c) The existing waste management infrastructure serving the development is adequate.~~

~~3.1.6 The DCC 'Waste Management and Recycling - Development Contribution Methodology', is based on the County Council's Household Waste Recycling Centres Improvement Strategy. Both documents provide a further understanding of catchment areas and the inadequacies of the current household recycling facility.~~

~~<https://www.devon.gov.uk/planning/document/waste-management-and-recycling/>~~

~~A new and larger replacement facility covering the growth areas of Tiverton, Cullompton and Willand is proposed due to the the current recycling centre in Tiverton being no longer fit for purpose.~~

~~3.1.7 The development given it is within Tiverton falls within the catchment area that the intended the new facility will serve. These catchments are based the number of homes within the catchments to be served by the recycling centres based on existing homes and planned development as identified in Local Plans.~~

~~3.1.8 In paragraph 4.33 of PGL Planning GIL REGULATION 122 (LACK OF) COMPLIANCE STATEMENT (excluding NHS) dated July 2023 it is implied that a facility in Cullompton would be to serve development in Cullompton and there is no 'demonstrable problem with waste management capacity in the Tiverton area, particularly set out in the DP'. DCC considers that the need for a replacement facility to serve~~

~~Tiverton has been well documented throughout the preparation of the local plan, and subsequently in DCC strategy documents.~~

~~3.1.9 In neither the planning application nor subsequent appeal, does the appellant appear to have demonstrated that the proposal meets points (a) or (c) of Policy W21 of the Devon Waste Plan (2011-2031) and that the evidence referred to above is not valid.~~

### ~~3.2 CIL compliance~~

~~3.2.1 It is considered the above demonstrates the need for a new recycling centre and, given that the development will be creating further households within the catchment area, it is necessary to make the development acceptable in planning terms and be in accordance with Policy TIV15 and Policy S8 of the Mid Devon Local Plan and Policy W21 of the Devon Waste Plan.~~

~~3.2.2 The development is creating additional dwellings and therefore new users of the recycling centre. The development is in Tiverton and the replacement recycling centre would be within the catchment area and used by new residents. It is considered this request for contribution is directly related to the development.~~

~~3.2.3 A request of £19,200 has been made, based on a calculation of £128 per dwelling. This figure has been derived from DCC's 'Waste Management and Recycling – Development Contribution Methodology'.~~

~~The County Council has based this figure on:~~

- ~~• the current estimated cost of a new recycling centre (approx. £4m);~~
- ~~• the number of homes within the catchment areas (both existing and planned equating to 187,663 homes);~~
- ~~• a total of 6 new recycling centres across the county.~~

~~Taking the above into account it is considered that the s106 request for a contribution to a new Household Waste Recycling Centre is fairly and reasonably related in scale and kind to the development.~~

## ~~4. Highways~~

~~4.1 The initial response from DCC as Highway Authority to the planning application (28 September 2021) requested additional work to be carried out on the Transport Assessment. The applicant submitted an addendum to the Transport Assessment to which DCC as Highway Authority raised no objections to the planning application subject to the imposition of planning conditions.~~

~~4.2 Highway Condition 1~~



*No development shall take place on site until the off-site highway works as shown on drawing no. 48582/5501/SK02 Rev H have been constructed and made available for use.*

*REASON: To minimise the impact of the development on the highway network.*

- 4.3 It is understood that the highway improvement works subject of Highway Condition 1 are either within land under the control of the applicant or within the adopted highway and can therefore be dealt with by planning condition.

4.4 Highway Condition 2

*The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.*

*REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.*

*Highway Condition 3*

*No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.*

*REASON: To protect water quality and minimise flood risk*

- 4.5 As an outline application it is considered that Highway Conditions 2 and 3 above are necessary to ensure that the highway design and drainage is constructed to appropriate standards. It is confirmed that no additional transport infrastructure request has been raised by DCC.
- 4.6 In relation to refusal reason 4., subject to the imposition of the Highway Conditions 1, 2 and 3 above, DCC has no further requests either as planning condition or s106 request.

## 5. Archaeology

- 5.1 Following an objection from DCC Historic Environment, an interim report from AC Archaeology summarising the results of the archaeological field evaluation undertaken within the proposed development site, and it is understood that a full report is currently in preparation.
- 5.2 The archaeological evaluation of the application area has demonstrated the presence of prehistoric funerary activity, in the form of the survival of the ring ditch that would have defined the site of a round barrow as well as the presence of urned cremations. These cremations do not appear to be associated with a funerary monument such as round barrow. In addition, these investigations have identified the presence of prehistoric, medieval and post-medieval field boundaries across the site. These heritage assets with archaeological interest will be exposed and destroyed by the construction of the proposed development here.
- 5.3 In the light of the results of these investigations, DCC has withdrawn its objection and instead advise that should this appeal be successful that any consent that is granted should be conditional upon the archaeological conditions set out below to ensure: i) the implementation of a programme of archaeological work that would investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the development, and ii) that the required post-excavation works are undertaken and completed to an agreed timeframe.
- 5.4 Archaeological condition 1

*No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.*

*Reason To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.*

- 5.5 This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. The Historic Environment Team would envisage the archaeological work would take the form of the archaeological excavation of all areas affected by the proposed development shown to contain archaeological or artefactual deposits

associated with prehistoric activity to ensure an appropriate record is made of these heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

- 5.6 The above worded condition, based on Model Condition 55 in Circular 11-95, would allow the scope of archaeological works to be set out in a written scheme of investigation and agreed with the Local Planning Authority and the County Historic Environment Team. DCC would not advise the use of Model Condition 54 as set out in Circular 11-95 since this merely allows access to the site by a nominated archaeologist and does not enable a programme of archaeological work to be agreed, implemented or enforced by the Local Planning Authority.

- 5.7 Archaeological condition 2

*The development shall not be occupied or brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.*

*Reason To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.*

## **6. Monitoring Fee**

- 6.1 In part 5.0 of the appellant's document *CIL REGULATION 122 (LACK OF) COMPLIANCE STATEMENT (excluding NHS)* dated July 2023, part 5.0 refers to Regulation 122 (2A) of the Community Infrastructure Levey Regulations 2010. In relation to the DCC requests for s106 contributions towards education and waste infrastructure it is confirmed that no monitoring fee is sought.
- 6.2 However, DCC would wish to recover its reasonable legal costs incurred as a result of the preparation and completion of a legal agreement.



# Securing developer contributions for education

**August 2023**

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## **Summary**

This publication provides non-statutory guidance from the Department for Education (DfE). Its purpose is to help local authorities secure developer contributions for education infrastructure to mitigate the impact of development. The guidance promotes good practice on evidencing these impacts, engaging with local planning authorities, and delivering expanded or new facilities with funding from housing development.

## **Expiry or review date**

This guidance will be reviewed as necessary (for example, in response to changes in legislation or government policy).

## **Who is this publication for?**

This guidance is for local authorities with a responsibility for providing sufficient school places under the Education Act 1996. It may also be a source of information for local planning authorities and other stakeholders involved in the delivery of schools.

## Introduction

Government is committed to ensuring that there are enough good new school places to meet local needs, while also driving forward an ambitious housing agenda to increase housing delivery, home ownership and the creation of new communities. The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.

DfE expects local authorities to seek developer contributions towards school places that you create to meet the need arising from housing development. You should consider the recommendations in this guidance alongside National Planning Practice Guidance on the evidence, policies and developer contributions required to support school provision.

This guidance is for local authorities with a responsibility to provide sufficient school places under the Education Act 1996. The guidance does not:

- Advise the construction/development industry on its duties and responsibilities in paying for infrastructure.
- Replace or override any aspects of other DfE publications such as guidance on the School Capacity ([SCAP](#)) survey and the [Admissions Code](#), or policy/guidance produced by other government departments.
- Make recommendations for individual schools or academy trusts on managing their capacity or published admission numbers.
- Propose new DfE policy on setting up new schools, parental preference, or the academy system.

This guidance is not intended to be an authoritative interpretation of the law: only the courts can provide that. You should obtain your own legal advice where necessary.

## Purpose

As a local authority with education responsibilities, you already provide evidence of education need and demand for use by planning authorities in plan- and decision-making. This guidance draws on existing good practice and is intended to help you establish a robust and consistent evidence base, underpinned by the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

There is great value in detailed local methodologies and guidance that explain to all stakeholders the process and reasons for the collection of developer contributions for education in that area. This guidance is not intended to replace local approaches, which often provide detail on matters including but not limited to:

- Education projects developer contributions may fund.
- The approach to seeking contributions for education from affordable housing.
- Types/sizes of homes that will be excluded from calculations of developer contributions.
- The minimum viable size of new schools.
- Minimum surplus capacity to allow for fluctuations in demand and parental choice, not counted as available when calculating developer contributions.
- Contributions 'in kind,' including direct delivery of school infrastructure (both land and construction) by a housing developer in lieu of a financial contribution.
- Requirements on size and suitability of school sites, including checklists, exemplar layouts and facility specifications.
- Standard planning obligation clauses.

As local approaches to securing developer contributions for education are reviewed, they should take account of the latest National Planning Practice Guidance, this guidance, the department's guidance on estimating pupil yield from housing development,<sup>1</sup> and the accompanying Pupil Yield Dashboard, as well as local contextual information such as changes to local planning policy and recent appeal history. This approach will help you inform local planning authorities effectively about the need for developer contributions

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<sup>1</sup> <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>



towards education infrastructure, supporting them in their policy-making and decision-making functions.

## Mechanisms for securing developer contributions

1. 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). This system of developer contributions will be reconfigured over time by the introduction of a new Infrastructure Levy, with remaining use of Section 106 agreements for limited purposes and on particular sites. The detail of how the Infrastructure Levy will operate will be set out in regulations which will be consulted on.

2. The Department for Levelling Up, Housing and Communities (DLUHC) intends to introduce the Levy through a “test and learn” process, meaning that the existing system will remain in place in most areas for the foreseeable future, as the new system is rolled out incrementally over several years. That means that CIL and Section 106 will remain the standard means of securing developer contributions for local authorities before the new Infrastructure Levy is fully adopted, and therefore this guidance focuses on the existing system.

3. CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation, or maintenance of a wide range of infrastructure, including education facilities. Alternatively, a Section 106 planning obligation can secure a developer contribution by agreement with the local authority, allowing funding to be ringfenced for education facilities. A planning obligation may only constitute a reason for granting planning permission if it meets the following tests set out in the CIL Regulations<sup>2</sup>. 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.

4. An infrastructure project may receive funding from both CIL and Section 106. We advise you to work with local planning authorities in devising their approaches to securing developer contributions, to consider the most appropriate mechanism (Section 106 planning obligations and/or CIL) to secure contributions from developers towards education facilities alongside other infrastructure funding priorities. The most appropriate route for funding education infrastructure may be affected by a local authority’s other infrastructure funding priorities, and we recommend working closely with the local planning authority to agree the best approach.

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<sup>2</sup> Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended): <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

**5.** When CIL funding is known to be insufficient or will be allocated to other, non-education infrastructure projects, and development will have a direct impact on education provision, we recommend close working with local planning authorities to agree using Section 106 planning obligations to secure the contributions. In two-tier local authority areas, the county council is often a signatory on the Section 106 agreement and the agreed education contributions are paid directly to the county council. This is considered best practice, ensuring efficient transfer of land and/or funding to the relevant local authority.

**6.** Pro-active engagement with local planning authorities should be undertaken during the preparation stage of CIL charging schedules, including during the mandatory consultation stage, to ensure viability considerations are fully considered when CIL rates are being set. You can also ask a CIL charging authority to review their existing CIL rates in areas where CIL charges are already impacting on viability considerations around the development of new or improved schools. CIL charging authorities can set zero or very low rates of CIL for uses of development (“use” in its wider sense, unconstrained by the Use Classes Order) where viability evidence demonstrates this to be appropriate. This engagement with local planning authorities is essential to ensure that the development of schools, and the significant public investment in community infrastructure that a school already represents, is fully considered during the CIL rate-setting process. This includes the setting of rates for specific types of development, and the setting of catch-all rates such as rates intended to apply to “all other development,” in which it is important that the impacts on school development are fully considered.

**7.** It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- The education needs arising from development, based on up-to-date pupil yield factors.
- The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries.
- Available sources of funding to increase capacity where required.
- The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.

**8.** The local authority providing children’s services is not always the charging authority for the purposes of collecting and distributing CIL. Effective on-going communication between teams responsible for planning and education is essential to ensure that education infrastructure needs and costs are factored into decisions about policy requirements and delivery mechanisms. In two-tier areas where education and planning responsibilities are not held within the same local authority, you should discuss with the local planning authority the most effective mechanism for securing developer contributions for education. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty, subject to negotiation between developers and the local authority, over the amount and timing of the funding you need to deliver sufficient school places.

**9.** Local authorities are expected to use all the funding received by way of planning obligations, as set out in individual agreements, for a period of at least 10 years from the date of last payment, in order to make development acceptable in planning terms. Agreements should normally include clauses stating when and how the funds will be used and allow for their return after an agreed period if they are not used.

**10.** Allowing enough time for developer contributions to be used is particularly important for large developments that will include a new school. The timing of school delivery is usually dependent upon the housing build rate and new schools can only open when there are enough pupils to make them viable, or the revenue shortfall will be funded by other sources such as developer contributions until the minimum viable number of pupils has been reached. Also, large developments building out over many years may not generate significant numbers of secondary school pupils until after several years, so any time limits on the use of developer contributions for secondary education should be carefully considered. You should work with the local planning authority to agree appropriate clauses in planning obligations and the timing of transfer and use of any CIL funding.

**11.** The DfE's Basic Need grant, free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education. When the DfE central free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site from the local authority on a peppercorn (zero or nominal rent) basis and make use of developer contributions towards construction. National Planning Practice Guidance explains how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will be provided.<sup>3</sup>

**12.** Basic Need allocations do not factor in the cost of land acquisition, so it is particularly important that any land required within larger development sites for schools is provided at no cost to the local authority wherever possible, and pooled developer contributions (Section 106 and/or CIL) from cumulative developments are secured for standalone school sites if you need to purchase them on the open market.

**13.** While Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. When you have a reasonable expectation of developer funding being

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<sup>3</sup> Planning practice guidance on viability, paragraph 029: <https://www.gov.uk/guidance/viability>. Construction costs include ICT and furniture and equipment required for the delivery of the school.

received for school places based on relevant reports and evidence,<sup>4</sup> you should be in a strong position to secure these places through developer contributions when individual proposals come forward. Basic Need and other DfE capital funding should not be considered available in these circumstances.

**14.** When education facilities must be provided in advance of developer contributions being received (for instance, due to viability constraints), local authorities can make use of borrowing powers, including borrowing from the UK Infrastructure Bank or the Public Works Loan Board, capital reserves or other local authority funds. We recognise the inherent risks with forward funding, and it is always preferable for developer contributions to be secured upfront wherever possible, though circumstances will vary among local authorities.

**15.** When school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent. Where this model is envisaged, we recommend that you engage with the local planning authority before forward funding occurs to ensure they support this approach. The CIL Regulations prohibit borrowing against future CIL receipts, so this method of forward-funding only applies to planning obligations at present.

**16.** Local authorities can also bid for funding under government grant programmes as they become available, while developers delivering schools directly as an ‘in kind’ contribution may be eligible for loan funding from Homes England, allowing a new school to be delivered at an earlier stage in the development than would have been possible otherwise.<sup>5</sup>

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<sup>4</sup> For example, you have declared developer contributions in your SCAP return (or plan to do so) or in relevant school place planning strategies, or evidence documents such as Infrastructure Delivery Plans or committee reports.

<sup>5</sup> <https://www.gov.uk/guidance/levelling-up-home-building-fund-development-finance>

## Evidence of pupil yield from housing development

**17.** Pupil yield factors should be based on up-to-date evidence from previous local housing developments, so you can predict the education needs for each phase and type of education provision arising from new development. To understand how pupil yield builds up in developments over time, you can consider pupil yield from developments completed 10 or more years ago as well as those built more recently. You are under no obligation to review pupil yields continually, but we recommend refreshing your data approximately every five years.

**18.** Pupil yield factors allow you to estimate the number of early years, school and post-16 places required as a direct result of development, underpinning local plan policies and the contributions agreed in planning obligations. We have published separate research data and guidance on estimating pupil yield, to assist local authorities producing and using pupil yield evidence.<sup>6</sup>

**19.** When assessing development proposals and their impact on local education provision, you can only justify securing developer contributions for the proportion of pupils that would have no available school place when forecast local school capacity has been taken into account, unless the site is large enough to require a new onsite school, which would normally be expected to meet the full need from the development. We recognise the challenges of forecasting local school capacity when developments may commence long after your usual forecast periods, or build out more slowly than anticipated, while cumulative development in the meantime may take up this forecast capacity. Paragraphs 76-80 provide options for how you can manage this risk.

## Pupil yield from affordable housing

**20.** Affordable housing typically generates more pupils than market housing. In some locations, families occupying affordable housing may be more likely to move house within the same local area and will not necessarily lead to a net increase in the demand for school places in the short-term. However, in areas where local authorities prioritise allocation of homes to families on waiting lists, affordable housing may be more likely to be backfilled by families in need. Both market and affordable housing development increase the population in a pupil planning area<sup>7</sup> and create permanent demand for school places. Our guidance on estimating pupil yield from housing development provides further advice on developing and using affordable housing pupil yield factors, recognising that additional local analysis may be required to understand differences in

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<sup>6</sup> <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

<sup>7</sup> Pupil planning areas are defined in guidance: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

pupil yield from different types of affordable housing such as shared ownership and affordable rent.<sup>8</sup>

**21.** When you contribute to local plan preparation and discuss developer contributions with planning colleagues, we recommend that you describe the expected pupil yield from each tenure type to ensure all parties understand the total education need arising from the development. It is particularly important that the pupil yield from affordable housing is included in any developer contributions of land being negotiated, to ensure large enough sites are secured for new schools. While local planning authorities make their own policy decisions about how and when to secure developer contributions towards education, providing evidence of the level of need from both market and affordable housing will assist in the production of the local plan evidence base and the consideration of development impacts on education infrastructure when planning applications are determined. When the proportion of affordable housing to be delivered in a development scheme is unknown, you can apply combined average pupil yield factors or an assumed housing mix instead.

**22.** Higher pupil yields and therefore higher education costs associated with affordable housing should be recognised as part of the consideration of development viability when you engage with local planning authorities on plan-making and development proposals. Local planning authorities assess development viability and may decide not to fully fund the school places from CIL or pursue Section 106 developer contributions to meet the full education need if this would compromise the delivery of housing or other essential infrastructure. However, robust pupil yield data should help you to demonstrate the level of education need generated by development. The evidence you provide to local planning authorities should enable balanced judgement and a clear understanding of how policy decisions on matters such as affordable housing targets would affect the deliverability of infrastructure that is necessary to mitigate the impact of development.

## **Pupil yield evidence by education type and phase**

**23.** While many early years settings fall within the private, voluntary, and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2-year-olds and the 30 hours funded childcare offer for 3-4 year olds. Expanded early years entitlements for children aged nine months to three years old become available from 2024. The take-up of funded childcare entitlements is high, increasing demand for early years provision. All new primary schools are now expected to include a nursery.

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<sup>8</sup> <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

Developer contributions have a role to play in helping to fund additional early years places for children aged 0-4 where these are required due to housing growth, whether these are attached to schools or delivered as separate settings.

**24.** You are also responsible for ensuring sufficient schools for pupils receiving primary and secondary education up to the age of 19, including securing sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.<sup>9</sup> When assessing post-16 requirements, any pupil yield data you produce in addition to the department's own research should identify the number of learners living in previous local housing developments, aged 16-19 (without an EHC plan) and up to the age of 25 (with an EHC plan).

**25.** We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development. Expansions to FE colleges are unlikely to be funded through planning obligations, but local planning authorities may allocate CIL for strategic expansion or enhancement of these facilities for a growing regional or sub-regional population.

**26.** To determine the need for SEN provision, pupil yield data should identify the number of children and young people living in local housing developments who attend special schools, alternative provision including pupil referral units, and SEN units and resourced provision within mainstream schools. It is reasonable to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream. The ability of special and alternative provision schools to accommodate pupils depends on the specific needs of each child. However, an increase in housing will lead to an increase in SEN, and we advise you to seek developer contributions for all special school/SEN places generated by a development, where there is a documented need for additional SEN provision.

**27.** Pupils attending special schools and alternative provision are typically drawn from a larger area than mainstream schools, and this should not affect your consideration of whether a planning obligation meets the legal tests outlined in paragraph 3. However, if the local authority identifies a shortage of specialist places for children and young people in a local authority area, resulting in a significant number having to travel a long way to access an appropriate placement, local authorities will need to consider creating or expanding specialist provision, either attached to mainstream schools or in special schools.

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<sup>9</sup> <https://www.gov.uk/government/publications/participation-of-young-people-education-employment-and-training>



**28.** You can seek developer contributions towards the cost of this enhanced local provision, applying the appropriate pupil yield factors to determine the level of need generated by development. You can substantiate your requests for developer contributions by compiling additional evidence of need for specialist provision, including the proportion of the pupil population with EHC plans or receiving SEN support, and the number of specialist places needed compared to those available in state settings within your local authority. If you currently rely heavily on provision outside your area and/or independent provision at a significant distance from pupils' homes, this can indicate a shortfall in specialist provision which will be exacerbated by additional housing development and could be mitigated by developer contributions.

**29.** We advise you to identify a range of specialist SEN or other non-mainstream projects and ensure that planning obligations allow you the flexibility to direct funds within an appropriate period. Non-mainstream provision does not conform to standard class sizes, these being determined according to need. While you can pool contributions towards a new classroom in a special school or SEN unit at a mainstream school, it is equally valid to seek contributions for school building alterations that increase a school's capacity to cater for children with SEN, such as additional space for sensory rooms, facilities to teach independent living skills or practical teaching space.

**30.** It is not necessary to disaggregate the SEN pupil yield factor according to different complex needs. All education contributions are based on an assessment of probability and averages, recognising that the precise mix of age groups and school choices cannot be known before a development is occupied. Site-specific factors will always need to be considered, but a robust local authority-wide pupil yield factor based on evidence from local housing developments will often be sufficient to demonstrate that this need is reasonably related in scale and kind to the development.

## Costs of provision

**31.** You are not expected to produce site-specific feasibility studies or cost plans for school build/expansion projects when planning applications for housing development are under consideration, as this is extremely resource-intensive, and it is unknown if development proposals will be permitted or what circumstances will have changed by the time permissions are implemented. The amount of money that you seek to secure through developer contributions for education infrastructure should reflect the typical cost of providing school places in your region, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.

**32.** We advise that you base the assumed cost of mainstream school places on the relevant average regional costs published in the DfE school places scorecard.<sup>10</sup> This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the regional average to account for inflation since the latest scorecard base date.<sup>11</sup>

**33.** In addition, consider uplifting rates to reflect the costs associated with achieving the sort of sustainability and design standards set out in the department's updated School Output Specification 2021<sup>12</sup> (or a future update which is relevant to the timing of a project). The department has uplifted Basic Need grant funding by around 10% to support local authorities meet the costs associated with achieving these sorts of standards. This percentage may be a useful basis for an uplift to developer contributions, though current local planning context such as additional climate change, environmental or design policy requirements may justify an alternative uplift.

**34.** We recognise that scorecard costs are based on historic projects that may have been built to former standards.<sup>13</sup> This uplift approach should help deliver school capital projects to higher sustainability standards, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. We recommend the use of index linking, such as the BCIS All-In Tender Price Index (TPI), when developer contributions are discussed at planning application stage and in planning obligations, so that contributions are adjusted for inflation at the point they are negotiated and when payment is due.

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<sup>10</sup> <https://www.gov.uk/government/collections/school-places-scorecards>

<sup>11</sup> Further guidance on doing this is available with the school place scorecards (see the [technical notes](#)).

<sup>12</sup> <https://www.gov.uk/government/publications/employers-requirements-part-a-general-conditions>

<sup>13</sup> Basic need allocations 2025-26: Explanatory note on methodology, <https://www.gov.uk/government/publications/basic-need-allocations>

**35.** Where you have a reasonable expectation of higher costs based on local planning policy requirements, known site abnormalities or recent trends of higher delivery costs for projects in your area, these can be used in preference to the regional average in the school places scorecard.

**36.** Developer contributions for early years provision will often be used to fund places at existing or new school sites, incorporated within primary schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school, unless you have alternative local/regional cost data for new or expanded standalone settings (either maintained or PVI sector) that more accurately reflect the type of new early years provision required in your area. Similarly, sixth form places provided within secondary schools will cost broadly the same as a secondary school place. The technical notes accompanying the school places scorecard include advice on how to apply costs per place when the local schools operate a three-tier system of education.

**37.** Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. Many local authorities set the costs of special or alternative provision school places at four times the cost of mainstream places, consistent with the additional space requirements in Building Bulletin 104.<sup>14</sup> You can also refer to the National School Delivery Cost Benchmarking report<sup>15</sup> and published free schools cost data<sup>16</sup> for the costs of delivering special school places. Use local or regional evidence where appropriate to demonstrate higher costs of specialist provision compared to mainstream.

**38.** Developer contributions that mitigate the impact of development on education provision should be recognised as necessary in principle. As set out in paragraph 13, while DfE capital funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. This ensures the most responsible and efficient use of limited public funds.

**39.** Planning Practice Guidance sets out the government's expectations regarding developer contributions and viability assessment with regard to education provision.<sup>17</sup> Using evidence of need and cost as advised in this guidance, viability assessments can identify a Section 106 cost for education per dwelling that development can fund

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<sup>14</sup> <https://www.gov.uk/government/publications/primary-and-secondary-school-design/primary-and-secondary-school-design>

<sup>15</sup> <https://ebdog.org.uk/article/cost-of-school-buildings-national-benchmarking-study-2021-22-now-available-and-2022-23-submissions-now-requested/>

<sup>16</sup> <https://www.gov.uk/government/publications/capital-funding-for-open-free-schools>

<sup>17</sup> Planning Practice Guidance on viability, paragraph 029: <https://www.gov.uk/guidance/viability>

alongside other infrastructure and affordable housing (testing the effect of different affordable housing policies), to ensure that any proposed CIL rate represents the realistic headroom that is available after site-specific impacts of development have been addressed.

**40.** Even if viability assessment determines that development in the area cannot fully fund the cost of education infrastructure, accurate evidence of need and cost allows all parties to plan effectively and reduces the risk of renegotiation/reduction of developer contributions in future. You should assist local planning authorities in setting out education requirements clearly in local plans and evidence base documents, such as Infrastructure Delivery Plans and Infrastructure Funding Statements.

## Identifying education projects

**41.** Local plans and other planning policy documents should set out the expectations for contributions from development towards infrastructure, including education of all phases (age 0-19) and special educational needs.<sup>18</sup> We advise local authorities with education responsibilities to work jointly with local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school expansion and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need. When a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision should be required.

**42.** Depending on local admission arrangements and patterns of parental preference, children living in a development might reasonably attend any school within the pupil planning area (or even an adjoining one in some cases), and you should not assume that they will all attend a particular school unless there are no likely alternatives. The best option may be to expand another school to free up capacity in the nearest school, as this reclaimed capacity would meet the need from the development (in compliance with the Section 106 tests) while balancing out admissions across the planning area and reducing school trips by car (see paragraphs 85-92).

**43.** In accordance with national planning policy and guidance, we anticipate that housing development which gives rise to additional pupils will only be planned in locations that are, or will be made, environmentally sustainable. Using connectivity metrics that indicate public transport accessibility or active travel provision can help identify what transport measures could be required to mitigate impacts and promote sustainable travel.

**44.** You should advise local planning authorities of the consequences of allocating/permitting developments that have no school within safe walking distance and will require permanent public investment in home-to-school transport or generate significant additional trips, for pupils to access their nearest available schools. As well as the cost burden this imposes on the local authority, there may be lasting harm to the environment and public health through increased carbon emissions and detrimental impacts on air quality, which the local planning authority will weigh against any perceived benefits. Consider recommending refusal of planning applications when no suitable

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<sup>18</sup> Planning practice guidance on planning obligations, paragraph 008:  
<https://www.gov.uk/guidance/planning-obligations>

solutions for sustainable access to education infrastructure can be agreed, and there would be a clear detrimental impact, either from single or cumulative housing developments.

**45.** When there is no suitable solution for sustainable access to school but a local planning authority (or Planning Inspector) is still minded to approve a development, you can seek developer contributions towards the cost of home-to-school transport for an agreed period, such as three years following the occupation of dwellings to reflect the usual timescale for government revenue funding to take account of the latest pupil projections. The department does not fund most home-to-school transport directly; the majority comes under the local government settlement administered by the Department for Levelling Up, Housing and Communities. Home-to-school transport receives no ringfenced funding of its own, and there are many competing demands on funding from the local government settlement.

**46.** When housing development will create a permanent need for home-to-school transport, including transport to special schools and alternative provision, work with local planning authorities to ensure that developer contributions are identified as an expected source of funding in pre-application correspondence, Infrastructure Funding Statements, Infrastructure Delivery Plans, and any other relevant parts of the local plan evidence base. It remains our preference for new school places arising from housing development to be created only in sustainable locations, accessible either via a safe active travel route or by public transport.

**47.** We recommend that you identify a preferred and 'contingency' school expansion project in a planning obligation, or list all schools in the pupil planning area, if any of the identified options would address the needs from development and comply with the Section 106 tests. This will help you respond to changing circumstances and new information, such as detailed feasibility work leading you to abandon a preferred expansion project.

**48.** In locations where emerging or adopted local plans propose housing growth, we advise you to carry out a high level assessment of whether schools in the area can expand or increase capacity through other alterations, in discussion with schools and academy trusts, and including an assessment of whether significant changes to the schools' physical capacity would accord with the department's statutory guidance at that time.<sup>19</sup> Also identify site options for any new schools (within proposed housing developments or on standalone sites) that are likely to be required over the plan period. Including suitable projects in Infrastructure Funding Statements will ensure that developer contributions are clearly identified as the funding source where new schools,

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<sup>19</sup> <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

expansions or alterations are required. This background work will also minimise the risk of a specified school project in a planning obligation proving undeliverable. Planned expansions to academies may require an agreement between the local authority and academy trust to ensure that school places provided by developer contributions are commissioned/delivered appropriately.

**49.** You can seek developer contributions towards the cost of offsite works that are required to deliver a new school or school expansion associated with housing development, such as traffic management measures, school streets, better streets for cycling, walking and people, to promote active travel.<sup>20</sup> Alternatively, these works can be secured as highways obligations under a Section 278 agreement. Consult local highways teams on the extent and cost of offsite works, which should be carried out ahead of new school provision becoming available.

**50.** Housing developments may also provide an opportunity for Biodiversity Net Gain (BNG) to be delivered on the sites of existing or new schools.<sup>21</sup> While this is not a requirement from a school place planning perspective, housing developers that are required to provide BNG either within a large mixed use site containing a new school, or offsite when all onsite options have been exhausted, may be interested in using education land for this purpose. We recommend working with local planning authorities, schools, and environmental services to identify opportunities for housing developers to use education land to provide offsite habitats associated with the BNG requirement of development, in addition to any contributions towards the creation of new school places that are required due to housing development.

**51.** It is important that BNG provision is not seen as an alternative to the creation of additional school places that are necessary to make a development acceptable in planning terms. Your priority will be the sufficiency of school places, while the developer's obligation to provide BNG will exist regardless of whether education land is used. Any proposal for BNG on education land will require careful consideration of how its provision can be integrated alongside existing school uses and how the maintenance of BNG provision will be undertaken. Provision of any BNG areas on school land will need to be secured for 30 years. Development on any BNG areas in future will require additional improvements, posing an additional site constraint. Any use of school land to satisfy BNG requirements of housing developments should not restrict future school expansions, use of school land (current and future) to enable delivery of the curriculum, or result in a shortfall of minimum BB103/104 areas.<sup>22</sup> Any BNG provision on school land that is

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<sup>20</sup> <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

<sup>21</sup> The Environment Act 2021 requires a minimum of 10% Biodiversity Net Gain from development. The Planning Advisory Service provides more information about these requirements: <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>

<sup>22</sup> <https://www.gov.uk/government/publications/area-guidelines-and-net-capacity>

compatible with the site should maximise use of the school itself in terms of climate resilience and education. Development of educational facilities will also be required to meet BNG requirements under the Environment Act and local plan policies.



## Safeguarding land for schools

**52.** National Planning Practice Guidance advises on how local planning authorities should prepare plans and take account of education requirements.<sup>23</sup> We advise you to work with local planning authorities and developers to ensure your long-term pupil place planning objectives are reflected in the development plan and supplementary planning documents.<sup>24</sup> Precise policies can aid decision-making later, setting out the total amount of land required for education, and the approach to securing equitable developer contributions when one developer provides the land for a new school, though the need for the school is generated by more than one development or phase. To embed sustainable travel patterns at these sites, you can use connectivity metrics that highlight the accessibility of public transport and active travel, to inform your engagement with planning colleagues formulating local plan policies.

**53.** When development proposals come forward on non-allocated sites that are large enough to justify a new school, it is equally important that sufficient suitable land is safeguarded for education, and you should advise local planning authorities of the education requirement as early in the planning process as possible, ensuring that education land required to serve the development is provided (freehold) at the appropriate time and at no cost to the local authority.

**54.** You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. 'Future-proofing' can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.

**55.** 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 landowners 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

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<sup>23</sup> Planning practice guidance on healthy and safe communities, paragraphs 007 and 008: <https://www.gov.uk/guidance/health-and-wellbeing>

<sup>24</sup> The development plan is defined in Section 38 of the Planning and Compulsory Purchase Act 2004, and comprises the spatial development strategy, development plan documents and neighbourhood development plans. <https://www.legislation.gov.uk/ukpga/2004/5/contents>

prevents such land being usurped by uses with a higher development value. Land equalisation approaches can be used in multi-phase developments to ensure the development 'hosting' a new school (and any additional safeguarded land) is not disadvantaged.

**56.** The market price for the land will depend on its permissible uses. Land allocated for educational use in a local plan would usually have limited prospect of achieving planning permission for any other uses. As a general principle, the value of education land should be considered substantially lower than that of residential land. The process and basis of valuation should be set out in the Section 106 agreement, and valuations should be conducted by an appropriately qualified valuer. National Planning Practice Guidance provides advice on land valuation for the purposes of viability assessment.<sup>25</sup>

**57.** The use of compulsory purchase powers may have a potential role in supporting the delivery of new education facilities.<sup>26</sup> However, it is a tool of last resort and compulsory purchase orders (CPOs) may only be confirmed (approved) where an acquiring authority has made efforts to acquire the land by agreement and it can demonstrate a compelling case in the public interest exists for the use of compulsory purchase powers. Where an acquiring authority seeks to acquire land for the purposes of providing education facilities via a CPO, its justification for doing so may be strengthened if the site is allocated for such a use in an up-to-date development plan.

**58.** Where new schools are planned within housing developments, consider whether direct delivery by the developer would represent the best value for money, subject to an appropriate specification and pre-application support from the local planning authority. This removes the risk for local authorities of an affordability gap between Section 106 agreed contributions and the actual cost of delivery several years later, even once adjustments for inflation have been applied. However, this approach is not without procurement challenge risk, and you may wish to take specific legal advice when developer delivery is the preferred option. General advice on complying with subsidy control and public procurement legislation is provided in the Annex.

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<sup>25</sup> Planning practice guidance on viability, paragraph 013: <https://www.gov.uk/guidance/viability>

<sup>26</sup> Section 8 of CPO guidance on enabling powers for educational purposes: <https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>

## Strategic developments and new settlements

**59.** New communities are one way of planning for housing growth at the scale required to meet the country's housing needs. In recent years, the government has supported a number of garden communities and other strategic developments under the Garden Communities Programme, Housing Infrastructure Fund, Levelling Up Fund, and other programmes/initiatives.

**60.** Strategic planning of urban extensions and new settlements often includes place-making objectives about the early provision of infrastructure, to establish a sense of community and make the place attractive to residents. Early delivery of a school can be problematic if it precedes new housing, risking unacceptably low pupil numbers or drawing pupils from existing schools, threatening their viability and resulting in unsustainable travel patterns. We advise local authorities with education responsibilities to work jointly with local planning authorities and other partners to agree the timing of new school provision, striking an appropriate balance between place-making objectives, education needs and parental preference. Many local authorities find the best approach is to open a school at the stage in the development where there is expected to be a viable number of pupils to admit into Reception (which varies but can be around 20 pupils), adding one new year group each academic year until all seven year groups are in place.

**61.** Regardless of the opening strategy (filling from the bottom up or opening all year groups simultaneously), schools can be constructed in single or multiple phases; the best approach will depend on local circumstances and characteristics of the development. Where appropriate, for instance in the early stages of development while the need for school places is growing, developer contributions can be secured for temporary expansions to existing schools if these are required, and transport costs for pupils travelling further than the statutory walking distance.<sup>27</sup> This will allow a permanent new school to be provided in a single construction phase once the development has generated sufficient pupil numbers, rather than phased construction over a longer period. While the existing pupil cohort may not switch schools initially, if the admission arrangements for the school offer a high priority for admission for children living in the development area, subsequent pupils will usually take up these new school places over time.

**62.** As far as possible (and often in relation to primary schools only), new settlements and urban extensions large enough to require a new school should be expected to meet their full education requirement. Where an onsite school is required, it should be large

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<sup>27</sup> The statutory walking distances are set out in Section 444(5) of the Education Act 1996 and the Home to School Transport guidance: <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

enough to meet the need generated by the development, based on standard class sizes and forms of entry. For example, a development that generates 400 primary school places would require a standard two forms of entry (2FE) school.

**63.** The capacity of existing primary schools beyond reasonable and safe walking distance does not need to be considered when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns for young people, while helping housing developments mitigate their impact on the environment by reducing the need for pupils to travel by private car or school transport. We recognise that secondary school planning areas are larger and there may be no realistic option for walking or cycling to school, but this is mitigated by local planning policies that direct most development towards locations with access to public transport. We advise you to engage in both local development plan and local transport plan-making processes to help ensure that new education infrastructure is in as sustainable a transport location as possible.

**64.** When a new onsite school is proposed to be built early in the development of an urban extension or new settlement, you will naturally consider the effect this might have on parental demand and the viability of existing schools. To minimise detrimental impacts on existing schools while supporting local planning authorities to plan new communities, you should work with school providers and the relevant Regional Director to promote opening strategies that will maintain equilibrium in school populations across your area. This can include phased delivery, with the initial phase future-proofed for future expansion (such as an oversized assembly hall and dining area) and land safeguarded for the school's expansion when need builds up over a lengthy period, though it is important to secure commitment to the delivery of later phases. Any subsequent conversion of non-teaching space into teaching space capacity would be subject to the 'significant change' process, if the works create space for more than 30 pupils.<sup>28</sup>

**65.** You should also 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. If early school delivery is required, the school site must be identified and agreed at an early stage, giving consideration to its accessibility and condition at the point of transfer.

**66.** If a new school opens in a single phase below its full capacity while it awaits pupils moving to the development, this does not represent an available surplus for other developments assessing their own impact and mitigation unless circumstances have changed for the original development, such as a redesign of later phases which will give rise to fewer pupils than previously planned. Complementary uses that share the school

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<sup>28</sup> <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

site can be considered for a temporary period while a new school fills. In practice, you may prefer to deliver the school in phases using modular construction methods, linking capacity more closely to emerging need, though the initial phase must still provide a viable sized school.

**67.** New housing tends to attract more young families than older housing, yielding higher numbers of pupils particularly in the pre-school and primary age groups, though this can stabilise over time until the development resembles the mature housing stock. We advise you to respond to forecast peaks in demand, such as planning for modular or temporary classrooms where appropriate, working with schools to consider admitting above the Published Admission Number (PAN) for a limited period, and securing a large enough site to meet the maximum need generated by the development. Our guidance on estimating pupil yield from housing development provides further advice on planning for peaks in pupil numbers.<sup>29</sup> Where new settlements are planned, we recommend that demographic modelling is conducted to understand education requirements in more detail, taking account of similar developments and different scenarios such as an accelerated build rate.

**68.** Also consider if there are sustainability, efficiency, and educational benefits in relocating an existing school, for example where a development is large enough to require a new secondary school, but it would be too close to an existing secondary school, both of which would be relatively small. Such reorganisation of the school estate, relocating and expanding an existing school on a development site, may be necessary to make the development acceptable in planning terms, if the alternative distribution, size, or condition of schools would be unsustainable. In some cases, multiple developments are creating this need for a new/relocated school, and you should work with local planning authorities and developers to identify the most suitable site (provided at no cost) and equitable contributions from the other development sites towards the cost of construction. Proposed changes to an existing school are subject to following the relevant process, depending on the category of the school.<sup>30</sup> We advise that you work collaboratively with local planning authorities to ensure your objectives for the school estate are reflected in planning policies and decisions.

**69.** There is often a degree of uncertainty around the delivery of urban extensions and new settlements, in view of the long timescales involved, multiple developers and changeable market conditions. The build rate of development may be slower than anticipated, while land provided for a school may need to be returned to a developer if it is not used within an agreed period. Therefore, consider the clauses within planning obligations if they impose any time restriction on the use of transferred education land,

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<sup>29</sup> <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

<sup>30</sup> <https://www.gov.uk/government/collections/school-organisation>

and the potential for the overall phasing of developer contributions to cause delays. Where land must be returned to a developer, this should be on the same terms as it was given; land provided by free transfer should be returned as such.

**70.** We recommend that you work with local planning authorities to agree Section 106 templates recognising The National Design Guide<sup>31</sup> and associated National Model Design Code to achieve well-designed places, and the department's Design Standards,<sup>32</sup> to develop standard education clauses, schedules and annexes regarding site specifications and any other relevant matters, to form the basis for early negotiations with developers and other interested parties.

**71.** To support the delivery of strategic development at pace, you may decide to forward-fund school provision within an urban extension or new settlement, using Basic Need funding or local authority borrowing if necessary and recouping these costs later through developer contributions secured by a planning obligation. While we recognise there are some inherent risks to this, our position on the use of Basic Need funding and other forward-funding options is set out in paragraphs 13-16. There should be an audit trail to demonstrate that developer contributions were planned as the funding source from the outset, such as references in Infrastructure Delivery Plans or other evidence documents, and pre-application correspondence. The fact that a local authority has delivered a school in advance of receiving agreed developer contributions is not a justification for renegotiating a Section 106 agreement or withholding CIL.

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<sup>31</sup> <https://www.gov.uk/government/publications/national-design-guide>

<sup>32</sup> <https://www.gov.uk/government/collections/school-design-and-construction>

## Assessing capacity in existing mainstream schools

**72.** Children moving into non-strategic/cumulative developments will usually attend existing schools rather than new provision if those schools have sufficient capacity or can be expanded. When it is not feasible for local schools to accommodate pupils from new housing development either through surplus places or expansion, developer contributions may be required towards a new school, including site acquisition where necessary.<sup>33</sup>

**73.** The department publishes the recorded built capacity (the number of pupils the school can accommodate) for all schools in England.<sup>34</sup> In practice, the number of places available in a school is determined by the PAN for that academic year, based on standard class sizes and multiplied across all year groups. For instance, a primary school might admit 60 Reception pupils per year (two classes of 30 pupils), aggregated to 420 pupils across all seven year groups. When there is strong local demand for places, schools may increase their PAN or admit pupils above PAN if they have the space to do so, subject to the procedures set out in the Admissions Code.<sup>35</sup> When considering capacity for the purposes of securing developer contributions, we recommend you use aggregated PAN as the capacity figure unless built capacity is far in excess of PAN, as this capacity should be utilised before developer contributions are required for new school places. We recognise that the admission authority for an academy is the academy trust and you do not control their PAN, but you should seek to negotiate and agree changes with academy trusts where appropriate as part of your coordination of admissions across your area.

**74.** When predicting the impact of a proposed development on education provision, local authorities assess whether there will be enough capacity in existing schools to accommodate the number of pupils anticipated at the time the development is expected to be built. These assessments take account of birth rates, existing children in education, predicted population change and established patterns of pupil movement and parental preference. Available capacity now does not necessarily mean there will be capacity when the development is building out and being occupied, if children already living in the area are forecast to need the school places or other developments have already been approved but not yet implemented and will make use of that spare capacity. Existing temporary school capacity should not be included unless there is a funded plan to make it permanent.

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<sup>33</sup> Factors affecting the feasibility of school expansion include (but are not limited to) academy willingness to expand, school performance issues, highways/offsite issues, physical limitations of a site/building, heritage, and environmental constraints (e.g., listed buildings and flood plains), and the viability of expansion compared to a new school.

<sup>34</sup> <https://explore-education-statistics.service.gov.uk/find-statistics/school-capacity>

<sup>35</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>



**75.** It is important that both academy trusts and maintained schools collaborate with local authorities to enable school expansions where and when they are needed, taking into account unused capacity. When a school is unable/unwilling to expand or there is a risk that an agreement to do so will be withdrawn, alternative options for meeting the need from a development should be considered, including requiring delivery of a new free school when justified by the level of housing growth.<sup>36</sup> Developer contributions from multiple developments may be pooled for this purpose. Planning obligations can include flexible options for meeting education needs, provided they would be directly related to the development, necessary to make the development acceptable in planning terms, and fairly and reasonably related in scale and kind to the development.<sup>37</sup>

## Deferring school capacity assessments

**76.** Forecasting schools' capacity to accommodate children from housing development is sometimes complicated by the fact that a development will not start generating pupils for many years. Due to this inherent uncertainty in predicting future school capacity at planning application stage, you may wish to adopt policies in local pupil place planning strategies and education contribution methodologies that allow for the final assessment of available school capacity to be conducted once development has been commenced or an appropriate number of properties occupied. Where local planning authorities are supportive of this approach, Section 106 agreements can make provision for a maximum developer contribution based on no local school capacity being available. The agreement can require that the local authority reviews this when the development commences, adjusting the contribution according to current school capacity and up-to-date forecasts at that time.

**77.** The Section 106 agreement can ensure that any education contributions that are not required will be redistributed to other identified infrastructure projects if contributions to these projects had previously been reduced on viability grounds. This allows greater certainty that the level of contribution is commensurate with the impact of the relevant development when it comes forward and can also take account of actual housing types and sizes relative to pupil yield and capacity. This prevents a developer contribution from being underestimated, while ensuring that the contribution payable fairly reflects the need for mitigation when the development is built.

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<sup>36</sup> This includes providing underwriting to support the school as it grows. Free schools delivered through the central free schools programme receive pre and post opening revenue funding from DfE.

<https://www.gov.uk/government/publications/mainstream-free-school-revenue-funding>

<sup>37</sup> These are the legal tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>



**78.** Using this approach, the maximum developer contribution for education infrastructure cannot be increased, other than through index-linking for inflation; it can only remain the same or be reduced, depending on the latest evidence of a development's impact on local education infrastructure. However, deferring final assessments of education infrastructure needs may have resource implications, as well as needing the support of planning colleagues, so the use of this approach will depend on local circumstances. Section 106 planning obligations must be mutually agreed between the developer and the planning authority, so it is for the parties to the agreement to determine the precise terms of it, taking into account wider issues such as viability and the CIL Regulation 122 tests in each case.<sup>38</sup>

**79.** The same principle can be applied to securing funding from CIL reserves, with the maximum cost of additional school provision factored into evidence documents such as Infrastructure Delivery Plans and reduced where possible at the point funding is sought from a CIL collecting authority.

**80.** This approach to deferring assessment of school capacity will require the support of local planning authorities, so you should engage positively with them when drafting new policies and standard review clauses for Section 106 agreements, ensuring that these form part of the local plan's evidence base and can influence plan preparation and decision-making. We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation. However, if you start with the maximum mitigation that could be required and commit to review this later, an insufficient total amount secured by the local planning authority may stretch further if local schools have some capacity when the development commences. This might allow the developer contribution to fund all or most of the capital cost of providing the new school places where previously that had not been considered possible. Again, it remains a matter for the LPA and developer to agree terms of the Section 106 agreement taking into account wider issues such as viability and other infrastructure needs, and the CIL regulation 122 tests in each case.

## Protected surplus

**81.** Local authorities are expected to retain a margin of unfilled places to be able to operate their admissions systems effectively. For example, to offer places to children whose families move mid-year and to provide for parental choice. Local authorities should balance this against the need to manage the local school estate efficiently and reducing or re-purposing high levels of spare capacity, in order to avoid undermining the

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<sup>38</sup> The Community Infrastructure Levy Regulations 2010 (as amended):  
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

educational offer or financial viability of schools in their area. The precise amount of surplus capacity that is appropriate will vary around the country depending on local patterns of net migration and churn in the pupil population.

**82.** The department's Basic Need funding calculation includes a 2% operating margin at planning area level to help support parental choice, churn in the pupil population, and the general manageability of the system. Local authorities may apply different operating margins at different levels, such as planning area or local authority level, to reflect their local circumstances. Such an operating margin is there to provide the kind of operational flexibility described above, rather than meet the need for additional school places arising from proposed developments. It is important that the evidence and reasoning behind capacity assessments and protected surpluses are properly explained to planning colleagues if they are to have confidence in education funding requests and be prepared to defend these at appeal if necessary.

## **Cross-border capacity assessment**

**83.** Occasionally pupil planning areas draw pupils from more than one local authority, so the schools most likely to receive pupils as a result of a development may be in a different local authority area from the one determining the planning application. When this happens, close collaboration will be required between the relevant local authorities and developer to determine what developer contributions (if any) are appropriate.

**84.** The local authority determining the planning application can secure developer contributions towards education provision for children living in its area, and this funding can be used to commission the provision of new school places in the adjoining local authority area. Local authorities are free to invest in the provision of places lying outside the local authority's boundaries, if they believe that the capital investment will improve the quality and range of provision available to the children for whom it is responsible. Otherwise, an alternative school that is within the planning area and also within the same local authority as the development might be expanded, reducing cross-border migration. The most suitable solution will depend on local circumstances, and, in areas where pupils travel regularly across local authority borders, we encourage you to work with neighbouring authorities to consider solutions that may benefit pupils on both sides of the border.

## Schools to include in capacity assessments

**85.** In many cases, assessment of mainstream school capacity available to a proposed development can be conducted at pupil planning area level,<sup>39</sup> taking into account the forecast capacity at all schools the pupils living in the development might reasonably attend, and the options for school expansion. This provides a clear functional and geographical link between the need generated by the development and the additional school capacity being created.

**86.** The amount of capacity in existing schools that should be considered ‘available’ can be contentious if there is a trend of out-of-catchment admissions at the schools nearest to the proposed development. A catchment area is distinct from a pupil planning area, typically only containing a single school for that education phase (primary or secondary), though not all admissions authorities operate catchment areas at all. Assessing capacity across the entire pupil planning area may help to recognise and respond to these pupil migration patterns, so if necessary you can expand another school in the planning area rather than the school nearest to the development.

**87.** Sometimes the most suitable school to expand will be a school that typically admits pupils from a wider area, such as a faith, selective, or single-sex school, even though not all families moving into the development may be prioritised for admission. Increasing capacity at a popular school of this type can free up capacity at other schools within the planning area, which will then be available to pupils from the development, although we recommend this is assessed case-by-case and such a school only expands when sufficient admissions currently come from within the pupil planning area to make that trade-off a reality.

**88.** When children living in a proposed development might reasonably attend schools in more than one planning area, it may be appropriate to consider the proportion of pupils who are likely to attend schools in each planning area, based on an analysis of current pupil migration. When pupil planning areas are of a size or configuration that prevents their schools from being reasonable alternatives for residents of a development to access, you can consider capacity only within the development’s school catchment area or an alternative area, such as a locally appropriate radius of the development. We recognise that some schools and settlements will be too distant from each other to represent reasonable alternatives for home-to-school travel.

**89.** The guiding principle is that the assessment of local school capacity includes all schools that residents of the development might reasonably attend, based on known patterns of pupil migration in that area. This may be the whole planning area or a smaller

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<sup>39</sup> Pupil planning areas are defined in school capacity guidance: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

area, depending on local characteristics. Paragraphs 43-46 provide advice on assessing the impact of development proposals when the schools that will serve the development are beyond reasonable safe walking distance.

**90.** Whatever geographies for capacity assessment are suited to your area, developer contributions remain necessary as mitigation for expected impact on local education provision. Accounting for patterns of pupil migration in your capacity assessment should help you demonstrate that developer contributions towards any school expansion within that area would meet the legal tests for Section 106 planning obligations<sup>40</sup> or that funding from CIL is justified. Over time, admissions should balance out across the planning area, minimising unsustainable travel patterns while enabling children living in the housing development a sufficient choice of school places, as advised by the National Planning Policy Framework.<sup>41</sup>

**91.** While allowing freedom of parental preference is essential, you may also consider the health and environmental sustainability benefits of encouraging preference for schools within walking distance of development, working with academy trusts and other partners to develop local marketing strategies, improved active travel routes and other incentives to choose the nearest school. Engage with local planning authorities on policy requirements for travel plans that encourage sustainable modes of transport, including developer contributions towards their implementation where appropriate (also see paragraph 49 on offsite works).

**92.** When large-scale housing development or other demographic factors are changing the local pupil planning landscape, you may wish to review the planning area structure to ensure they are still in line with the guidance for SCAP.<sup>42</sup>

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<sup>40</sup> These are the legal tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), set out in paragraph 3 of this guidance.

<sup>41</sup> National Planning Policy Framework, paragraph 95:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>42</sup> Further guidance on reviewing planning areas: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

# Annex

## Developer delivery of new schools

1. Direct delivery of new schools by housing developers may represent good value for money if it is possible to meet all legal requirements and it is not the local authority's prime motivation to avoid application of the Public Contracts Regulations 2015 (PCR). Sometimes the developer may be best placed to deliver the school and the department supports developer delivery of schools *in principle*. This model of delivery should not contravene subsidy control or public procurement rules. While we advise you to seek your own project-specific legal advice, when necessary, this annex sets out the department's view on the legal position at the time of publication. Local authorities should keep abreast of emerging case law that may have a bearing on this advice, and any legislative changes following the UK's exit from the European Union.<sup>43</sup>

2. High quality design and performance for developer-built schools are achievable through the planning and building control process, and compliance with national standards such as the DfE building bulletins, output specification and other design standards and guidance.<sup>44</sup>

3. When developer delivery is proposed and is considered lawful, we recommend a partnership approach between the local authority, academy trust (where relevant) and developer to negotiate a brief and design specification may help to avoid disputes, although partnership working should be carefully considered in light of the advice below regarding compliance with procurement law.

4. We recommend that planning obligations or other mechanisms provide detail on how local authorities intend to step in and deliver the school if developer delivery falls through but the school is still required. Longstop clauses should ensure that the land for the school is transferred early enough for the local authority to intervene and provide the school at the right time. In these situations, the planning obligation should also require financial contributions to be made in lieu of the 'in kind' provision of the school by the developer, making use of review mechanisms where necessary to respond to changing circumstances. Even in cases where a planning obligation is silent on this subject, Section 106(6) of The Town and Country Planning Act 1990 provides that the local authority may enter land to carry out works required by a Section 106 agreement where

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<sup>43</sup> At the time of publication, current rules are expected to be preserved in domestic law. See [The State Aid \(EU Exit\) Regulations 2019](#) (draft) and [EU Exit guidance on public-sector procurement](#).

<sup>44</sup> [School design and construction guidance](#).

the developer is in default. However, where a risk of non-delivery is identified, we recommend that specific planning obligations are secured to mitigate that risk (for example through performance bonds).

## Subsidy Control

5. If a local authority decides that it will have to make a financial contribution to a developer to support the delivery of a new school, the local authority must first conduct an analysis of the financial contribution to ensure compliance with the subsidy control regime. The guidance below sets out the key components of the subsidy control regime. However, we strongly recommend that local authorities seek their own independent legal advice on a case-by-case basis when considering making any financial contribution to a developer, or indeed any third party.

6. The first stage in assessing compliance with the subsidy control regime is considering whether the assistance actually constitutes a subsidy. To be considered a subsidy, financial assistance must meet each of the following criteria:

- a financial contribution – this is defined broadly to include any kind of support or market transaction that is considered to have a financial value for the recipient, which includes, although is not limited to, grants, tax exemptions, and relaxed planning consents.
- provided by a public authority (including within its scope any entity that exercises functions of a public nature).
- which confers an economic advantage that would not be available on commercial terms.
- which is specific either to a particular enterprise or enterprises in a particular sector.
- has a harmful or distortive effect on trade within the UK or internationally.

7. In some cases, analysis of the assistance will show that the assistance does not meet all the criteria for a subsidy, and therefore no further steps are required to demonstrate compliance with the subsidy control regime. It is important, however, that local authorities keep a record of their decision making in relation to assessing the contribution in line with the subsidy control criteria, including any independent legal advice they have received.

8. Where it has been determined that the financial assistance meets all the criteria to constitute a subsidy, further assessment is required to ensure that the subsidy aligns with each of the subsidy control principles:

- Subsidies should pursue a specific policy objective to remedy an identified market failure or address an equity rationale.

- The subsidy must be proportionate to the policy objective and limited to what is necessary.
- Subsidies should be designed to bring about a change of economic behaviour of the beneficiary which should be conducive to achieving the specified policy objective and would not happen in the absence of the subsidy.
- Subsidies should not normally compensate for costs the beneficiary would have funded in the absence of any subsidy.
- Subsidies should be an appropriate policy instrument for achieving their specific policy objective and the objective must not be capable of being achieved through other, less distortive, means.
- Subsidies should be designed to achieve their specific policy objective while minimising any negative effects on competition and investment within the United Kingdom.
- The beneficial effects of the subsidy should outweigh any negative effects, including in particular negative effects on competition and investment within the United Kingdom, and international trade and investment.

9. Once compliance with the subsidy control principles has been determined, the subsidy must be registered on the subsidy database. The subsidy database provides an element of transparency to the subsidy control regime, providing a platform upon which subsidies can be displayed and therefore notified to the public. The public authority granting the subsidy has a statutory duty to upload details of the subsidy on the database. Every subsidy, save those which benefit from an exemption under Part 3 of the Subsidy Control Act 2022 must be registered on the database. The subsidy must be registered within three months of the public authority's confirmation of its decision to make the scheme. This information is then maintained on the subsidy database for a period of 6 years, or for the duration of the subsidy, whichever is longest, and must be maintained by the public authority throughout this period.

10. A failure to meet any of the subsidy control principles could result in a tribunal finding that the subsidy is unlawful. It is entirely at the discretion of the Competition Appeal Tribunal (CAT) whether a remedy is ordered where the tribunal concludes that a subsidy is not compliant with the subsidy control rules. Where the tribunal chooses to order a remedy, it may choose to order any of the following:

- **Mandatory Order:** An order to require the relevant public authority to perform its legal duties.
- **Prohibiting Order:** An order prohibiting a public authority from carrying out an unlawful act, including prohibiting a public authority from giving a subsidy.
- **Quashing Order:** An order setting aside an unlawful decision, including those decisions made by a public authority in relation to granting a subsidy.
- **Declaration:** the CAT may make a declaration to clarify a point of law.
- **Injunction:** an order requiring the public authority to either do or not do something, which can be used on an interim basis whilst investigations are underway.

- Recovery: An order requiring the public authority to take the subsidy back from the beneficiary.

11. The subsidy control regime is a complicated and developing area, hence why it is so important that local authorities seek their own independent legal advice before granting financial assistance.<sup>45</sup>

## Public contracts and FTS procurement

12. Under the Public Contracts Regulations 2015 (PCR), a ‘public contract’ means “contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services”<sup>46</sup>.

13. To be considered a public contract, there must be ‘pecuniary interest’ in the contract. The concept of pecuniary interest has been found to be wider than the concept of ‘consideration’ in the law of England and Wales for the purposes of determining whether a contract amounts to a public contract<sup>47</sup>. For example, situations where a local authority is funding the building of a school through a loan, where a local authority is making very minor contributions to the development of the school or even where there is no financial contribution at all from the local authority but the opportunity to carry out the development has the effect of waiving a prior debt for the developer<sup>48</sup>, are likely to be considered to amount to pecuniary interest.

14. ‘Public works contracts’ means “public contracts which have as their object any of the following:

- (a) the execution, or both the design and execution, of works related to one of the activities listed in Schedule 2.
- (b) the execution, or both the design and execution, of a work.
- (c) the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work.”<sup>49</sup>

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<sup>45</sup> For further information please refer to: [www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance](http://www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance)

<sup>46</sup> Regulation 2(1) PCR 2015

<sup>47</sup> *R(Chandler) v SoS Children, Schools and Families* [2009] EWCA Civ 1011; *Ordine degli Architetti delle province di Milano v Comune di Milano* Case C-399/98 (La Scala).

<sup>48</sup> See *Ordine degli Architetti delle province di Milano v Comune di Milano* Case C-399/98 (La Scala)

<sup>49</sup> Regulation 2(1) PCR 2015



15. A public works contract must therefore, as well as being a public contract, also have the following characteristics:

- (a) It must have as its main object, the execution of or design and execution of either:
  - i. construction activities as defined in Schedule 2 to the PCR; or
  - ii. a “work” as defined in Regulation 2 of the PCR, such as the outcome of a building or civil engineering works taken as a whole;  
  
whether or not the works or work is ‘for’ the contracting authority<sup>50</sup>; and/or
- (b) the contracting authority must specify the design of the relevant works; and
- (c) it must include either direct obligations upon the other party to deliver the works, or an indirect obligation to deliver – i.e., to ‘procure’ the works.<sup>51</sup>

16. Although some UK case law has made a distinction between planning obligations and other contracts, recognising that the public body is motivated to exercise its planning powers in order to regulate the development of land, rather than procuring an economic benefit,<sup>52</sup> it is still possible for a Section 106 agreement to be considered to be a public works contract and fall within the scope of application of the PCR.

17. Where a Section 106 agreement places an obligation on a developer to provide a financial contribution or land/buildings for a new school because this is necessary to make the development acceptable in planning terms (a prerequisite for a planning obligation), that Section 106 agreement may not constitute a public contract. However, this is not a ‘hard and fast’ rule. The main object and motivation of the local planning authority must be to ensure that planning policies are enacted; even after the *Helmut Muller* case it was clear there could be circumstances under which a Section 106 agreement could be found to be a public works contract if the circumstances and facts indicated to the Court that it was being used to avoid a tender process.

18. In this scenario, a Court would look to see whether in fact the characteristics of a public works contract exist. For example, the Court would consider the extent to which the local authority had specified the design of the school, whether there was some form of consideration/pecuniary interest to the developer (see above), whether the developer was insisting on undertaking the works, or whether there was any other justification under

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<sup>50</sup> *Gestion Hotelera Internacional SA v Comunidad Automa di Canarias* [1994] ECR I – 1329; *Commission v Italy* (2008) Case C-412/04

<sup>51</sup> *Helmut Muller GmbH v Bundesanstalt fur Immobilienaufgaben* (C-451/08); *Jean Auroux v Roanne* (Case C-220/05)

<sup>52</sup> *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd.* [2018] EWCA Civ 2532 and *Helmut Muller GmbH v Bundesanstalt fur Immobilienaufgaben* (C-451/08)

Regulation 32. The Court would require the disclosure of emails, minutes, and other evidence to understand whether the Section 106 agreement was deliberately being used to avoid the need for a PCR tender process.

19. There is limited guidance from case law regarding the extent to which a contracting authority can become involved in the design of works before it is deemed to be ‘specifying’ such works.<sup>53</sup> A contract would be likely to be deemed a public works contract if the contracting authority took measures to define the type of work to be undertaken by the developer or at the very least had a ‘decisive influence’ on its design. ‘Requirements specified by the contracting authority’ has been taken to exclude the exercise of a public authority’s urban planning powers in examining building plans presented to it, or the decision to apply its planning powers in relation to a particular project.

20. Further, for the purposes of procurement law, it is the entrustment by the contracting authority of the obligation to undertake the works that is relevant, not the reasons for doing so, or the beneficiary of the works. Where works are carried out corresponding to specific requirements, there could be a public works contract whether or not the ultimate beneficiary of all or part of the works is the local authority itself.<sup>54</sup> This means that if a school site is to be transferred to school site trustees or leased to an academy trust post-construction, this does not affect consideration of whether a public works contract exists.

21. Where a local authority does need to specify the design of the works to meet its own statutory obligations regarding the provision of education facilities to a certain specification, it may not be able to use a Section 106 agreement to commission the works in compliance with the PCR, for the reasons set out above, if there is any form of pecuniary interest whatsoever. However, it may be possible for the local authority to rely instead on the provisions of PCR Regulation 32 to justify its decision to commission a certain developer with pre-existing rights over the land, to carry out the works. Regulation 32(2) provides that a public contract may be awarded without prior publication in certain prescribed circumstances, including (relevant to this Annex):

“(b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons: —

...

(ii) competition is absent for technical reasons,

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<sup>53</sup> *Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben* (C-451/08)

<sup>54</sup> *Jean Auroux v Roanne* (C-220/05).

(iii) the protection of exclusive rights, including intellectual property rights,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.”

22. A local authority’s justification for not advertising a development opportunity which would otherwise be required to be advertised under the PCR, could (depending on the facts) be based on the argument that only a certain developer can build as a result of their exclusive rights over the land (Regulation 32(2)(b)(iii)), or as a result of the absence of competition because the development must be able to fit in with the broader development scheme of that developer already in place on that land (Regulation 32(2)(b)(ii)).

23. However, local authorities should be aware that any attempts to deliberately design a procurement to avoid the application of the PCR, risks a breach of PCR Regulation 18 which is also reflected in the last condition of Regulation 32(2)(b) set out above. For Regulation 32(2)(b) to apply, the absence of competition must not be “the result of an artificial narrowing down of the parameters of the procurement”; similarly, the design of *any* procurement must not be “made with the intention of excluding it from the scope of [the PCR]” (Regulation 18(2) PCR). As noted above, if a legal challenge were brought against a local authority for failing to advertise under the PCR, disclosure of emails, meeting minutes and other evidence would be used by the Court to determine whether as a matter of fact, it was the local authority’s intent in entering into the development agreement, to avoid the application of the PCR altogether.

24. The practical application of the above guidance for local authorities, is summarised as follows: a Section 106 agreement is less likely to be considered to be a ‘public works contract’ where:

- (a) It does not contain any direct obligations on another party to deliver works – for example, it only seeks a financial contribution from a developer rather than requiring them to actually carry out the works; **or**
- (b) There is genuinely no pecuniary interest in the arrangement whatsoever and the developer will take full cost and risk for the build of the school without loan or contribution, no matter how small; **or**
- (c) It can be shown that:

- i. the essential object<sup>55</sup> of the Section 106 agreement is to ensure, through the grant of planning permission, that the local authority meets its statutory obligations as to the provision of education facilities (rather than the execution of the works to build the school); **and**
  - ii. The Section 106 agreement contains a generic design brief applicable to all schools that is unlikely to be considered to be a 'decisive influence' on the design of the works; however, specifying the more detailed DfE Output Specification is certainly likely to be considered a 'decisive influence'; **or**
- (d) The Section 106 agreement contains an option for the developer to choose to carry out the works or pay a contribution if it can demonstrate that it has exclusive rights over the site in question and or any other technical reasons why no other contractor would be appropriate pursuant to Regulation 32.

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<sup>55</sup> *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532 at paragraph 53*



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# Education Approach for Developer Contributions



**December 2021**

## Introduction

Within the Town and Country Planning Act 1990, Section 106 (S.106) allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of addressing matters that are necessary to make a development acceptable in planning terms. Local authority requests for developer contributions towards education infrastructure, land and school transport must satisfy the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and restated in the National Planning Policy Framework<sup>1</sup>, specifically that requests are:

- 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.

Local planning authorities determine planning applications for housing, and conforming to the tests above, decide what requirements are included in S.106 agreements. With statutory responsibility for the provision of education infrastructure and school transport, this document summarises the approach adopted by Devon County Council to identify and calculate funding required from developers towards education in areas receiving new development<sup>2</sup>. Education requirements relevant to planning applications are relayed to local planning authorities for inclusion in a S.106 agreement, if the application is permitted.

This policy was updated in February 2020 to reflect guidance provided by the Department for Education<sup>3</sup>, in November 2019, on securing developer contributions for education. This replaced the approach set out in Appendix III of the Devon County Council Education Infrastructure Plan (revised) 2016-2033.

Having further consideration to the application of the changes to the Community Infrastructure Levy regulations in September 2019 and to provide further clarity, this document was updated in December 2021.

The approach for calculating developer contributions detailed in this policy relates to pupil places for school children aged 4 to 16, as well as other statutory provision including special education needs (SEN) (0 – 25), post 16 education facilities, early years/childcare provision, school transport and wider children's services provision (where justified in terms of the National Planning Policy Framework criteria outlined above). These are calculated and requested on a case-by-case basis taking into account a number of factors as detailed in this document.

This approach for calculating education developer contributions seeks to:

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> Appendix A contains details of the service provision standards adopted by Devon County Council for education provision. In addition, the implication of national changes to the education system and pupil place planning are explained.

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/793661/Securing\\_developer\\_contributions\\_for\\_education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf)

- Make development acceptable in terms of education – by ensuring that the need for additional pupil places generated by new development is mitigated
- Ensure education and childcare requirements are justified and directly related to development proposed
- Take account of committed and planned development
- Recognise available capacity in existing provision
- Avoid unacceptable travel distances to provision

## Calculating developer contributions towards education

### Establishing pupil numbers arising from new development

To establish the impact of existing and new development proposals on education facilities it is necessary to identify the likely number of pupils that will be generated. On the basis of empirical research<sup>4</sup>, Devon County Council has established that, on average, each family type dwelling (i.e. dwellings with 2 bedrooms or more) generates approximately 0.07 0 to 1 year olds, 0.11 2 to 4 year olds, 0.25 primary aged pupils (ages 5 to 11), 0.15 secondary aged pupils (ages 12 to 16) and 0.06 post 16 (ages 17 to 18). In total, 2% of the school population require specific SEN provision, in the main delivered through a local special school. These figures will be kept under review with any amendments being reconsulted on and approved in line with Devon County Council's constitution.

Contribution requests reflect the number of anticipated additional 'family type dwellings' to be generated by the development.

Developer contributions will not be sought on applications which propose a net increase of less than four family type dwellings. However, the pupils arising from these developments will still be factored into capacity calculations and pupil forecasting.

Affordable housing as well as self-build housing are included in education capacity and contribution calculations, as they generate a need for additional education facilities within a specific locality. Historically it has been put forward to Devon County Council that affordable units should not be incorporated in the calculation of pupil generation as the pupils are already living in the area. Evidence suggests that this is not the case and there is a high proportion of migration from one catchment area to another.

Contributions will not be sought for student accommodation, holiday homes, housing designated for older people and homeless housing schemes, if an appropriate condition to restrict occupation is attached to any relevant planning permission.

Developer contributions cannot be secured at the permission in principle stage, they can however be agreed at the technical details consent stage. Devon County Council will look to inform applicants at the permission in principle stage whether an education contribution may be required at the technical details consent stage.

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<sup>4</sup> See Appendix B for more detail on assumption



## **Establishing capacity**

The county council will require a developer contribution towards education infrastructure where there is a lack of capacity at existing education facilities and providers for the number of pupils arising from the proposed development.

### Development in urban areas:

Within urban areas where there are multiple schools, the county council will consider the capacity across all schools within that urban area recognising that pupils will flow between catchment areas. A list of the urban areas can be found in Appendix C. It is well established that there is movement within urban areas, therefore the county council seeks to ensure that there is sufficient capacity across the whole urban area. This strategic approach will support sufficient and sustainable school capacity within the area. For this approach to be taken, the application site must be at least partly within the designated area of one of the urban schools. The approach for urban extensions is set out on page 5 of this document.

### Development in rural areas:

Within rural areas, the county council will consider the capacity of the designated school for the proposed development site. In cases where the nearest school is not the designated school, the county council will consider the designated or nearest school on a case-by-case basis taking account of information such as school capacities and whether there are existing school transport or safe walking routes. Where the designated secondary school falls within an area with multiple secondary schools (as set out in Appendix C) the capacity of all secondary schools within that urban area will be taken into account.

When assessing the spare capacity and therefore whether a contribution is necessary from an individual planning application or development proposal, two key factors will be incorporated:

1. The number of forecast spare school places within the locality based on demographic data and trends; and
2. The number of school places taken up by existing but yet to be implemented planning permissions (factoring in capacity provided by developer contributions).

In establishing the contributions appropriate from new development proposals, this spare capacity is then shared proportionately between all allocated development sites within that area yet to come forward through the adopted development plan<sup>5</sup>. Based on this, a percentage is established, which will be requested for developments in the area and kept under constant review (e.g. windfall or non-allocated permissions). Applying this approach ensures that the contributions requested are fairly and reasonably related in scale and kind to the proposed development.

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<sup>5</sup> i.e. the Local Plan, Core Strategy or equivalent.

When a developer contribution is required as part of a planning permission, it is assumed that the proportionate impact on the school(s) has been mitigated and will not be deducted from spare capacity above.

Where there is no capacity at the school(s) and no deliverable scheme to increase the capacity, a contribution will be requested to provide transport, and potentially infrastructure, at another school which has capacity or the ability to be expanded.

As set out in planning guidance<sup>6</sup>, where Devon County Council has forward funded schemes to ensure sufficient places in advance of expected development, retrospective contributions will be required to recover the upfront capital investment.

## SEN

The approach outlined above will also be followed when considering baseline capacity for SEN provision, however a wider area is considered due to the varying provision associated with this need and need for pupils to travel to access the appropriate provision for their needs. It should be noted that currently all special schools are at capacity and there is a shortfall in this type of provision. Devon County Council is currently forward funding additional SEN capacity. When an SEN contribution is required, the number of SEN places requested will be deducted from the total number of primary and secondary pupils generated by the development as these are not additional pupils.

## Early Years

The county council will require developer contributions towards early years provision where there is insufficient capacity for the proposed development. The annual Childcare Sufficiency Assessment Report<sup>7</sup> sets out hot spots where there is insufficient early years capacity. A developer contribution towards early years may be required where new or expanded provision is required to address these hot spots.

When calculating the existing spare early years places, the forecast spare capacity within schools, childminders, day nurseries and preschools, within the town or designated area of the application will be considered.

All new primary schools are expected to incorporate early years provision reflecting an expected increase in children and demand for places in the areas where they are delivered. Therefore, any development in an area with a new primary school planned is required to make an early year's contribution.

## New towns, villages and urban extensions

With regard to proposals for new towns, villages and urban extensions<sup>8</sup>, paragraph 30 of DfE guidance on developer contributions is clear that development proposals should plan to meet the full education requirement. As such, the capacity of existing schools beyond the statutory walking distance does not need to be taken into account when calculating developer contributions for permanent onsite schools in

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<sup>6</sup> [Planning obligations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/planning-obligations)

<sup>7</sup> <https://new.devon.gov.uk/eycs/for-providers/childcare-sufficiency/childcare-sufficiency-assessment>

<sup>8</sup> 'The planned expansion of a city or town' [Glossary | Planning Portal](#)

new settlements and urban extensions. Likewise, a new school which has been delivered to serve children from a new town, village or urban extension should not be considered as an available surplus of places for other development in proximity to the new town or village to essentially fill up. This will be considered on a case-by-case basis.

### **School transport contributions**

The county council will require developer contributions where development generates an additional need for home to school transport. In the main, this will be triggered by development located in areas where schools are outside of the statutory walking distances and/or do not have a safe walking route as set out in Appendix B. School transport will either be provided through the use or expansion of an existing service or through the development of a new service to the area. No transport is provided for children before they reach statutory school age (reception).

When assessing safe walking distances to local schools, Devon County Council adheres to the guidelines outlined in the national policy document 'Assessment of Walked Routes to School'<sup>9</sup>.

### **SEN**

In respect of SEN school places, it is recognised that it is possible provision will not necessarily be within close proximity to the proposed development due to the need to travel to access the appropriate provision for individual needs. The county council does not seek contributions towards SEN transport due to the cost variations of SEN transport and individual nature of transport requirements. The County Council has already forward funded a significant increase in Special School Places to meet the growing needs of Devon.

### **Cost of additional school facilities and home to school transport**

Devon County Council requires developers to contribute towards education infrastructure, land and school transport to mitigate the direct impacts of new development. The DfE guidance on developer contributions is clear that central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education. In relation to school transport, there is no direct funding stream to support statutory home to school transport costs. A lack of developer contributions is an expense to the taxpayer. S.106 and Community Infrastructure Levy funding is critical to ensure that development impact can be appropriately mitigated.

In accordance with government guidance<sup>10</sup>, the county council will request contributions from developers based upon the latest DfE school place scorecards<sup>11</sup>. The latest scorecard currently available is for 2019 (published 25<sup>th</sup> June 2020).

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<sup>9</sup> <http://roadsafetygb.org.uk/wp-content/uploads/2018/01/Walked-Routes-to-School-2016.pdf>

<sup>10</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843957/Developer\\_Contributions\\_Guidance\\_update\\_Nov2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Developer_Contributions_Guidance_update_Nov2019.pdf)

<sup>11</sup> <https://www.gov.uk/government/collections/school-places-scorecards>

Updated costs based on the scorecards will be published on the Devon County Council – Pupil Place Planning website<sup>12</sup>.

The scorecards relate to mainstream primary and secondary school places. The costs are taken from the national scorecards due to a larger sample size and greater certainty that all types of school place will be included. In line with the guidance, national averages have been adjusted using BCIS locational factors<sup>13</sup> in order to reflect regional variances. The new build or school expansion rate per pupil will be applied to each pupil for whom new capacity will need to be secured.

The DfE scorecards do not identify a cost per place for post 16 provision. The DfE guidance recommends that developer contributions for further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place and therefore this approach has been adopted.

Likewise, the DfE scorecards do not identify a cost per place for SEN provision. The DfE guidance recommends that developer contributions for special or alternative school places are set at four times the cost of mainstream places. The rates for SEN do not distinguish between primary or secondary provision but rather uses an average of the two.

Informed by the approaches set out above, the cost of pupil places is set out below:

<b>Education infrastructure</b>	<b>Cost per place</b>
Primary New Build	£20,305
Primary Extension	£17,097
Secondary New Build	£24,682
Secondary Extension	£23,540
Post 16 New Build	£24,682
Post 16 Extension	£23,540
SEN New Build	£89,974
SEN extension	£81,274

### Early Years

Contributions towards early years provision will be sought at a rate of £250 per dwelling based on the estimated delivery cost of provision applied to the number of dwellings the provision would serve. Although the DfE guidance recommends using the above primary cost for early years, DCC has reviewed this and previous costs of delivered early years provision and considers the current cost is appropriate recognising that early years is usually part of a larger school development and therefore benefits from economies of scale.

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<sup>12</sup> [Pupil place planning - Planning \(devon.gov.uk\)](http://pupilplaceplanning.devon.gov.uk)

<sup>13</sup> The south west's locational factor is 0.99. This equates to a regional weighting of 1.01. To calculate the cost per place, the national average is divided by the regional weighting.

## SEN

Due to the relatively low numbers, developer contributions towards Special Education provision will only be sought on developments of 150 dwellings or above. Where an application less than 150 dwellings forms part of an allocation of 150 dwellings or more, a request will still be made. It should also be noted that due to the specialist nature of provision, it is likely that developer contributions may be used across district council boundaries.

## Land

Where it is necessary to build a new school or early years provision in order to provide places, a proportional contribution, directly related to the scale of development, will be required towards the cost of land acquisition. Where negotiations with developers have secured additional land instead of, or in addition to, financial resources, the freehold will normally pass to Devon County Council, unless agreed otherwise. The process for assessing land/financial contributions towards land is identified in Appendix D.

## School transport

The cost of home to school transport is based on actual contract costs of existing routes already serving the area on a development by development basis. Actual costs per pupil will then be considered in the context of the following formula:

*Total contribution = per pupil cost x number of pupils expected x 190 days (Number of academic days in a school year) x 5 (primary) or 7 (secondary) (Number of years pupils attend school).*

Where the existing service is full or in locations where there is no existing route and the development requires the provision of a new service, the estimated cost for the new service will be used. As such there may be variations in the cost of school transport between locations and over time. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.

## **Payment triggers and repayment**

As a general rule, the county council will require financial contributions towards education provision to be paid in the following instalments:

- 50% payment on occupation of 10% of dwellings
- 50% payment on occupation of 50% of dwellings

The county council may request these instalments to be earlier than the above suggestion if the circumstances require it. Payment of financial contributions in advance of the triggers outlined above will be welcomed. Later triggers may be accepted if developers demonstrate a valid reason for a delayed payment with appropriate security.

The county council requires the funding to be available for 10 years after the final payment in any S.106 agreement has been made to the county council. This repayment clause is to be included within S.106 agreements relating to education contributions.

### **Mechanisms for delivery**

Where a new school is planned generally the County Council or Department for Education will commission the design and build of this provision and undertake the necessary processes to appoint a school sponsor. Alternatively, the county council will consider the potential for direct delivery of the new school by developers. This will be considered on a case-by-case basis and any proposal for direct provision would need to be designed and built to an appropriate specification agreed by the County Council.

### **Community Infrastructure Levy (CIL)**

Many Local Planning Authorities have adopted a Community Infrastructure Levy and choose to fund some Education Infrastructure through this mechanism, rather than planning obligations secured through a S.106 agreement. In a two tier authority, this means that the contribution is held and distributed by the Local Planning Authority, rather than being paid directly to the county council as the Local Education Authority. This reduces DCC's ability to mitigate the impacts of development on the local school(s).

Recognising the changes to the Community Infrastructure Levy regulations in September 2019, the county council can now request S.106 contributions from development in areas where CIL has been adopted. DCC acknowledges that CIL monies, towards education, can be identified by local planning authorities in their approved CIL programme and in these situations, it is expected that CIL will be available towards the delivery of what is included and a CIL contribution would be requested. Where the CIL programme does not include funding or there is not an approved programme in place and a lack of capacity is shown, S.106 contributions will be requested to mitigate the education impact of the development. S.106 contributions will also be requested where the commitment from the local planning authority is not sufficient to meet the full need arising from the development.

Devon County Council will respond to applications using the methodology as described above which will be used to support bids for funding within Local Planning Authorities' CIL governance arrangements. It should be noted that Devon County Council's preference is for education contributions to continue to be secured via S.106 rather than CIL. However, regardless of the approach taken, (CIL or S.106), funding education provision from developer contributions is critical to ensure development impacts are mitigated and to support the creation of sustainable communities.

School transport requests are managed through the S.106 process rather than CIL as school transport is not considered to be education infrastructure in the same context as physical school infrastructure.

## APPENDIX A – DCC Approach to Education Provision

The approach to Children's Services policy is based upon the statutory responsibilities of Devon County Council (DCC) in respect of Children and Young People, these are specifically:

- DCC has a statutory duty to ensure sufficient school places are available for every child to be able to access a school place between the ages of 4-16 years. In addition under Section 15ZA and 18A of the Education Act 1996, (as inserted by the ASCL Act 2009), the Local Authority has a duty to secure sufficient suitable education and training opportunities to meet the reasonable needs of all young people in their area.
- The Childcare Act 2006 places a statutory responsibility on the Local Authority to ensure sufficient Early Years and Childcare places for children between the ages of birth to 18 years. In respect of Early Years, DCC needs to ensure that disadvantaged 2 years olds and all 3 & 4 year old children have access to 570 hours a year of funded education as well as additional childcare provision that parents need to enable them to work or train. Childcare for school aged children is generally made in school buildings before and after the school day and during the school holidays. In addition, DCC must make sufficient provision of Children Centres to meet the local needs of parents, prospective parents, carers and young children.
- The Children & Families Act 2014 and subsequent guidance re Special Educational needs and Disability Code of Practice: 0 to 25 years clearly sets out the requirements for children with special educational needs and disabilities and responsibilities in respect of education for 0-25 year olds.
- Section 507B of the Education Act 1996 (published March 2008), sets out the responsibilities of the Local Authority to provide youth work in three areas: positive activities, decision making by young people and 14-19 learning.

The Raising of the Participation Age (RPA) sets an expectation that all young people will be expected to participate in education, employment or training. It is not considered there will be a need to consider additional infrastructure except where there are major expansions to existing towns or new communities.

Devon County Council's overall principles in respect of pupil places are:

- To ensure there are sufficient early years, childcare and statutory school age pupil places for every child in Devon;
- That where possible, pupils should be able to attend and have a reasonable chance of gaining admission to their local school or early years provider;
- To promote a sustainable pattern of schools and early years provision and local schools and early years providers for local children;
- To support parental preference and expand successful and popular schools and early years providers;
- To promote diversity and choice and support our most vulnerable learners.

DCC funds a range of different providers in the private, voluntary and independent sectors to provide education for 2, 3 and 4 year olds. These are all listed on the Directory of Providers.

## **Implications of Changes to the Education System**

The central government school reform agenda expanded the school academy programme and introduced the concept of Free Schools. The implications of these reforms on pupil place planning are summarised below and in more detail in Devon County Council's Education Infrastructure Plan:

### *Academies*

An academy in the education system in England is a school that is directly funded by central government (the Department for Education) and is independent of local government control. Although the government is promoting schools to adopt academy status, Devon County Council retains the statutory responsibility to ensure sufficient school places are available to meet local needs even when development affects an academy. To ensure development is appropriately mitigated, Devon County Council will work with academies in pupil place planning. Early Years places for 2, 3 and 4 year olds in academies are funded by DCC. Some academies have age ranges that start from 2 or 3 and others operate early years pre-schools as an extended service.

### *Free Schools*

In the main, most new schools will be free schools which are non-profit making, independent, state-funded schools. These schools will be delivered either through a competition process currently run by the Education Authority or through direct bids to Central Government. Their capacity has been factored into overall school capacity calculations used to inform requests for developer contributions. Any additional Free School provision will similarly be taken into account in assessing available school and early years capacity once a funding agreement is in place. It should be noted that the Department for Education is requesting details of S.106/CIL obligations to inform bids to establish new Free Schools and are requesting that these funds are released where the new school will mitigate the impact of development. As such, developer contributions will continue to be critical in funding new education provision to mitigate development impact, irrespective of potential Free School facilities.



## **APPENDIX B – Background to Methodology Assumptions**

In assessing contributions necessary to mitigate the direct impacts of development sites the County Council has working assumptions that underpin the methodology applied.

### **Distance to Schools**

Devon County Council uses statutory walking distances defined as 2 miles from home to school for children of primary school age and 3 miles from home to school for children of secondary school age<sup>14</sup>. As the distances between proposed developments and schools were measured 'as the crow flies', a 25% reduction to these distances was applied. This is to recognise that actual walking distances are likely to be longer in reality than distances measured as the crow flies. This is due to physical barriers to movement, such as built development, river crossings, rail lines etc, which are not taken into account at this stage. The distances used in calculations were therefore:

- 1.5 miles from home to school for children of primary school age
- 2.25 miles from home to school for children of secondary school age

### **Pupil Generation**

The pupil yields used to identify the number of pupils generated by each development are based on empirical research by Devon County Council; based upon a door to door survey of new housing completed and occupied in all District Council areas in 1999. This survey included both market and affordable housing. This identified an occupancy level 0.072 0-1 year olds, 0.108 2,3 and 4, 0.25 primary age children and 0.18 secondary age children, which has led to Devon County Council using the same indices for early years and primary and, 0.15 at secondary level and therefore 0.06 at post 16. Approximately 2% of children will require a specialist place.

An analysis in 2009 of the completed housing in the Kings / Clyst Heath area in Exeter, and the number of pupils known to be living there, verified that the above indices remain appropriate for applying to new housing developments. In 2015, a further analysis at Cranbrook suggested these indices remain appropriate. Devon County Council will keep the rates under review as nationally, other Local Authorities have however reported higher indices.

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<sup>14</sup> <https://new.devon.gov.uk/educationandfamilies/school-information/school-and-college-transport>

## APPENDIX C – Urban Areas with multiple schools

Urban Area	Primary schools within area	Secondary school(s) within area
Axminster	All Saints Church of England Primary Axminster Primary Academy St Mary's Catholic Primary	Axe Valley Academy
Barnstaple East	Ashleigh Church of England Primary Eden Park Primary Newport Community School Primary Orchard Vale Community School Our Lady's Catholic Primary Pilton Bluecoat Academy Pilton Infants' School Yeo Valley Primary	Pilton Community College The Park Community School
Barnstaple West	Sticklepath Community Primary Roundswell Community Primary Fremington Primary	
Bideford	East-the-Water Primary St Mary's Church of England West Croft School	Atlantic Academy Bideford College
Northam	Appledore School St George's Church of England St Margaret's Church of England	
Braunton	Caen Primary Kingsacre Primary Southmead School	Braunton Academy
Crediton	Hayward's Primary Landscape Primary	Queen Elizabeth's School
Cranbrook	Cranbrook Education Campus St Martin's Church of England	Cranbrook Education Campus
Cullompton	St Andrew's Primary Willowbank Primary	Cullompton Community College
Dawlish	Gatehouse Primary Academy Westcliff Primary Academy	Dawlish College

Exeter	<p>Alphington Primary  Bowhill Primary  Exwick Heights Primary  Ide Primary  Montgomery Primary  Redhills Primary  St Thomas Primary  Clyst Heath Community Primary  Countess Wear Community School  Ladysmith Infant School  Ladysmith Junior School  Newtown Primary  Pinhoe Church of England  St David's Church of England  St Leonard's Church of England  St Michael's Church of England  Academy  St Nicholas Catholic Primary  St Sidwell's Church of England  Stoke Hill Infant and Nursery School  Stoke Hill Junior School  The Topsham School  Trinity Church of England  Whipton Barton Infant and Nursery School  Whipton Barton Junior School  Willowbrook Primary  Woodwater Academy  Wynstream Primary  Avanti Hall  Monkerton Community Primary</p>	<p>ISCA Academy  St James School  St Peter's Church of England  West Exe School  St Luke's Church of England  Avanti Hall</p>
Exmouth	<p>Bassetts Farm Primary  Brixington Primary Academy  Exeter Road Community Primary  Littleham Church of England  Marpool Primary  St Joseph's Catholic Primary  The Beacon Church of England  Withycombe Raleigh Church of England</p>	<p>Exmouth Community College</p>
Honiton	<p>Honiton Primary  Littletown Primary Academy</p>	<p>Honiton Community College</p>
Ilfracombe	<p>Ilfracombe Church of England Junior School  Ilfracombe Infant and Nursery School</p>	<p>The Ilfracombe Church of England Academy</p>
Ivybridge	<p>Stowford School  The Erme Primary  Manor Primary  Woodlands Park Primary</p>	<p>Ivybridge Community College</p>
Newton Abbot	<p>All Saints Marsh Church of England  Bearnes Voluntary Primary  Bradley Barton Primary</p>	<p>Coombeshead Academy  Newton Abbot College</p>

	Canada Hill Primary Decoy Primary Haytor View Community Primary Highweek Community Primary St Joseph's Catholic Primary Wolborough Church of England	
Okehampton	Okehampton Primary St James Church of England	Okehampton College
South Molton	South Molton Community Primary South Molton United Church of England	South Molton Community College
Tavistock	St Peter's Church of England Junior School St Rumon's Church of England Infants School Tavistock Primary Whitchurch Primary	Tavistock College
Kingsteignton	Kingsteignton School Rydon Primary St Michael's Church of England	Teign School
Teignmouth	Hazeldown School Our Lady and St Patrick's Roman Catholic Primary Teignmouth Primary	Teignmouth Community School
Tiverton	Heathcoat Primary St John's Catholic Primary Castle Primary Tidcombe Primary Two Moors Primary Wilcombe Primary	Tiverton High
Totnes	The Grove School Totnes St John's Church of England	King Edward VI Community College

Any new schools following the publication of this document will be included within capacity calculations.

## APPENDIX D - Securing School Sites

In areas where there is a significant amount of development and individual schools cannot be expanded on their existing sites and/or are not well located to support development (i.e. not within safe statutory walking distances), there will be a need for development to provide land (or contributions towards land) to ensure that the appropriate education provision can be provided.

For strategic development proposals submitted in a single planning application, the approach is relatively straight forward whereby the developer contribution request will include the appropriate area of suitable, serviced land to be provided, freehold, at an agreed trigger date and at no cost to the County Council. Where a Local Planning Authority has implemented a CIL, the treatment of land will be dependent on their approach.

Where strategic development proposals are partitioned and are submitted in a number of planning applications which, when considered together, require a new primary, secondary or special school site, the following approach will be used. This will also be applicable for securing additional land to support school expansions.

### Site size

In assessing how much each development should contribute towards a new site or expansion of an existing site, the level of contribution will be based on published area guidelines as per the Building Bulletin 103 and 104<sup>15</sup> against the numbers of pupils that can be accommodated on the site and the impact of the individual development.

A 210 place primary requires 1.1ha of land which equates to 53m<sup>2</sup> per pupil and therefore 13m<sup>2</sup> per family dwelling (based on each family dwelling generating 0.25 pupils).

For a 420 place primary school, the equivalent calculation is 1.8ha of land, 43m<sup>2</sup> per pupil and 11m<sup>2</sup> per family dwelling.

In addition, land for nursery provision is calculated at 7.5m per pupil and 1.4m per dwelling.

In respect of secondary, the same methodology is used with a 600 place school requiring 4.9ha of land which equates to 81m<sup>2</sup> per pupil and 12m<sup>2</sup> per family dwelling (based on 0.15 pupil yield).

Where there is a requirement for both a new secondary and primary school it may be appropriate to consider the potential for an all through school. This can have a number of educational benefits in terms of sharing resources and reduce the amount of land required.

Actual land requirements will be calculated on a case-by-case basis as will land for Special Education Provision.

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<sup>15</sup> [Area guidelines and net capacity - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In certain circumstances the County Council may seek to safeguard a larger site than required for the level of growth immediately proposed in order to future proof the school for future expansion. For example, a 1.8ha site may be sought for a 210-place primary school so that there is scope for it to grow over time. Where this approach is adopted it will be necessary for the additional land over and above that is required to mitigate the development's impact to be purchased by the County Council.

### **Equalising Land Contributions**

There will be occasions where an individual development is requested to provide a site larger than necessary to mitigate its own impact. This will occur primarily where there are a number of developments proposed in proximity to one another and a new school is required to mitigate the cumulative impacts of the wider development.

In this case, the developer providing the site will have the value of the additional land provision over and above that directly related to the development in question taken into account, potentially deducted from their contributions towards build costs. This approach will ensure that overall the developer providing the site will only be required to make contributions (land and financial) proportional to their development. In this scenario, other development will be required to make contributions to both land and buildings to compensate for the offsetting of capital funds. Again this will be proportional to the size and impact of development using the calculations highlighted in this document.

In terms of valuation, any site requested to mitigate the impact of an individual application will be provided, freehold, at no cost to the Local Authority. Any land over and above what is required to mitigate a development will need to be purchased at an agreed value which will then be used to inform requests to other development benefitting from securing of a larger school site. This valuation will need to reflect the extent to which site provision is necessary to make the proposed scale of subsequent residential development acceptable in planning terms.

For example, in an area where 1,600 homes are allocated, Devon County Council would require a serviced 1.8ha site. Should an application for 800 homes be submitted, the County Council would look to secure a 1.8ha site from that development of which 0.9 ha would be required to be provided by the applicant at no cost. The remainder would need to be secured at a value to be agreed.

In some cases, Devon County Council may purchase a school site in advance of development coming forward. This however will be on the basis that all future development makes a contribution to reimburse the Education Authority proportional to the size of development and the cost of land.

# **Devon County Council**

## Evidence Base Report for the Mid Devon Local Plan Review

Education, Children and Young People  
Libraries  
Extra Care Housing  
Waste Disposal

February 2015

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## 1. Introduction

### 1.1 Strategic Planning in Mid Devon

- 1.1.1 A fundamental part of Local Plan preparation is to plan strategically for the future. This is a fundamental reason for the planning system - to provide environmental protection and enhancement, economic growth and ensure that appropriate social services and facilities are provided.
- 1.1.2 A key part of ensuring that appropriate social facilities are provided is identifying the infrastructure required to enable development to come forward in a way which mitigates its impacts and helps to create sustainable communities. Once the infrastructure is identified, it is necessary to consider the timeframe in which it is required, delivery partners, estimated costs and potential funding sources.
- 1.1.3 The county council has a duty as the Local Authority responsible for transport, education, children and young people services, libraries, social services and management of waste disposal to ensure that appropriate infrastructure provision is incorporated into the local planning process. Through partnership working, information on the afore-mentioned topics (in addition to others) has been compiled into a comprehensive infrastructure plan by Mid Devon District Council.

### 1.2 Purpose of this report

- 1.2.1 This report provides the evidence to support the inclusion of Devon County Council's (DCC's) infrastructure requirements within the Mid Devon Infrastructure Plan. This includes information reflecting the service areas for which Devon County Council has Local Authority responsibility. It should be noted that this report excludes transportation, for which other reports will be prepared.

### 1.3 Structure of this report

- 1.3.1 The report includes a summary of the Mid Devon Local Plan and the demographic change anticipated in Mid Devon to 2033. It is then divided into topic based sections for the infrastructure for which Devon County Council has responsibility, including:

1. Education, Children and Young People
2. Waste Management
3. Extra Care Housing
4. Libraries

Each section follows a similar format:

- The policy context for service delivery
- Background information, including current service provision
- How the service will be affected by the development levels proposed through the Local Plan
- Additional infrastructure requirements as a result of development proposed through the Local Plan.

- 1.3.2 Infrastructure planning is a continuously evolving process and whilst this document represents a snapshot of the current infrastructure and service delivery standards for Mid Devon, it is important to note that details may change in the light of new information or changes to policy / legislation in the future. In recognition of this, Devon County Council will monitor and update elements of this report as required.

## 2. The Mid Devon Local Plan 2013 - 2033

### 2.1 Distribution of development

- 2.1.1 Mid Devon District Council is in the final stages of preparing a Local Plan which sets out the scale and distribution of future development across the area, and also provides the planning policy framework to inform the determination of future planning applications within the district.
- 2.1.2 The spatial strategy set out within the Local Plan includes the delivery of 7,200 new homes and 174,666 m<sup>2</sup> of commercial gross floorspace in the period from 2013 to 2033. The housing will be focussed at Tiverton and Cullompton as the two largest settlements in the district, with Cullompton taking the greater amount of housing. The majority of commercial development is also allocated at Cullompton.
- 2.1.3 The majority of the growth will be accommodated at strategic urban extensions. The three most significant of these are at East of Cullompton, North West Cullompton and the Tiverton Eastern Urban Extension. Remaining housing allocations are also made at Crediton, and in the smaller settlements throughout the district, these are identified as 'Rural areas' in the tables below.
- 2.1.4 Table 1 below indicates the scale and distribution of proposed growth across the district according to the most recent figures available (Mid Devon Cabinet Committee Report 11 December 2014 and subsequent discussions with Officers at Mid Devon District Council).

Location	Number of houses required	Completions and commitments 1 April 2013 – 31 March 2014	Remaining requirement
Tiverton	2,160	615	1,643
Cullompton	3,600	286	3,533
Crediton	720	274	633
Rural areas	720	514	330
<b>GRAND TOTAL</b>	<b>7,200</b>	<b>1,689</b>	<b>6,139</b>

**Table 1: Scale and Distribution of Residential Development in Mid Devon 2013-2033**

Settlement	Complete and committed (square metres of floorspace area)	Allocated (square metres of floorspace area)
Tiverton	2,355	38,000
Cullompton	23,267	65,000
Crediton	2,572	9,820
Rural areas	24,852	8,800
<b>GRAND TOTAL</b>	<b>53,046</b>	<b>121,620</b>

**Table 2: Commercial Land Allocations in Mid Devon 2013 -2033**

### 3. Demographic Overview

#### 3.1 Review of demographic structure and projections

- 3.1.1 Population change is one of the key factors which influences the need for new and improved infrastructure. Over the last 50 years (from 1961 to 2011) the population of the geographic area covered by DCC increased by just over 50% from 496,000 to 747,300.
- 3.1.2 In the forthcoming years to 2033 the population is projected to grow by a further 13% to 858,100. An overview of how the population structure is predicted to change is displayed in Table 3. This takes into account anticipated development levels, and demonstrates that on a county level, there are increases in population numbers across all age ranges. The most significant increase in numbers is expected in the 75+ group followed by the 65-74 age band. When considering the changes in population share, it is also notable that the proportion of the population aged 75 and above will increase.

Age Range	Population			Population Share		
	2013	2033	Growth	2013	2033	Change
0-4	38,500	36,200	-6%	5%	4%	-1%
5-10	46,000	49,900	8%	6%	6%	0%
11-16	48,200	56,000	16%	6%	7%	0%
17-44	233,200	252,300	8%	31%	29%	-1%
45-64	210,500	200,100	-5%	28%	23%	-4%
65-74	96,800	120,700	25%	13%	14%	1%
75+	84,800	142,900	69%	11%	17%	5%
Total	758,100	858,100	13%			

**Table 3 Projected Population Structure for Devon County Council area - broad age range comparison of 2013 with 2033<sup>1</sup>**

- 3.1.3 A more detailed breakdown of this county wide headline figure is necessary in order to plan effectively for population changes within Mid Devon. This helps to identify not only the spatial distribution of the population but also highlight any local variations in age structure which may impact upon the need for particular types of infrastructure within a community. The county council has undertaken population projections informed by the development levels proposed within the emerging Local Plan to underpin the infrastructure planning work to support the delivery of the Local Plan. These are outlined in Table 4.

<sup>1 & 3</sup> Projections were produced in January 2015 and are rounded to nearest 100. Figures may not sum due to rounding.

Age Range	Population			Population Share		
	2013	2033	Growth	2011	2026	Change
0-4	4,500	4,300	-4%	6%	5%	-1%
5-10	5,500	5,800	5%	7%	6%	-1%
11-16	5,600	6,400	14%	7%	7%	0%
17-44	23,600	26,000	10%	30%	29%	-1%
45-64	22,300	21,200	-5%	28%	24%	-5%
65-74	9,500	12,500	32%	12%	14%	2%
75+	7,700	14,000	82%	10%	16%	6%
Total	78,700	90,200	15%			

**Table 4 Projected Population Structure for Mid Devon District area - broad age range comparison of 2013 with 2033<sup>2</sup>**

- 3.1.4 The projected change in the Mid Devon area population is broadly the same as that for the Devon County Council area. In particular, a large increase in persons of 65 years and over is projected for Mid Devon. In addition, there is a projected growth of school age persons of just over 20%.
- 3.1.5 It can be noted that the growth projected for Mid Devon is at a reduced rate compared to previous trends. For example between 1998 and 2008, the population grew by 9,500<sup>3</sup>, which was 14.1%. The projections above show a 15% increase over twenty years and therefore show a growth rate of approximately half that observed in the early 2000s. The slowing down in growth is considered to be mainly due to the effect of the economic recession.
- 3.1.6 These forecasts, alongside analysis of existing infrastructure conditions across the district, provide the starting point to inform the infrastructure planning work underpinning the Local Plan, which is a key purpose of this report.

<sup>2 & 3</sup> Projections were produced in January 2015 and are rounded to nearest 100. Figures may not sum due to rounding.

<sup>3</sup> [http://www.devonics.info/sites/default/files/documents/Population%20estimates%20report%202008\\_0.pdf](http://www.devonics.info/sites/default/files/documents/Population%20estimates%20report%202008_0.pdf)

## 4. Education, Children and Young People

### 4.1 Devon County Council's Approach to Education, Children and Young People Provision

- 4.1.1 The approach to Children's Services policy is based upon the statutory responsibilities of Devon County Council (DCC) in respect of Children and Young People and is set out in Devon County Council's Education Infrastructure Plan (EIP) 2013 - 2031 which is available at: <http://www.devon.gov.uk/education-infrastructure-plan-v1.pdf>
- 4.1.2 The EIP identifies the core responsibilities in respect of education provision, which are:
- securing sufficient educational provision in our area to meet the needs of our children, parents and communities
  - improving standards in all schools so all children can go to a good school
  - supporting the most vulnerable children including those in care, at risk of social exclusion, and those who have specific educational needs.
- 4.1.3 In respect of school provision, Devon also has a wider responsibility to:
- Promote sustainable patterns of provision and travel;
  - Maintain and improve its schools estates in relation to the health and safety of its users.
- 4.1.4 As the Local Education Authority, DCC has an additional statutory responsibility to ensure sufficient Early Years and Childcare places. In respect of Early Years, we need to ensure that all 3 & 4 year old children and less-advantaged 2-year olds have access to 15 hours a week of early years entitlement but also there is a requirement to ensure there is sufficient provision, including child minding, to enable parents/carers to access employment.
- 4.1.5 In addition, DCC must make sufficient provision of Children Centre services to meet the local needs of parents, prospective parents, carers and young children, specifically suitable delivery space.
- 4.1.6 The Raising of the Participation Age (RPA) changes whereby all young people are expected to participate in education, employment or training has placed a requirement on Devon County Council to secure sufficient and suitable education and training provision for all young people aged 16 – 18. It is considered the impact of the RPA changes are unlikely to have a significant impact on school infrastructure. Therefore this is not considered further within this report.
- 4.1.7 There is also a statutory duty, as set out in Section 507B of the Education Act 1996, (published March 2008), for local authorities to provide youth work in three areas: positive activities, decision making by young people and 14-19 learning. Youth activities and facilities need to be accessible to young people and within reasonable distance to their homes.
- 4.1.8 The strategic planning of school place provision role of the Education Authority has not changed significantly despite Government school reforms. However it now needs to plan within a more autonomous mixed market of providers, in particular Academies and Free Schools.
- 4.1.9 Academies and Free schools are state funded schools independent of local government control. Whilst these reforms create some uncertainty for the planning of education provision, there is still a duty to ensure there are sufficient school places for every child to be able to access a school place between the ages of 4 and 16 and suitable provision up

to 18. This will be kept under constant review as and when new providers enter the marketplace and their impact on school place planning can be accessed.

4.1.10 Devon County Council's aim is that all pupils should be able to attend their local school and seeks to maximise and support parental preference through the Admissions Code of Practice. The School's Adjudicator (OSA) has determined that pupil numbers and places in a school's designated area must be balanced so parents have a reasonable chance of gaining admission to that school. If this is not the case, then the local authority or school (if it organises its own admissions) must make reasonable adjustments to ensure this is possible. For larger areas of development, DCC will seek to secure specific pupil place provision to serve that development, in particular for Primary and Early years. This meets a number of sustainability objectives; placing schools at the heart of the community (maximising community use and engagement) and reducing the distance travelled and therefore promoting the use of more sustainable modes of transport (reducing the traffic impact of any new school).

4.1.11 Development must mitigate its impact on school places. In locations where existing schools within a reasonable and safe distance of a development do not have sufficient pupil places to accommodate the additional pupils created by the development, Devon County Council requires contributions to provide sufficient school places. Devon County Council also requires contributions towards Early Years and other facilities that support children and young people where the scale of development is such that it will cause a significant impact upon the service within the local area. In larger developments, Devon County Council is keen to develop hub provision that is flexible to support a wide range of services.

Devon County Council's section 106 policy and methodology can be found online at:

<http://www.devon.gov.uk/strategic-planning-pupil-places>

4.1.12 It should be noted that where academies and free schools exist, and where new development will increase numbers above capacity, developer contributions will also be required to expand these types of schools. This is because the budgets for these schools do not cover the cost of education demands arising from new developments.

4.1.13 In addition to infrastructure, Devon may also seek contributions towards home to school transport from development that is not located within safe and reasonable walking distance from education provision.

4.1.14 The information contained in this methodology has been used when assessing the needs of the local plan.

4.1.15 Other factors which influence education planning requirements and provision include:

- Devon County Council is required to support the expansion of popular and successful schools to maximise pupil access to good / outstanding schools;
- New schools will be subject to a competition process to consult on the provision of the school and seek sponsors to establish and operate the school. All new schools are likely to be Voluntary Aided, Academy or Free schools. Therefore it will be necessary to secure a serviced site and have capital funding confirmed before this process can commence.

- In considering the number of available places in schools, Devon County Council will include the impact of residential developments that have already received planning approval or recently been constructed.

4.1.16 The policies and principles highlighted in the Education Infrastructure Plan have been applied in the response to the emerging Mid Devon Local Plan proposals.

## **4.2 Existing education provision in Mid Devon**

4.2.1 There are 39 schools in total in Mid Devon, including 35 primary schools and 4 secondary schools. All of the secondary schools cater for students from 11-16 years old and a sixth form for 16-18 higher education is located at Queen Elizabeth's Academy School in Crediton, which also has boarding facilities. Post-16 provision for Mid Devon students is available at Petroc which shares a wider campus with Tiverton High School, however students travel to other provision including Somerset.



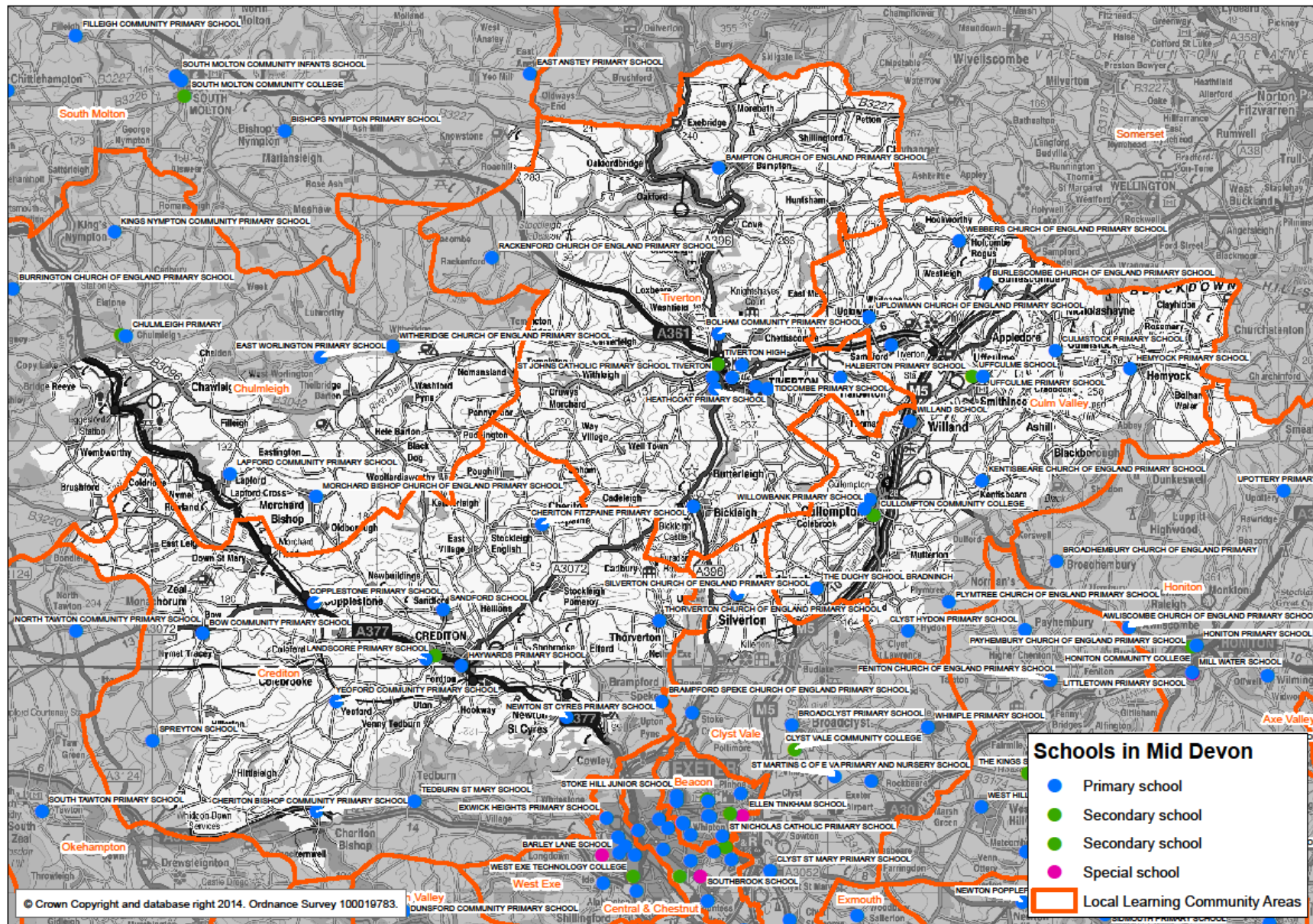


Figure 1 Distribution of schools in Mid Devon

4.2.2 The anticipated capacities at these schools (excluding Special Schools and private schools) and the number of pupils in attendance (the number on roll) are set out below. Anticipated capacity at the primary schools has been predicted for 2017. These figures take into account the numbers of children going through the system and the impact of developments which have been approved but not implemented. The anticipated capacity at secondary schools has been predicted for 2020. Assessment for this year is considered to be more robust than a 2017 base because the relatively large cohorts that are coming through the primary system now, which are anticipated to affect the secondary schools in this year. 2020 therefore represents a worst case scenario which would not be reflected by using a 2017 base.

4.2.3 The table below shows the capacities of primary schools within Mid Devon.

DfE no.	Primary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	Number on Roll Autumn 2014	Capacity taking into account demographic change & developments approved but unimplemented (Spring 2017 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
<b>Chulmleigh Local Learning Community</b> (Secondary school - The Community College, Chulmleigh)								
2260	Lapford Community Primary School	Academy	5-11	84	51	19	Primary and secondary school have capacity for small amounts of growth.	Good April 2014
3462	Morchard Bishop CofE Primary School	LA	5-11	136	99	31	The Primary school is forecast to have some spare capacity to support development however school cannot be easily expanded.	Good January 2013
<b>Clyst Vale Local Learning Community</b> (Secondary school - Clyst Vale Community College, East Devon)								
3022	Silverton C of E Primary School	LA	5-11	140	137	Zero	Minor expansion possible	Good February 2013
<b>Crediton Local Learning Community</b> (Secondary school – Queen Elizabeth Academy Trust, Crediton)								
2002	Bow Community Primary School	LA	5-11	140	105	13	Limited expansion possible	Good November 2013
2006	Cheriton Bishop Community Primary School	LA	5-11	84	54	10	Limited expansion might be possible.	Good February 2014

DfE no.	Primary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	Number on Roll Autumn 2014	Capacity taking into account demographic change & developments approved but unimplemented (Spring 2017 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
2007	Cheriton Fitzpaine Primary School	LA	5-11	105	92	21	Provision made in new school design for later inclusion of additional classroom.	Good May 2014
2011	Copplestone Primary School	LA	5-11	210	205	6	No, all obvious development opportunities already taken.	Outstanding June 2013
2012	Hayward's Primary School, Crediton	LA	5-11	324	325	Zero	Contributions required to support expansion of Primary provision currently at capacity.	Good July 2012
2079	Landscape Primary School, Crediton	LA	5-11	305	305	Zero	Contributions required to support expansion of Primary provision currently at capacity.	Good Jan 2012
2055	Newton St Cyres Primary School	LA	5-11	105	111	12	Proposed to be replaced by central government, limited potential to expand	Outstanding 2008
2059	Sandford School	LA	5-11	206	134	61	Primary School can be expanded to support low levels of growth.	Good May 2012
3025	Thorverton CofE Primary School	LA	5-11	84	88	Zero	Primary is forecast to be over capacity if parental preference continues. Very limited capacity to expand.	Good July 2012
2076	Yeoford Community Primary School	LA	5-11	82	73	7	One additional class likely to be feasible	Requires Improvement March 2014

DfE no.	Primary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	Number on Roll Autumn 2014	Capacity taking into account demographic change & developments approved but unimplemented (Spring 2017 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
<b>Culm Valley Local Learning Community</b> (Secondary schools – Cullompton Community College, Cullompton and Uffculme School, Uffculme)								
3004	Burlescombe CofE Primary School	LA	5-11	74	48	32	Potential for limited expansion	Good March 2011
2015	Culmstock Primary School	LA	5-11	105	113	1	Very limited capacity to expand.	Requires Improvement November 2014
2047	Hemyock Primary School	Academy	5-11	163	171	Zero	Limited options for expansion. Additional site area would be required to support larger development	Good April 2014
3013	Kentisbeare CofE Primary School	LA	5-11	175	164	Zero	All obvious development opportunities already taken	Requires Improvement November 2014
3019	Sampford Peverell CofE Primary School	Academy	5-11	119	85	25	Limited capacity to expand	Good May 2012
2014	St Andrews Primary School, Cullompton	LA	5-11	315	292	Zero	School is at capacity and on a constrained site making expansion either difficult or proportionally expensive	Requires Improvement April 2014
2003	The Duchy School, Bradninch	Academy	5-11	210	171	52	Limited expansion may be possible	Good March 2009
2072	Uffculme Primary School	Academy	5-11	191	178	41	Primary school is on a constrained site and not easily expanded	Good October 2010
3026	Uplowman CofE Primary School	LA	5-11	56	58	5	Limited/no capacity to expand	Good October 2012



DfE no.	Primary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	Number on Roll Autumn 2014	Capacity taking into account demographic change & developments approved but unimplemented (Spring 2017 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
3313	Webbers CofE Primary School	LA	5-11	84	71	36	Limited/no capacity to expand	Good June 2012
2075	Willand School	LA	5-11	417	348	75	School unlikely to expand beyond its current size	Outstanding October 2006
2084	Willowbank Primary School, Cullompton	LA	5-11	285	256	Zero	School is at capacity and on a constrained site making expansion either difficult or proportionally expensive	Requires Improvement December 2014
<b>Tiverton Local Learning Community</b> (Secondary school – Tiverton High, Tiverton)								
3771	Bampton CofE Primary School	LA	3-11	120	102	16	Limited capacity	Good July 2014
3165	Bickleigh on Exe CofE Primary School	Academy	5-11	157	142	Zero	Limited capacity	Requires Improvement November 2014
2717	Bolham Primary	LA	5-11	105	106	Zero	Limited capacity to expand	Requires Improvement June 2013
2718	Halberton Primary School	LA	5-11	84	61	24	Limited/no capacity to expand	Good July 2014
2723	Heathcoat Primary School, Tiverton	LA	3-11	412	343	Zero	Limited capacity to expand	Requires Improvement June 2014
3773	St John's Catholic Primary School, Tiverton	Academy	5-11	203	183	Zero	Limited capacity to expand	Good December 2012
2720	The Castle Primary School, Tiverton	LA	5-11	420	349	Zero	Limited capacity to expand	Requires Improvement April 2013

DfE no.	Primary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	Number on Roll Autumn 2014	Capacity taking into account demographic change & developments approved but unimplemented (Spring 2017 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
2719	Tidcombe Primary School, Tiverton	LA	3-11	194	161	Zero	Limited capacity to expand	Good January 2013
2721	Two Moors Primary School, Tiverton	LA	3-11	428	415	Zero	Limited capacity to expand	Requires Improvement February 2013
2722	Wilcombe Primary School, Tiverton	Academy	3-11	210	171	Zero	Limited capacity to expand	Requires Improvement June 2014

**Table 5 Existing and predicted primary school capacity in Mid Devon**

4.2.4 The table below shows the capacities of secondary schools within Mid Devon.

DfE no.	Secondary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	* Number on Roll Autumn 2014	Capacity taking into account developments approved but unimplemented (Spring 2020 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
<b>Chulmleigh Local Learning Community</b>								
4054	The Community College, Chulmleigh	Academy	11-16	639	559	57	Expansion on site is feasible	Good January 2013
<b>Clyst Vale Local Learning Community</b>								
4009	Clyst Vale Community College	Academy	11-18	1154	962	19	Expansion on site is feasible	Requires Improvement July 2013

DfE no.	Secondary School	Academy / Local Authority	Pupil Age Range	Net Capacity (places) at 2014	* Number on Roll Autumn 2014	Capacity taking into account developments approved but unimplemented (Spring 2020 base)	Ability to expand within current site (DCC officer opinion)	OfSTED Rating
<b>Crediton Local Learning Community</b>								
4003	Q E Academy Trust	Academy	11-18	1650	1399	299	Opportunities at lower school site, upper school expansion may be feasible with rationalisation/ replacement of existing buildings	Good January 2014
<b>Culm Valley Local Learning Community</b>								
4010	Cullompton Community College	LA	11-16	803	505	169	Additional land required	Good February 2013
5405	Uffculme School	Academy	11-16	940	968	Zero	Secondary school is popular and at capacity, impact of housing will reduce parental choice and impact on other local schools	Outstanding February 2014
<b>Tiverton Local Learning Community</b>								
4192	Tiverton High School	LA	11-16	1482	1285	46	Secondary school would need to expand on the opposite side of the road due to flood plain	Requires Improvement November 2013

**Table 6 Existing and predicted secondary school capacity in Mid Devon**

### 4.3 Youth Services in Mid Devon

- 4.3.1 The Devon Youth Service is a part of a broad range of early help and support services for young people across the county, commissioned or provided by the county council. In addition, there is an extensive and well developed local voluntary and community sector that seeks to engage and deliver activities for local young people.
- 4.3.2 Due to the government spending review and the resultant reductions in funding, Devon County Council is undertaking an ongoing review of its facilities / services and how these should be provided in a manner that retains the ability to deliver statutory functions at a quality acceptable to regulators and the community. As part of this review, the county council is reviewing its youth service, with the intention of reducing the county council's property portfolio, whilst maintaining a universally accessible youth service and improving targeted youth support. The review is also being undertaken in a manner that hopes to achieve greater co-ordination with the adult and community learning services, libraries and Fulfilling Lives (learning disabilities support).
- 4.3.3 More about the review of the youth services in Devon is available online from the following link: <https://new.devon.gov.uk/youthreview/engagement-phase/>
- 4.3.4 The fundamental themes that have resulted from the review and consultation undertaken to date are that the universal youth provision, provided through Devon's youth centres will undergo significant change. Devon youth staff will provide information and co-ordination from 8 youth hubs within the county – one in each district / city area. In Mid Devon, the central hub will be the Tiverton Youth and Community Centre.
- 4.3.5 This is to become the new focus of the county council's universal youth service provision in Mid Devon. This will result in other youth centres in Mid Devon being potentially run by local communities.
- 4.3.6 Whilst the above will result in changes to the universal provision and specifically the existing youth centres in Mid Devon, targeted support to help vulnerable young people via schools and community settings and alongside social work teams will continue. Other elements of the youth service to remain include:
- Street based work which will be on-foot and through mobile units/mini buses throughout the county.
  - Participation team working with children in care.
  - REACH team supporting missing persons (MISPER) and children sexually exploited (CSE).
  - Support will continue for the Duke of Edinburgh programme, Young Farmers, peer education and the Chances Educational Support Service.
  - £100,000 will be available county-wide for advice and infrastructure support, with a further county-wide £200,000 for one-off community start up and seed funding grants to help communities develop local provision for young people.
- 4.3.7 The service will also be tasked with helping to further develop Local Youth Work Networks with ongoing funding of £100,000.
- 4.3.8 This way forward was determined at Devon County Council's Cabinet Committee at June 11<sup>th</sup> 2014. More information is available online at: [http://www.devon.gov.uk/index/councildemocracy/decision\\_making/cma/cma\\_document.htm?cmadoc=agenda\\_exc\\_20140611.html](http://www.devon.gov.uk/index/councildemocracy/decision_making/cma/cma_document.htm?cmadoc=agenda_exc_20140611.html)



4.3.9 More commentary on youth centres is provided below in the 'Supporting Existing & Future Development in Mid Devon' section.

## 4.4 Children's Centres

4.4.1 Children's Centres provide early childhood services for all families during pregnancy, following birth and until a child is five years old. These services are delivered in partnership with Health, Adult Learning and Job Centre Plus and can be delivered at a children's centre, in a community building or in families' homes.

4.4.2 In Devon, children's centre services are not directly delivered by the county council. Instead they are contracted out to 6 different providers – 4 charities and 2 school governing bodies. Each has their own contract. Therefore Devon doesn't require a set number of children's centres, just sufficient facilities to provide for all families with young children, and to enable us to continue to offer support for those families in greatest need.

4.4.3 In Mid Devon, children's centres are operated in the three market towns. At Crediton, in the Crediton Children's Centre, at Cullompton in the Culm Valley Children's Centre (located in the St Andrews Estate), and in Tiverton at the sites of Two Moors Primary School and Wilcombe Primary School.

4.4.4 Due to spending pressures, the county council's children's centre services are currently under review. The public consultation element of this review was undertaken between 22 April and 6 June 2014, and is now largely complete. The proposals of the review focus on changing the manner in which children's centre services are provided by Devon County Council, focussing on reducing the county council's estate and delivering the services in a more cost effective-manner. A key mechanism for delivering this reform is through renegotiation of contracts (including spending a greater proportion of children's centre funding on the service rather than on the buildings). The contracts for Mid Devon are due to be reviewed after 1st April 2017.

4.4.5 As a result of this, it is not possible within this document to set out the future funding and delivery model for Children's Centres in Mid Devon. However, we have adopted the principle of utilising existing spaces and community buildings for children's centre services, all new schools will include delivery space. In the context of this, we will consider the needs of new development as the service is reviewed in future and this is likely to include the provision of spaces where children's centre services can be delivered at new primary schools.

4.4.6 More information about the county council's children's centre review can be found at: <https://new.devon.gov.uk/childrenscentrereview/consultation-closed/the-proposals>

## 4.5 Demographic change for school-aged persons in Mid Devon

- 4.5.1 Devon County Council uses a demographic model to derive likely future population numbers and profiles. Based on the proposals in the emerging Mid Devon Local Plan, the model has generated the following forecast.

Age Range	Year		
	2013	2023	2033
0-2	2,700	2,700	2,500
3-4	1,800	1,900	1,800
5-11	6,300	7,100	6,800
12-16	4,800	5,200	5,400
17-19	2,800	2,600	3,000
<b>Total</b>	<b>18,400</b>	<b>19,500</b>	<b>19,500</b>

**Table 6 Demographic projections for Mid Devon area<sup>4</sup>**

- 4.5.2 The overall forecast for Mid Devon predicts an increasing need for primary age provision until at least 2023 before the numbers of primary age decline in the latter phase of the plan period to 2033. However, it is anticipated that demand for places in the urban areas will remain high whilst rural provision will stay at current levels or decline. The size and location of development proposed in the emerging Local Plan means that new primary school provision will be required.
- 4.5.3 Secondary age pupil numbers are due to increase overall throughout the proposed Mid Devon Local Plan period. This has a direct impact upon planning for secondary education provision within the district, specifically at Cullompton and Tiverton, the main areas of housing growth
- 4.5.4 Whilst there may be a projected increase in school pupil numbers, it is important to note that there is existing capacity at some schools which serve the district. This has been factored into the requirements set out in this document and the infrastructure planning for the district.
- 4.5.5 A major factor of whether a school will need to expand is whether new development occurs within a suitable travelling distance. This will increase the number of pupils needing to attend that school. The analysis below considers the impact of the allocations proposed in the emerging Mid Devon Local Plan, and the actions required to accommodate pupils from this growth.

## 4.6 Supporting Existing & Future Development in Mid Devon

- 4.6.1 The following section of this report sets the context and need for additional Education, Children and Young People provision required as a result of development proposed within the Mid Devon Local Plan.
- 4.6.2 The priority ratings included within the Mid Devon Infrastructure Plan in relation to education provision have been established on the basis of the need for additional provision in the context of current conditions. For example, if Local Plan development is proposed in an area where primary or secondary schools are already at capacity or will be when taking into

<sup>4</sup> Projections were produced in January 2015 and are rounded to nearest 100. Figures may not sum due to rounding. Projections are more up-to-date than those included in the Education Infrastructure Plan: <http://www.devon.gov.uk/education-infrastructure-plan-v1.pdf>

account existing commitments, future provision has been classed as priority one (critical). This is because no further development can be accommodated without additional education provision. If existing schools have capacity to accommodate some development but not all that is proposed through the Local Plan, the enhanced provision has been defined as priority two. Full definitions of the various priority ratings are outlined within the Mid Devon Infrastructure Plan.

- 4.6.3 The following sections are set out according to the local learning community areas within Mid Devon (the local learning community areas are set out in Figure 1 above).

### **Chulmleigh**

- 4.6.4 This Local Learning Community (LLC) spans four Local Planning Authorities (Mid Devon, North Devon, Torridge and West Devon). Two primary schools within this learning community fall within Mid Devon. In general there is capacity across the learning community which serves a large and disperse rural area. Births and admissions have remained consistent in recent years and have not experienced significant growth when compared to urban areas. It should be noted that there will be an impact from development on home to school transport both at primary and secondary level in this area given its rural nature.

#### Chulmleigh LLC Primary school impacts

- 4.6.5 Taking into account short term demographics the following tables relate to the ability of schools to accept the development proposed in the Local Plan:

Settlement	Allocation Name	Dwellings	Number of primary pupils generated	Number of primary places available in local school*
Chawleigh	Barton	20	5	19 (Lapford Community Primary) 31 (Morchard Bishop Primary)
Morchard Bishop	Greenaway	20	5	31 (Morchard Bishop Primary)
<b>Additional places required</b>			<b>Zero</b>	
*assumes year 2017 and takes into account approved but unimplemented development				

- 4.6.6 As highlighted above, the assessment reveals that there is sufficient capacity to accommodate the allocations proposed in the emerging Local Plan, there will be additional burden on home to school transport, the cost of which will be requested through developer contributions.
- 4.6.7 It should be noted that this LLC crosses into North Devon and therefore this needs to be considered. Impacts of growth in the emerging North Devon and Torridge Local Plan are not likely to affect schools in this LLC, as there is sufficient capacity within schools in that district.

#### Chulmleigh LLC Secondary school impacts

- 4.6.8 Chulmleigh Community College (located in North Devon) is the secondary school which serves the local learning community. Therefore pupils from Chawleigh and Morchard Bishop generally attend Chulmleigh Community College.

Settlement	Allocation Name	Dwellings	Number of secondary pupils generated
Chawleigh	Barton	20	3
Morchard Bishop	Greenaway	20	3
<b>Total</b>		<b>40</b>	<b>6</b>
<b>Secondary pupil places available in local school</b> (assumes year 2020 and takes into account approved but unimplemented development)			<b>57</b> <b>(Chulmleigh Community College)</b>
<b>Additional places required</b>			<b>Zero</b>

4.6.9 There are currently 57 pupil spaces at Chulmleigh Community College and it is therefore considered that there is sufficient capacity at this school to accommodate growth proposals. This assessment also takes into account growth proposed in North Devon and there is capacity for anticipated growth in both districts. It is anticipated however that there will be implications for home to school transport and developer contributions will be requested as appropriate.

### Clyst Vale

4.6.10 The Clyst Vale learning community sits mostly in East Devon, but also covers a small area of Mid Devon. Silverton primary school is the only primary school in this learning community which is within Mid Devon.

4.6.11 With the exception of the Cranbrook new community, the learning community has not seen significant increase in birth rate as has been experienced elsewhere in the County. There is generally sufficient capacity to meet the needs of pupils generated in the area. Additional school provision will be created through the planning system, in particular the West End of East Devon.

4.6.12 However, Silverton Primary School supports an area that is forecast to have a small shortfall of about 5 pupil places over the medium term.

### Clyst Vale LLC Primary school impacts

4.6.13 An assessment of the allocations in the emerging Local Plan follows.

Settlement	Allocation Name	Dwellings	Number of primary pupils generated
Silverton	Old Butterleigh Road	8	2
Silverton	The Garage	5	1.25
<b>Total</b>			<b>2.25 (assume 3)</b>
<b>Primary pupil places available in local school</b> (assumes year 2017 and takes into account approved but unimplemented development)			<b>Zero (Silverton Primary School)</b> (It is anticipated that demographics and approved but unimplemented development will produce 5 more pupils than places at Silverton Primary School)
<b>Additional places required</b>			<b>8</b>

4.6.14 The assessment shows that an additional 8 primary places are likely to be required in Silverton within the plan period to accommodate demographic change, approved development and the proposed allocations.

4.6.15 This level of development is relatively small and it is therefore considered that Silverton School can accommodate these pupils with minor expansion by Devon County Council, supported by appropriate contributions from developers.

#### Clyst Vale LLC Secondary school impacts

4.6.16 There are anticipated to be 19 pupil places remaining at Clyst Vale Community College. Future developments in East Devon are likely to take up this capacity over the medium term, however the school can be expanded to support increased need. The level of development in the Mid Devon portion of the learning community is particularly low and could be accommodated either through the spaces available, or if no capacity is available at the time, through expansion of the school, subject to receipt of appropriate section 106 contributions or community infrastructure levy funds.

Settlement	Allocation Name	Dwellings	Number of secondary pupils generated
Silverton	Old Butterleigh Road	8	1.2
Silverton	The Garage	5	0.75
<b>Total</b>		<b>16</b>	<b>1.95 (assume 2)</b>
<b>Secondary pupil places available in local school</b> (assumes year 2020 and takes into account approved but unimplemented development)			<b>19</b> <b>(Clyst Vale Community College)</b>
<b>Additional places required</b>			<b>Zero</b>

4.6.17 The assessment shows that potentially two pupils may need to be accommodated at the secondary school. Depending upon the timing of applications, it is considered likely that these developments could be accommodated by using spare places, or by developer contributions. In any case the number of pupils generated from these allocations will be accommodated.

#### **Crediton**

4.6.18 There are 13 primary schools within the Crediton Local learning Community with two schools located in the town and the remainder supporting more rural areas. In general, there has been an increase in births and migration into the town with a drop off in the more rural areas, with the exception of Copplestone.

#### Crediton primary school impacts

4.6.19 There is a pressing need for primary education expansion in the town of Crediton itself, with the two primary schools (Hayward's and Landscore) with cohorts of children forecast to exceed current planned admission numbers. There is projected to be a shortfall of places in the town before taking into account the impact of the allocations proposed for Crediton which will generate the following pupil numbers:

Settlement	Allocation Name	Dwellings	Number of primary pupils generated
Crediton	Wellparks	185	46.25
Crediton	Cromwells Meadow	35	8.75
Crediton	Woods Group	8	2
Crediton	Pedlerspool	200	50
Crediton	Sports fields	120	30
Crediton	Stonewall lane	50	12.5
Crediton	Land at Barn Park	20	5
Crediton	Alexandra Close	15	3.75
<b>Total</b>		<b>633</b>	<b>158.25 (assume 159)</b>
<b>Primary pupil places available</b> (assumes year 2017 taking account of approved but unimplemented development)			<b>Zero</b> (It is anticipated that demographics and approved but unimplemented development will produce <b>104</b> more pupils than places)
<b>Additional places required</b>			<b>263</b>

- 4.6.20 It can be seen from the above that there is predicted to be a need for an additional 263 primary pupil spaces taking into account approved but unimplemented developments and the need arising from new development.
- 4.6.21 In order to support the demographic change and housing approvals, it has been agreed with the Local Learning Community that expansion of both local schools will be considered. This expansion would potentially result in both schools offering 420 places each, thus creating an additional 25 places per age group across the town. However, due to the constrained nature of the sites, this may not be feasible nor sustainable in the medium / long term. This expansion is required to provide for demographic changes and development that has already been permitted and will therefore not be able to accommodate the additional pupils from the development allocations.
- 4.6.22 The existing schools in the town are on constrained sites and would certainly not have the ability to expand beyond the 420 places being investigated, nor support additional early years numbers. In order to accommodate pupils from the allocations, it is anticipated that a new primary school site will be required later in the plan period. This will need to be capable of accommodating one form per year, and therefore an area of 1.1Ha is likely to be required to deliver this and future proof primary provision in the town. This has been discussed with the local schools.
- 4.6.23 The most appropriate location for the new primary school is considered to be within the largest allocation in the town, at Pedlerspool. This would be close to a number of allocations within Crediton and better serve the northern part of the town.

#### Crediton Rural areas - primary school impacts

- 4.6.24 An assessment of the impact of the rural development allocation sites in the Crediton Local Learning Community Area follows.

Settlement	Allocation Name	Dwellings	Number of primary pupils generated	Number of primary places available in local school*
Bow	Hollywell	20	5	13 (Bow Community Primary)
Bow	Godfrey Gardens	6	1.5	13 (Bow Community Primary)
Cheriton Bishop	Brakes View	30	7.5	10 (Cheriton Bishop Primary)
Cheriton Fitzpaine	Barnshill Close	7	1.75	21 (Cheriton Fitzpaine Primary)
Cheriton Fitzpaine	Land adj school	22	5.5	21 (Cheriton Fitzpaine Primary)
Copplestone	Old Abbatoir	30	7.5	6 (Copplestone Primary)
Newton St Cyres	Court Orchard	25	6.25	12 (Newton St Cyres Primary)
Sandford	Fannys Lane	27	6.75	61 (Sandford Primary)
Thorverton	South of Broadlands	12	3	Zero (Thorverton Primary) Demographic changes and unimplemented development will produce 13 pupils more than current capacity

\*assumes year 2017 and takes into account approved but unimplemented development

4.6.25 Generally, all of the schools in the rural areas have sufficient capacity to accommodate the levels of development allocated, with the exception of Thorverton and Copplestone schools. Copplestone school is forecast to be at or just over its theoretical capacity. Whilst this site is difficult to expand, it may be possible to review catchment areas of schools to accommodate additional pupils in the town or make adjustments within the school infrastructure to allow for the small amount of additional pupils, which is anticipated to be 2.

4.6.26 Developer contributions or CIL funds will be required if further development over and above that allocated comes forward.

4.6.27 In respect of Thorverton, the school is popular and has historically admitted pupils from outside its catchment area. Despite the forecast being that the school will be overcapacity, it currently accommodates slightly more than its net capacity as it is. It is likely that the small number of children from the development will be able to secure a place at the school through the normal admissions process. To ensure this is the case, developer contributions may be requested.

#### Crediton - Secondary school impacts

4.6.28 Queen Elizabeth's Academy School is the secondary school that serves the above primary schools. The school is currently forecast to have approximately 299 places available in the medium term.



Settlement	Allocation Name	Dwellings	Number of secondary pupils generated
Crediton	Wellparks	185	27.75
Crediton	Cromwells Meadow	35	5.25
Crediton	Woods Group	8	1.2
Crediton	Pedlerspool	200	30
Crediton	Sportsfields	120	18
Crediton	Stonewall Lane	50	7.5
Crediton	Land at Barn Park	20	3
Crediton	Alexandra Close	15	2.25
Bow	Hollywell	20	3
Bow	Godfrey Gardens	6	0.9
Cheriton Bishop	Brakes View	30	4.5
Cheriton Fitzpaine	Barnshill Close	7	1.05
Cheriton Fitzpaine	Land adj school	22	3.3
Copplestone	Old Abbatoir	30	4.5
Newton St Cyres	Court Orchard	25	3.75
Sandford	Fannys Lane	27	4.05
Thorverton	South of Broadlands	12	1.8
<b>Total</b>		<b>812</b>	<b>121.8</b>
<b>Secondary pupil places available in local school</b> (assumes year 2020 and takes into account approved but unimplemented development)			<b>299</b> <b>(Queen Elizabeth College)</b>
<b>Additional places required</b>			<b>Zero</b>

4.6.29 The above assessment demonstrates that there should be sufficient pupil capacity at Queen Elizabeth's to accommodate the development allocated within its catchment area.

4.6.30 Having said this, the allocations in the villages around Crediton will result in additional pressure on the home to school transport budget. Developer contributions will be sought towards mitigating this impact.

## Culm Valley

### Cullompton - primary school impacts

4.6.31 There is a pressing need for new primary places in Cullompton. The two schools in the town, St Andrews and Willowbank are currently at capacity and there are more children living in area than can be accommodated. The following table sets out the anticipated impact of the proposed allocations on the two primary schools.



Settlement	Allocation Name	Dwellings	Number of primary pupils generated
Cullompton	Northwest Cullompton	1200	300
Cullompton	Ware Park and Footlands	38	9.5
Cullompton	Knowle Lane	30	7.5
Cullompton	Cummings Nursery	120	30
Cullompton	East Cullompton	2100	525
Cullompton	Exeter Road	45	11.25
Cullompton	Colebrook (contingency)	(100)	(25)
<b>Total</b>		3533 without contingency site	883.25 without contingency site
		3633 with contingency	908.25 with contingency site <b>Assume 909</b>
<b>Primary pupil places available</b> (assumes year 2017 taking account of approved but unimplemented development)			<b>Zero</b> (It is anticipated that demographics and approved but unimplemented development will produce <b>72</b> more pupils than places)
<b>Additional places required</b>			<b>981</b>

- 4.6.32 The assessment above shows that the allocations will generate approximately 884 new pupils or 909 if the Colebrook site comes forward as well. In addition, approved but unimplemented development is likely to increase pupil numbers in the town to 72 pupils over the capacity of the existing schools. As such there will be a need to provide up to 981 primary pupil places in the town in the plan period.
- 4.6.33 Proposals to increase school provision in the town exist, with the Northwest Cullompton application site including a site for a primary school. This is planned to be able to accommodate 420 pupils plus early years. It is intended that this will be able to accommodate approved development, background growth and the pupils from the Northwest allocation. It should also be noted that with an anticipated build out rate of 40 dwellings a year, the full pupil demand from the Northwest allocation will not occur for a number of years – although due to the lack of current capacity, a school will be required very early in the development phasing.
- 4.6.34 In addition, the East of Cullompton allocation is anticipated to generate 525 primary pupils plus early years. These would best be accommodated in a new primary school within this development area and a serviced school site of approximately 2.2ha will be required, again early in the development phasing. This school would be likely to have a capacity of approximately 630 pupil places.
- 4.6.35 In addition, minor temporary expansion of the existing schools is being investigated, although this will not address the need from the allocations and has not been deemed achievable as yet.

### Culm Valley Rural areas - primary school impacts

4.6.36 An assessment of the impact of the rural development allocation sites in the Culm Valley learning community follows.

Settlement	Allocation Name	Dwellings	Number of primary pupils generated	Number of primary places available in local school*
Bradninch	Hele Road	7	1.75	52 (The Duchy Primary)
Culmstock	Linhay Close	6	1.5	1 (Culmstock Primary)
Culmstock	Hunters Hill	10	2.5	1 (Culmstock Primary)
Hemyock	Depot	10	2.5	Zero (Hemyock Primary)
Sampford Peverell	Former Tiverton Parkway Hotel	10	2.5	25 (Sampford Peverell Primary)
Willand	Land east of M5	40	10	75 (Willand Primary)

\*assumes year 2017 and takes into account approved but unimplemented development

4.6.37 As can be seen, the rural area development allocations in the Culm Valley Local Learning community will put minor pressure on Culmstock and Hemyock Primary Schools. Whilst it is not considered possible to provide significant expansion of these schools, such minor pressure (at most 4 pupils) is not expected to create the need for this, nor will it create significant issues. Developer contributions may be requested to provide for minor improvements / expansion.

4.6.38 The other schools should be able to accommodate the development allocations, subject to unforeseen changes in demographics.

### Culm Valley - Secondary school impacts

4.6.39 There are two secondary schools located within this Local Learning Community, including Cullompton Community College and Uffculme School which between them have low levels of spare capacity

4.6.40 The following table sets out the secondary-aged pupils that various allocations will create.

Settlement	Allocation Name	Dwellings	Number of secondary pupils generated
Cullompton	Northwest Cullompton	1200	180
Cullompton	Ware Park and Footlands	38	5.7
Cullompton	Knowle Lane	30	4.5
Cullompton	Cummings Nursery	120	18
Cullompton	East Cullompton	2100	315
Cullompton	Exeter Road	45	6.75
Bradninch	Hele Road	7	1.05

Settlement	Allocation Name	Dwellings	Number of secondary pupils generated
Culmstock	Linhay Close	6	0.9
Culmstock	Hunters Hill	10	1.5
Hemyock	Depot	10	1.5
Sampford Peverell	Former Tiverton Parkway Hotel	10	1.5
Willand	Land east of M5	40	6
Cullompton	Colebrook (contingency)	(100)	(15)
<b>Total</b>		3616 without contingency	542.4 without contingency
		3716 with contingency	557.4 with contingency
			<b>Assume 558</b>
<b>Secondary pupil places available in local school</b> (assumes year 2020 and takes into account approved but unimplemented development)			<b>169 at Cullompton Community College</b> <b>Zero at Uffculme School</b>
<b>Additional places required</b>			<b>389</b>

- 4.6.41 The above assessment outlines that in order to accommodate the development, it will therefore be necessary to provide additional places for approximately 389 pupils. This will be undertaken by expanding the two schools, approximately 13 classrooms between them.
- 4.6.42 It should be noted that Uffculme School is an academy and therefore is in charge of its own expansion plans. This means that if Uffculme School does not expand, then that duty will fall to Cullompton College. Land is safeguarded in the emerging Mid Devon Local Plan to allow the expansion of Cullompton College, most likely by moving the playing fields and building on their current location.
- 4.6.43 These expansions, including land costs, will need to be funded by developer contributions and /or CIL.
- 4.6.44 It should be noted that contributions towards home to school transport will be sought for development outside of the main towns.

## **Tiverton**

### Tiverton - primary school impacts

- 4.6.45 There are six primary schools located within Tiverton itself, these are St John's Catholic, Heathcoat, The Castle, Two Moors, Wilcombe and Tidcombe. The development allocations will result in a need to provide additional primary education facilities, as set out in the table below.

Settlement	Allocation Name	Dwellings	Number of primary pupils generated
Tiverton	Eastern Urban Extension (EUE)	1520	380
Tiverton	Roundhill	20	5
Tiverton	Moorhayes	8	2
Tiverton	Phoenix Lane	60	15
Tiverton	Howden Court	10	2.5
Tiverton	Palmerston Park	25	6.25
Tiverton	Tidcombe Hall (contingency)	(100)	25
Tiverton	Wynnards Mead (contingency)	(70)	17.5
<b>Total</b>		1643 without contingency sites 1813 with contingency sites	410.75 without contingency sites 453.25 with contingency sites <b>Assume 454</b>
<b>Primary pupil places available</b> (assumes year 2017 taking account of approved but unimplemented development)			<b>Zero</b> (It is anticipated that demographics and approved but unimplemented development will produce <b>6</b> more pupils than places)
<b>Additional places required</b>			<b>460</b>

4.6.46 The above table demonstrates a need to provide at most 460 primary pupil places in Tiverton if the contingency sites come forward.

4.6.47 New pupil places are mostly needed at the Tiverton EUE, which is the largest area of development in the town. The masterplan for the area and forthcoming developments include the provision of a school site that will initially accommodate 420 pupils and early years, this may be expanded further later in the plan period to accommodate the additional 40 pupils.

#### Tiverton Rural areas - primary school impacts

4.6.48 An assessment of the impact of the rural development allocation sites in the Tiverton local learning community follows.

Settlement	Allocation Name	Dwellings	Number of primary pupils generated	Number of primary places available in local school*
Bampton	Newton Square	5	1.25	16 (Bampton Primary)
Halberton	Land adj Fishers Way	10	2.5	24 (Halberton Primary)
*assumes year 2017 and takes into account approved but unimplemented development				

4.6.49 The above assessment indicates that the pupils generated from the proposed allocations can be accommodated at the local schools.

Tiverton LLC secondary school impacts

Settlement	Allocation Name	Dwellings	Number of secondary pupils generated
Tiverton	Eastern Urban Extension (EUE)	1520	228
Tiverton	Roundhill	20	3
Tiverton	Moorhayes	8	1.2
Tiverton	Phoenix Lane	60	9
Tiverton	Howden Court	10	1.5
Tiverton	Palmerston Park	25	3.75
Bampton	Newton Square	5	0.75
Halberton	Land adj Fishers Way	10	1.5
Tiverton	Tidcombe Hall (contingency)	(100)	(15)
Tiverton	Wynnards Mead (contingency)	(70)	(10.5)
<b>Total</b>		1658 without contingency	248.7 without contingency sites
		1828 with contingency	274.2 with contingency sites
			<b>Assume 275</b>
<b>Secondary pupil places available in local school</b> (assumes year 2020 and takes into account approved but unimplemented development)			<b>46</b> <b>(Tiverton High School)</b>
<b>Additional Places Required</b>			<b>229</b>

- 4.6.50 The above assessment shows that an additional 249 secondary school aged pupil places will be required to accommodate the development proposed to be allocated in the emerging local plan (rising to 275 places if contingency sites come forward).
- 4.6.51 Whilst Tiverton High has some spare capacity, it will need to expand to meet the projected demand from the development. Expansion can be achieved by relocating some facilities on land located across the road from their existing site - potentially providing performing arts and community facilities. Their long term aspiration is to relocate the whole school across the road leaving the lower site, which is subject to flooding, for sport provision.
- 4.6.52 Developer contributions through s106 and CIL will be requested in order to fund these improvements.

## 4.7 Funding Arrangements

- 4.7.1 Devon County Council has secured an approximate annual allocation of £3.7m for three years to deliver its statutory responsibilities, this is a 35% decrease from previous annual allocations despite increasing births and migration into the County Funding allocations are based on returns to the Education Funding Agency and are specifically required to exclude pupil numbers generated by new development. This funding allocation, and the expansion it funds, is factored into cost calculations when negotiating with developers. There is no direct funding stream for home to school transport and as such is a direct charge to the County Council. Therefore contributions will be sought from new development where applicable.
- 4.7.2 As discussed above, much of the additional school provision identified in this section is required to accommodate pupils from new development. It is therefore anticipated that the majority of funding will come from Section 106 Developer Contributions<sup>5</sup> and the Community Infrastructure Levy (CIL). This will therefore be sought as applications are submitted and as CIL receipts build up.

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<sup>5</sup> Devon County Council's policy on s106 contributions towards education can be found on the following webpage: <http://www.devon.gov.uk/strategic-planning-pupil-places>

## 5. Waste Management

### 5.1 Devon County Council's Approach to Waste Management

- 5.1.1 Devon County Council is a Waste Disposal Authority and is responsible for the safe management and disposal of Local Authority Collected Waste (LACW), formerly known as Municipal Solid Waste (MSW). In Devon LACW is collected by each Waste Collection Authority (the district councils) and additional bulky household and garden waste is taken to recycling centres by the general public.
- 5.1.2 Devon County Council has been working with District Councils across the county to raise awareness of waste management issues and increase domestic recycling levels. In Mid Devon, recycling rates have risen from 17.76% (in 2014/15) to 46.7% (in 2013/14). This move has been supported by the EU Landfill Directive, which has set decreasing annual landfill targets for local authorities and imposes fines for each tonne of waste that is landfilled above that threshold. To avoid severe financial penalties, as well as address environmental concerns, local authorities are bound to establish more sustainable methods to manage waste. As part of this, local authorities are increasingly regarding waste as a valuable resource for reclamation of materials and energy production.
- 5.1.3 For other forms of waste, including commercial and industrial waste and construction, demolition and excavation waste, responsibility for its management lies with the producers. A range of waste management operators provide services for the collection, recycling and disposal of these wastes.
- 5.1.4 The county council prepares several plans to set out how waste will be managed within the county. These include the Waste and Resource Management Strategy for Devon and the Devon Waste Plan.
- 5.1.5 The Waste and Resource Management Strategy for Devon Review was approved in March 2013. This sets out the ambition to recycle 65% of Mid Devon's local authority collected waste from 2025/26 onwards. It also contains information about the Devon local authorities' policies on reducing, reusing, recycling and recovering energy from waste and has associated strategies including the waste education strategy and communications strategy. More information is available online [here](#)<sup>6</sup>.
- 5.1.6 Devon County Council has very recently adopted a new Waste Local Plan - the 'Devon Waste Plan' - on 11 December 2014. This covers the area within Devon excluding the unitary authorities of Torbay, Plymouth and also excluding Dartmoor and Exmoor National Parks. This sets out the policies by which waste management developments are determined when a planning application is received. This document also allocates new sites for energy recovery. More information about the Devon Waste Plan is available at <http://www.devon.gov.uk/wastecorestrategy.htm>.
- 5.1.7 As well as plan and strategy making, under the Environmental Protection Act (1990), Waste Disposal Authorities are required to provide Household Waste Recycling Centres. These must be reasonably accessible to people resident in the area. It is Devon County Council's policy to provide a recycling centre within a 10 mile radius of every household within Devon, where economically practicable.

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<sup>6</sup> [http://www.devon.gov.uk/index/environmentplanning/waste\\_disposal/waste\\_management\\_strategy\\_for\\_devon.htm](http://www.devon.gov.uk/index/environmentplanning/waste_disposal/waste_management_strategy_for_devon.htm)

## 5.2 Current Waste Provision in Mid Devon

- 5.2.1 Residual local authority collected waste (LACW) generated within Mid Devon District is currently disposed of in two ways. Some is sent for landfill disposal at Broadpath landfill site near Uffculme, and some is bulked up at Punchbowl Transfer Station outside Crediton and sent to the Exeter Energy Recovery Facility. Consideration is being given to developing a Transfer Station in Mid Devon at which to bulk residual waste for onward transfer to alternative treatment as more waste is diverted from landfill. Organic waste in the form of food, garden and cardboard is currently composted at the In Vessel Composting (IVC) plant at Broadpath. Mid Devon District are proposing to collect food waste and cardboard separately and charge for garden waste in the near future. Consideration is therefore being given to bulking organic waste too, for onward transfer for treatment.
- 5.2.2 The Devon Waste Plan allocates five strategic energy recovery sites across Devon to assist in reducing the amounts of waste which are sent to landfill over the next 15 years. This includes land at the Eastern Urban Extension in Tiverton. The specific technology that may be developed at these sites will depend on the operator who chooses to come forward with an application. The proposed allocation at Tiverton has the opportunity to provide heat for the new development at the Tiverton Eastern Urban Extension, thus further increasing the sustainability of new development in this area.
- 5.2.3 There are currently two household waste recycling centres in Mid Devon, one at Punchbowl in Crediton, the other at Ashley just south of Tiverton. The recycling centre at Ashley is undersized and its current arrangement hampers the efficiency of the service. The county council is considering alternative sites for the delivery of a new recycling centre to serve the Tiverton / Cullompton / Willand (and surrounding) area, although no solution has been determined as yet.

## 5.3 Waste Management Requirements to Mitigate against Proposed Development in Mid Devon

- 5.3.1 The amount of local authority collected waste generated usually bears a close relationship to the number of households in an area, so an increase in the number of households results in increased waste to be dealt with. Forecasts of waste amounts are regularly updated to help ensure adequate planning for, and management of, waste treatment occurs; informing consideration of whether new sites are required due to increased number of households or for other reasons (e.g. expiry of planning permission at existing sites). The allocations in the Devon Waste Plan take account of the most recent projections (practicable to document preparation timescales).
- 5.3.2 The allocation of sites provides greater certainty to waste operators that waste development will be permitted at these locations (so long as planning / licensing requirements are met). It is therefore expected that facilities will come forward at the allocated sites, ensuring sufficient waste management capacity within the county will be provided. It should be noted that it will not be necessary to develop on all of the allocated sites to provide sufficient waste management capacity for Devon.
- 5.3.3 The Devon Waste Plan also includes policy (W21) to ensure that applications for new non-waste (e.g. housing or employment) development will be permitted where it can be demonstrated that sufficient waste management capacity exists to accommodate the waste arising from that development. In such cases, the developer may create on-site waste management facilities or provide a financial contribution to expand an appropriate existing waste management facility.



- 5.3.4 All new development will also be expected be built in a manner that promotes the waste hierarchy, being built in a way that reduces construction waste, and waste arising once operational. Developments will also need to provide sufficient space to allow the segregation of reusable and recyclable waste from waste requiring disposal (Policy W4). Devon County Council is currently preparing a Supplementary Planning Document to provide guidance to developers and district councils on the implementation of Policies W4 and W21.

## **5.4 Funding Arrangements**

- 5.4.1 Waste management facilities for LACW are operated by private sector organisations; however the county council enters into contracts with these organisations.
- 5.4.2 With regards to household waste recycling centres, these are operated by commercial waste operators through contracts with the county council - although the sites and facilities are generally owned / leased by the county council. As set out above, Policy W21 of the Devon Waste Plan requires development to mitigate its impact in locations where sufficient waste management facilities do not exist. The county council will therefore seek developer contributions through CIL or s106 towards waste management facilities when appropriate.

## Extra Care Housing

### 6.1 Introduction

- 6.1.1 Section 47 of the National Health Services and Community Care Act 1990 places a duty on Devon County Council to assess its residents' needs for "community care services". The National Assistance Act 1948 sets out how local authorities can respond to this duty, by providing accommodation and services to those who otherwise would not have access to such services. This is means tested.
- 6.1.2 There are a number of ways in which our community care responsibility could be met; however, work we have undertaken has concluded that an effective way to meet this responsibility for people with complex care needs is through the provision of supported extra care housing.

### 6.2 Extra Care Housing

- 6.2.1 Extra care housing enables older people to live in their own apartments (usually clustered in groups of 50 or more) in a designated development for the elderly, with 24 hour care and support services on site. The extra care housing programme being developed for Devon is intended to help older people achieve greater independence and well-being, by giving them more choice over housing and care options. Furthermore, extra care housing will help postpone the need for older people to move into residential care and will allow the county to reinvest resources in preventative services.
- 6.2.2 The key features that modern extra care housing should include are as follows:
- ◆ Accessible specially designed housing that enables independent living for older people including those with physical or learning disabilities;
  - ◆ The inclusion of telecare to enable people to live safely in their own apartments and to monitor those who have dementia or other mental health problems;
  - ◆ The provision of communal facilities to allow community activities to be organised and to provide other services (e.g. a café/restaurant, assisted bathing);
  - ◆ Flexible 24 hour care delivered by an on-site care team;
  - ◆ The development of a mixed community including those with different levels of ability and the provision of apartments with different tenures and number of bedrooms;
  - ◆ The development of sites that maximise economies of scale i.e. 50 plus units.
- 6.2.3 The dependency mix of residents varies, with all schemes aiming to achieve a balance between high, medium and low needs, and some providing accommodation and care for a proportion of people with dementia.
- 6.2.4 Extra care housing is not intended to be a substitute for sheltered housing or flexible community support services for older people. Instead, extra care housing is intended to complement other types of provision for older people, particularly for those who are unable to continue living in their own homes but wish to live in an independent setting with care and support staff on site.
- 6.2.5 Extra care housing schemes are, in most cases, built and operated by the private sector. The county council commissions extra care units from private sector schemes for those who need care but, as proved through means testing, cannot afford it. This is supported extra care.

### 6.3 Current Extra Care Housing Conditions in Mid Devon

- 6.3.1 The county council does not, currently, commission any extra care units from the private sector in Mid Devon. This is in part due to a lack of appropriate schemes in the district. In order to help address this, Devon County Council has prepared a Commissioning Strategy for Extra Care Housing which identifies the need for extra care and close care housing across Devon, including Mid Devon<sup>7</sup>.
- 6.3.2 Although it is challenging to calculate the exact need for extra care housing, Devon County Council's Extra Care Housing Commissioning Strategy has developed an indicative rate for estimating the needs of vulnerable people in growth areas<sup>8</sup>. This is based on a department for Communities and Local Government Model. The rate has also been based on evidence of the numbers of older people with low to moderate needs who can be diverted from residential care in Devon, as well as those whose needs could be more effectively met by extra care housing.
- 6.3.3 The relevant rate is that 65 extra care units are required per 1,000 people aged 75 and over, who are living alone and have a limiting long term illness. Not all those within the population at risk will end up needing extra care housing, and indeed not all of these will require local government support to live in these units. The rate therefore identifies the population in need of local authority supported extra care housing.
- 6.3.4 The assessment is undertaken for market town areas. This includes the town itself and its hinterland, although it is anticipated that the extra units would be provided in the towns themselves due to the higher level of services and facilities compared to rural areas.
- 6.3.5 Below is a table summarising the need for extra care housing, based on 2008 population levels, in Mid Devon:

Towns (including their hinterlands)	People aged 75 and over living alone with a limiting long term illness*	Indicator of Extra Care / Close Care Housing need	Local Authority Supported Extra Care Housing Unit requirement
Crediton	381	65 units per 1000	25
Cullompton	433	65 units per 1000	28
Tiverton	739	65 units per 1000	48

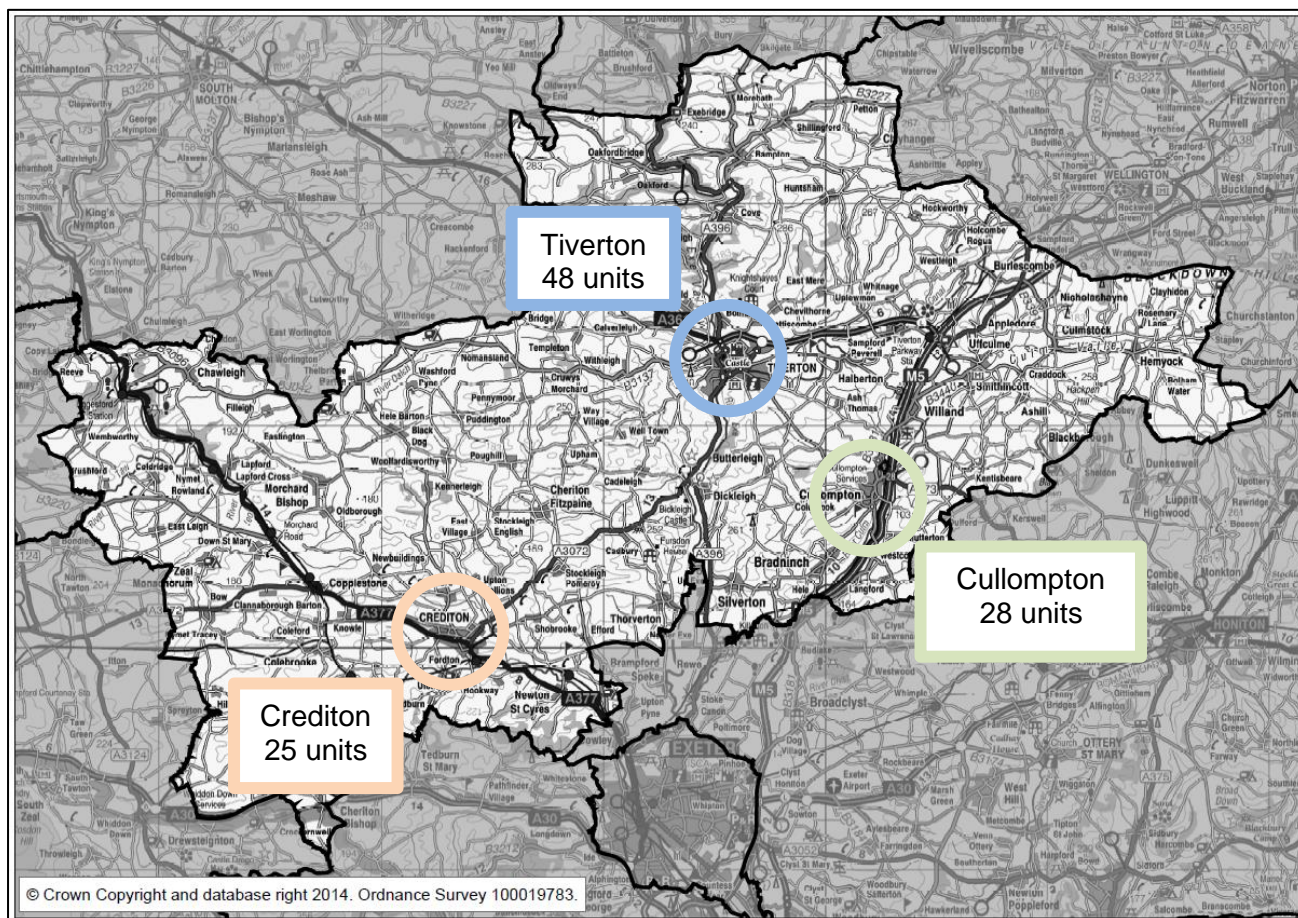
\* Source: 2001 census

**Table 7 Extra Care & Close Care Housing Need in Mid Devon**

- 6.3.6 This need is set out on the plan below.

<sup>7</sup> [http://www.devon.gov.uk/comm\\_strategy\\_for\\_extra\\_care\\_housing.pdf](http://www.devon.gov.uk/comm_strategy_for_extra_care_housing.pdf)

<sup>8</sup> <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/housing/pdf/1528387.pdf>



**Figure 2** Extra Care & Close Care Housing requirements in Mid Devon

- 6.3.7 A 49 unit ECH scheme is proposed in Tiverton. This is being developed through partnership working with the Tiverton Almshouse Trust on a central site in their ownership. Should this be delivered, the need identified in the table above will have been satisfied.
- 6.3.8 The county council continues to investigate opportunities to provide the requisite extra care units in Cullompton and Crediton.
- 6.3.9 Devon County Council's Commissioning Strategy for Extra Care Housing contains analysis of the projected need for extra care housing based on 2008 population levels. It is noted that it is possible that Mid Devon will require further extra care housing before the end of the emerging Mid Devon Local Plan period (which runs to 2033). Devon County Council plans to update the analysis of extra care need within the coming years.

## 6.4 Funding and delivery

- 6.4.1 As set out above, the county council model for providing extra care units is to generally provision them from a private sector organisation. Sometimes the county council are able to contribute towards the construction of facilities as well.
- 6.4.2 Devon County Council's property management partner Norfolk Property Services, is in the process of identifying how the extra care need in the county can be met. To help deliver new schemes, £8.4 million worth of funding is available from county council budgets to assist in

the delivery of the extra care housing strategy. This may potentially involve the use of county council land holdings and existing buildings.

- 6.4.3 There is also potential to secure funding from external sources, including the Homes and Communities Agency and the Department of Health. Finally, it is also possible for district councils to contribute financially to the development of extra care housing schemes, as has been the case in Teignbridge and the South Hams.
- 6.4.4 As illustrated by the St Loyes Extra Care Housing Scheme in Exeter, Section 106 planning agreements can deliver land and/or funding as an affordable housing contribution. Potentially, extra care housing schemes can be incorporated into a new development as the affordable housing element provided the district council is agreeable to this approach.



## 7. Library Services

### 7.1 Devon County Council's Approach to Library Services

7.1.1 The provision of a public library service is a statutory responsibility of Devon County Council (DCC) under the Public Libraries and Museums Act 1964. The Society of Chief Librarians has developed four universal offers, which should be available in modern libraries across the country:

- Reading offer – providing a vibrant, dynamic reading experience for people of all ages, including reading groups, a great range of bookstock and a range of other ways to stimulate reading in all its formats, including online
- Health offer – maximising public libraries' potential as a network of local hubs offering non-clinical community space; self-help resources; assisted online access to good quality health resources and signposting; supporting public health promotion activities; and encouraging social and recreational reading opportunities and volunteering
- Information offer – supporting people to engage online with government and non-governmental sources of information; ensuring that public library staff and volunteers are continually developing their skills to provide help accessing information and services
- Digital offer – providing free access to the internet for every customer (for a minimum period of time); clear and accessible online information about library services; staff trained to help customers access digital information.

7.1.2 These offers guide the development of the library service within Devon.

7.1.3 Due to council funding pressures, the county council is in the process of revising its library offer. The ambition of this review is to reduce running costs of the library estate, improve technology to widen accessibility of the service and work collaboratively with communities to bring about innovative models of future service delivery.

7.1.4 Although still under consideration, the county council has chosen to explore a new delivery model for the library service, which could involve the service being run by a mutual trust or social enterprise. This is being investigated.

7.1.5 The sustainability of the service depends on local communities contributing to the running of their local library. Twelve pilot locations have been identified where this will be tested, including Bampton in Mid Devon.

### 7.2 Current Library Conditions in Mid Devon

7.2.1 There are five libraries within Mid Devon and a number of mobile library stops. The distribution of libraries and mobile stops is shown on the map on the following page.



**Figure 3 Permanent and mobile library provision in Mid Devon**

- 7.2.2 The square symbols on the above map show the permanent library locations. The coloured dots are mobile library stops and the colours relate to which day the services stop in these locations. The permanent libraries in Mid Devon are located in Cullompton, Crediton, Tiverton, Bampton and Uffculme.
- 7.2.3 The library at Cullompton, the Hayridge, was opened in 2011 and already offers a range of services, functioning as a community asset where people can learn, work, eat, drink and meet. Opportunities will be sought to see how additional community services can be accommodated within the current building.
- 7.2.4 The emerging plan allocates a significant amount of development to Cullompton. It will be necessary to provide developer contributions to support the expansion of the library service in the town.
- 7.2.5 In Tiverton, the library is located at Phoenix house and shares its building with Mid Devon District Council services. The county council are considering a scheme to remodel this library facility to make it more operationally effective. A large amount of new development is proposed in Tiverton. This will have an impact on library services and new development should contribute fairly towards this.
- 7.2.6 Crediton library was refurbished in 2010, providing a modern space with self service desks and new IT facilities. There are no major plans to change this library although opportunities to run more services out of the library are being considered.
- 7.2.7 Bampton library is well located in the town but smaller than the UK standard for the population served (standard requires 45sqm; actual size 33 sqm). It is also currently open only six hours per week. Consequently use is low. As set out above, Bampton is one of

twelve communities selected by DCC as a pilot to develop collaborative ways of sustaining and improving library provision. The community have proposed a scheme to relocate the library to larger, better premises, increase the opening hours and extend the range of services. DCC are supportive of this scheme and are seeking funding to implement access control systems and self-service technology to help the community achieve their aims.

- 7.2.8 Uffculme library is also less well used than in the three main market towns, and opens three days a week. There are no immediate plans for this library other than the general investigation into the suitability of using a social enterprise or community trust to deliver library services.

### **7.3 Future Library Service Requirements in Mid Devon**

- 7.3.1 Devon County Council currently has a capital programme to support the modernisation of libraries, but this does not extend to providing additional facilities to mitigate against the impact of development.
- 7.3.2 Development within the three main Mid Devon towns of Cullompton, Crediton and Tiverton are likely to create an impact on the library service in terms of increasing demand. It is anticipated therefore that development will contribute fairly towards this increase, with regard to size and design standards and be fully fitted out with all the furniture (including shelving) and equipment (including ICT) and additional book and other stock required to enable the library to be fully operational to the public. This may be undertaken using community infrastructure levy receipts or s106 funding.



## 8. Conclusions

- 8.1.1 The information set out within this report provides the evidence underpinning the Devon County Council infrastructure requirements included within the Mid Devon Infrastructure Plan. This report should therefore be considered in the context of that infrastructure plan.
- 8.1.2 The role of the infrastructure plan is to enable and support the delivery of the development proposed within the Local Plan. By ensuring necessary infrastructure is planned for appropriately and delivered alongside development will assist in ensuring sustainable communities are created across the district.
- 8.1.3 Infrastructure planning is a continuously evolving process and whilst this document represents a snapshot of the current infrastructure and service delivery standards for Mid Devon, it is important to note that details may change in the light of new information or changes to policy / legislation in the future. In recognition of this, Devon County Council will monitor and update the evidence contained within this report as required.

## Appendix IV

### Analysis of Housing Consents in Tidcombe/Halberton Catchment Area

Application Ref	Address	2 Bed+	Primary Pupils Generated (0.25)	Primary Pupils Supported by S106 Contributions	Primary Pupils Not Supported by S106 Contributions
14/00881/MOUT	Land East of Tiverton, South of A361 and both North and South of Blundells Road, Uplowman Road, Tiverton, Devon	700	175	175	0
13/01616/MOUT	Land at NGR 298671 113603 Uplowman Road, Tiverton	138	34.5	34.5	0
21/00128/MFUL	Land at NGR 298634 113714 (Braid Park) Uplowman Road Tiverton Devon	86	21.5	13.3	8.2
22/01255/MFUL	Land at NGR 298768 113600 Uplowman Road Tiverton Devon	50	12.5	0	12.5
19/00210/MFUL	36 Post Hill, Tiverton, EX16 4ND	18	4.5	4.5	0
20/00273/MFUL	Halberton Court Farm High Street Halberton Tiverton EX16 7AW	14	3.5		3.5
	Total of applications with less than 10 dwellings	37	9.25	0	9.25
	<b>Total</b>	<b>1043</b>	<b>260.75</b>	<b>227.3</b>	<b>33.45</b>

## Appendix V

Devon County Council has reviewed the application above and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested. The requests are in line with DCC's current Education Infrastructure S106 Approach (February 2020), DfE guidance and the latest pupil data.

The proposed increase of 150 family type dwellings would generate an additional 37.5 primary pupils and 22.5 secondary pupils.

### **Special Education Provision**

It is set out in DCC's Education Infrastructure Plan that approximately 1.5% of the school population require specific Special Education provision. The proposed development is likely to generate a total of 0.9 pupils (0.56 primary, 0.34 secondary) who will require a specialist place. Based on a standard rate of £86,284 per SEN pupil, a total of £77,655 is requested for additional SEN provision that would be required as a result of the development. DCC will not seek additional primary or secondary contributions for SEN pupils and therefore will seek S106 contributions towards the remaining 36.94 primary and 22.16 secondary pupils likely to be generated by the development.

### **Primary Education Provision**

Devon County Council acknowledges the shift in demographics in Tiverton and an increase in the number of spare primary places across the town. Although this application does not form part of the Eastern Urban Extension allocation (Tiv 1-5) which includes the provision of onsite primary facilities, given the applications location, primary pupils generated from this development would be expected to attend the new primary school. Therefore, in accordance with the Department for Education's guidance 'Securing Developer Contributions for Education' the capacity of existing primary schools beyond the statutory walking distance of the site do not need to be taken into account when calculating developer contributions.

Tidcombe Primary School and Halberton Primary School are within the statutory walking distance of the site. Both schools are forecast to be at capacity, therefore Devon County Council will request a contribution for the full 36.94 primary pupils. The contribution sought is £717,263 (based on the DfE new build rate of £19,417 per pupil). This will relate directly to providing education facilities for those living in the development.

### **Early Years**

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £37,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

### **Education Land**

In accordance with the Department for Education Building Bulletin 103 and 104, primary schools of 420 places require a site of 1.8Ha, 43m<sup>2</sup> per pupil. Similar to the primary contribution, a land contribution is requested for 36.94 primary pupils, requiring a pro-rata land requirement for primary of 0.158Ha. In addition, land for nursery provision is calculated at 1.4m<sup>2</sup> per dwelling. As a development of 150 dwellings this is a land requirement for early years of 0.021Ha. In total, this is a land requirement of 0.179Ha. Previous responses to applications coming forward for the Eastern Urban Extension set out an appropriate value for non-residential land in the district as £500,000 per hectares. Applying this to the 0.179Ha requirement indicates that a contribution of £89,500. Noting that £500,000 per hectares

dates from 2013, it is appropriate that indexation is applied to the figure, which would increase it to £120,661.

However, it should be noted that this figure is an estimated price, and that the actual costs will be subject to landowner negotiations. It is expected that the developer of this site shall pay the full cost for this area of land, even if this is more or less than the figure provided here. This reflects the current S.106 agreement for this site.

### **Secondary Education Contributions**

Tiverton High is forecast to have capacity for 54% of all pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the Tiverton secondary percentage of 46% directly towards additional secondary education infrastructure at Tiverton High School. The contribution sought towards secondary provision would be £229,488 (based on the DfE extension rate of £22,513 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.

All contributions would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 rates and any indexation applied to contributions requested should be applied from this date.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.



**Draft Infrastructure Plan,  
Regulation 123 list  
and Section 106 policy**

**December 2016**

## **1. Introduction**

1.1 The National Planning Policy Framework requires local planning authorities to work with other authorities and providers to assess the quality and capacity of existing infrastructure and to set strategic policies regarding the delivery of new infrastructure. In doing so the local planning authority is required to plan positively for the development of the following types of infrastructure: transport, telecommunications, waste, management, water supply, wastewater, flood risk and coastal change management, provision of minerals and energy (including heat), health, security, community and cultural infrastructure.

## **2. Planning for Infrastructure in Mid Devon**

2.1 At the current time Mid Devon is currently in the process of preparing a new Local Plan for the district, which will cover the period 2013-33. The purpose of this document is to identify what further infrastructure requirements are required over the 20 year period of the plan. The document sets out what infrastructure improvements will be needed to support the additional development set out in the plan, the timescale for when these will be needed, and who will provide them. It also sets out the level of resources needed to deliver the improvements, and how much will be sought from development. Ensuring development is supported by adequate infrastructure is fundamental to delivering the vision as set out in the new Local Plan.

2.2 The plan has been prepared by consulting key infrastructure providers across the district and the wider area. Preparation of this document is an iterative process involving ongoing discussions with a number of infrastructure providers.

2.3 This document reflects the development strategy in the proposed submission Local Plan, but will need to be kept updated both as the plan goes through various stages of development after that, and after the Local Plan has been adopted to reflect changing resources, priorities and information.

## **3. Priority of infrastructure**

3.1 A key element of infrastructure planning is ensuring that the importance of various infrastructure schemes is clear. This enables decision makers to prioritise resources and funding towards those schemes that create the greatest benefit for the area, and unlock development in the most appropriate manner. It is important to note that these priorities relate to the delivery of built development and the Local plan objectives, rather than the over-arching objectives of the local authorities or organisations named as delivery partners.

3.2 The following infrastructure priority criteria have been used:

**(1) Critical:**

Infrastructure required to deliver the strategic vision and objectives of the Local Plan. Critical requirements contribute to delivering the wider strategic aims of the Plan, and may also mitigate the impacts of development schemes. The plan may fail without the delivery of this infrastructure.

**(2) Important:**

Infrastructure required to deliver specific schemes and provide services and facilities to meet the needs of new residents. The delivery of an allocated site may fail without the delivery of this infrastructure.

**(3) Desirable:**

Infrastructure required that would enhance the effectiveness, efficiency and quality of infrastructure or services, creating a better place to live and work.

**Local Priority**

Identified as desirable or beneficial to the local community through Parish and Town Council consultation.

**4. Status of this infrastructure plan, Regulation 123 list and Section 106 Policy.**

- 4.1 As with all infrastructure plans, this document represents a ‘snapshot’ of an ever-changing and constantly evolving situation. This infrastructure plan and associated regulation 123 list (Annex A) and Section 106 Policy (Annex B) are in a draft format at present and open to consultation. It is possible and indeed quite likely, that as further assessment is undertaken, the costs, timescales and the priority of the items listed below may change. In future, some items may be considered not required, whilst some new items may be added to subsequent versions of the infrastructure plan. The Infrastructure Plan should therefore be considered a “living document” subject to regular reassessment.

## Mid Devon Infrastructure Plan (2013-33)

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Strategic provision	Improvements to M5 J27 and A361 Sampford Peverell	Transport	(2) Important	2022/23	£10.5 m	£0	£10.5m	£TBC	Growth Fund / developer contributions /CIL
Strategic provision	Community transport	Transport	(3) Desirable	Throughout plan	£8.8m	£0	£8.8m	TBC	DCC. Developer contributions / CIL / bus operator.
District wide	Upgrades to or new waste water treatment facilities. Adequate capacity to accommodate growth to 2020 in terms of sewage treatment and potable water (though some localised improvements subject to discussions with developers on specific sites). Post 2020 capacity to be reviewed in subsequent South West Water Business Plans.	Water	(1) Critical	2022-27	Unknown	Unknown	Unknown	Unknown	Expected to be funded by SWW and developer contributions.
District wide	Public open space/green infrastructure		(2) Important	Throughout plan	TBC			£0	MDDC. Funded by developer contributions.
District wide	New recycling centre (replacement for Ashley)	Waste	(2) Important	TBC	£3.5m	£0	£3.5m	£3.5m	DCC. Funded through developer contributions and DCC funding.



Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
District wide	Criminal Justice Centre	Emergency services	(3) Desirable	TBC	£1.05m	£0	£1.05m	£1.05m	Police. Funded by police / developer contributions / CIL.
District wide	Special educational need (provision located in Cullompton)	Education	Desirable		£2.4m + 1ha land	£0	£2.8m		Funding from CIL and s.106
Tiverton	Tiverton Eastern Urban Extension Access on to A361 including new junction and highway link from this to Blundell's Road	Transport	(1) Critical	2016-21	£ 19m	£9.2m (from LEP and s106)	£9.8m	£0	DCC. Funded by developers and Local Transport Board funding (LEP)
Tiverton	Public realm improvements/traffic calming to Blundell's Road	Transport	(1) Critical	2016-21	£2m	£434k (from Waddeton Park app) + £921k (subject to s106 from Chettiscombe)	£645k	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Works to increase roundabout capacity	Transport	(1) Critical	2016-21	£0.55m	£119k (from Waddeton Park app) + £253k (subject to s106 from Chettiscombe)	£178k	£0	DCC/Developers. To be funded by developer contributions.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Enhanced public transport to serve development; new / enhanced pedestrian / cycle facilities to serve development	Transport	(1) Critical	In phase with development	£2.4m	£400k (from Waddeton Park app) + £852k (from Chettiscombe subject to s106)	£1.148m	£0	DCC. To be funded by developer contributions/ bus operator.
Tiverton	New 420 place primary school at EUE including early years provision.	Education	(1) Critical	2016-21	£7m + 1.9ha land	£1.1m +0.24ha land contribution (from Waddeton Park app) £2.3m + 0.5ha land contribution to be secured from Chettiscombe application	£3.6m + land equivalent to 1.35 ha	TBC	DCC. Funded by developer contributions from EUE and CIL from wider development in Tiverton

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Secondary school expansion to accommodate the needs arising from development in Tiverton and within Tiverton High School's designated area	Education	(1) Critical	2016-21 onwards	£5.5m	£675k (from Waddeton Park app) + £1.4m contribution to be secured from Chettiscombe application	£3.425m	TBC	DCC. Developer contributions from EUE plus CIL from other developments TCAT and Arts Council are potential partners if community theatre delivered to also serve the school and deliver sufficient places
Tiverton	Energy from waste plant with the potential for a district heat network.	Waste	(3) Desirable	2016-21 onwards	£30m	£0	£30m	£0	Private sector waste management company.
Tiverton	Expansion of Fire Service capacity to support growth of the town. Includes cost of response vehicle, small fire engine and garaging construction and 5 year leasing period.	Emergency services	(2) Important	2022-27	c. £0.38m	£0	£0.38m	£0.38m	DSFS. To be funded through CIL / developer contributions.
Tiverton	GP surgery	Health facilities	(2) Important	TBC	c. £3.2m	£0	£3.2m	£3.2m	NHS funded via local GP partnerships (Clinical Commissioning Groups) and CIL.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Flood defence measures on the Rivers Lowman (Alms Houses), Exe (Hospital and adjacent industrial site) and Cottey Brook	Flooding	(2) Important	2016-2021	Unknown	Unknown (bid of £1.2m submitted)	Unknown	Unknown	EA. Central Government grant money (Flood Defence Grant in Aid).
Tiverton	Community hall/provision	Community facilities	(3) Desirable	TBC	c. £0.55m	£0	£0.55m	£0.55m	MDDC. Funded by CIL / voluntary sector grant.
Tiverton	Development of Tiverton Youth and Community Centre as a youth hub	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.
Tiverton	Children's centre facilities	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.
Tiverton	Enhancement of library facilities	Libraries	(3) Desirable	2016-21	£35,000	0	£35,000	0	DCC. Funded by developer contributions / DCC.
Tiverton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Tiverton	Community theatre, located on school site	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC / private/third sector provider. Funded through CIL / external funding sources.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	Improvements to J28 of the M5 to provide signals to accommodate development in existing plans.	Transport	(1) Critical	2016-21	£1.3m	£1.3m	£0	£0	DCC. Funded through developer contributions and other sources.
Cullompton	Transport Improvements to alleviate M5 Junction 28 (may or may not include Eastern Relief Road depending on final option chosen)	Transport	(1) Critical	Throughout plan period	£50-55m	£0	£50-55m	£0	DCC / MDDC / HA. Funded by developer contributions/LEP/HCA funding.
Cullompton	Secondary school expansion	Education	(1) Critical	TBC	£8.8m + land	TBC	£8.8m	TBC	DCC. Developer contributions from Cullompton development and CIL from other development which requires additional capacity including developments in the school's designated area
Cullompton	New 420 place primary school within North West Cullompton allocation including early years provision	Education	(1) Critical	2016-21	c. £6.1m + 2.1ha land	£0	£6.1m	TBC	DCC_Cost dependent on final development strategy. Funded by developer contributions from NW Cullompton and CIL from development in Cullompton.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	New 630 place primary school within East Cullompton including early years provision (or two schools of equivalent capacity).	Education	(1) Critical	In phase with development	c. £9m + 2.5ha land	£0	£9m	£0	DCC. Cost dependent on final development strategy. Fully funded by developer contributions from East Cullompton.
Cullompton	Expansion of St Andrew's and Willowbank to accommodate background growth.	Education	(2) Important	2016-21	£2.3m	£2.3m	£0	£0	DCC. Funded by DCC budgets and s106.
Cullompton	Bus improvements to service new development to the north west of Cullompton	Transport	(1) Critical	In phase with development	£1.3m	£0	£1.3m	£0	DCC. Funded by developer contributions / bus operator.
Cullompton	Bus improvements to service new community options at East Cullompton.	Transport	(1) Critical	In phase with development	£1.3m	£0	£1.3m	£0	DCC. Funded by developer contributions / bus operator.
Cullompton	New / enhanced pedestrian / cycle facilities to serve development (NW Cullompton & East Cullompton)	Transport	(1) Critical	In phase with development	TBC	£0	TBC	£0	DCC. Funded by developer through direct provision.
Cullompton	Railway station reopening	Transport	(2) Important	TBC	£6m	£0	£6m	£0	DCC. Funded by developer contributions.
Cullompton	Air quality improvements	Transport	(2) Important	Throughout plan	£2.1m	TBC	TBC	TBC	MDDC. Funded by developer contributions.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	Expansion of Fire Service capacity to support growth. Includes cost of response vehicle, small fire engine and garaging construction costs (including some costs for leasing based over 5 year period).	Emergency services	(2) Important	2022-27	c. £0.38m	£0	£0.38m	£0.38m	DSFS. To be funded through developer contributions. Trigger point would be half total housing target in Local Plan for Cullompton.
Cullompton	Children's centre facilities (potentially including East Cullompton) - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC / alternative provider.
Cullompton	Community hall/provision	Community facilities	(3) Desirable	2016-21	Unknown	Provided by developer	£0	£0	Developer.
Cullompton	Expansion of Library to accommodate needs of new development	Community facilities	(3) Desirable	2016-21	Unknown	£0	Unknown	Unknown	DCC / Developer contributions.
Cullompton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Crediton	Bus improvements to service new development	Transport	(1) Critical	In phase with development	£0.65m	TBC	£0.65m	£0	DCC. Funded by developer contributions / bus operator.
Crediton	New / enhanced pedestrian / cycle facilities to serve development	Transport	(1) Critical	In phase with development	TBC	£0	TBC	TBC	DCC. Funded by developer through direct provision.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Crediton	Crediton air quality. Relates to link road. Will require further testing to define impact and need for further mitigation/works.		(2) Important	Throughout plan	£0.5m	TBC	TBC	TBC	MDDC. Funded by developer contributions.
Crediton	New 210 place primary school including early years provision	Education	(1) Critical	In phase with development	c. £3.6m 1.1ha land	£0	£3.6m	£2.8m	DCC_ Cost dependent on final development strategy. Funded by developer contributions and CIL.
Crediton	Expansion to Haywards and Landscore Primary Schools to accommodate background growth and some new development.	Education	(2) Important	2016-21	£2.3m	£2.3m	£0	£0	DCC. Funded by DCC budgets and s106.
Crediton	Children's centre facilities - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC.
Crediton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Rural	Uffculme rural - secondary school expansion	Education	(2) Important	In phase with development	£120,000	£0	£120,000	£120,000	DCC. Funding from CIL
Rural	Uffculme rural - primary school expansion	Education	(2) Important	In phase with development	£125,000	£0	£125,000	£125,000	DCC. Funding from CIL
Rural	Tiverton rural - primary school expansion	Education	(2) Important	In phase with development	£55,000	£0	£55,000	£55,000	DCC. Funding from CIL



Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Rural	Cullompton rural - primary school expansion	Education	(2) Important	In phase with development	£160,000	£0	£160,000	£160,000	DCC. Funding from CIL
Rural	Crediton rural - primary school expansion	Education	(2) Important	In phase with development	£800,000	£0	£800,000	£800,000	DCC. Funding from CIL
Rural	Community asset transfer and 5 year running costs for Kennerleigh Village Shop	Community facilities	Local	2016-21	£25k	£0	£25k	£25k	Kennerleigh Parish Council/confederation of parish councils. Funding from CIL.
Rural	Improvements to library service in Bampton	Libraries	Local	TBC	TBC	TBC	TBC	TBC	DCC and Bampton library community pilot group, developer contributions.
Rural	Boniface Trail cycle route feasibility study	Transport	Local	TBC	£10k	£0	£10k	£10k	Funding from CIL.

#### Totals\*

Total infrastructure cost: £214.8m

Secured funds: £23.6m

Total gap: £188.2m

CIL eligible: £34.2m

\*Figures calculated exclude unknown costs (including land where this is required). If item cost expressed as a range, lower figure used in total calculations.

## Acronyms

CIL	Community Infrastructure Levy
CCG	Clinical Commissioning Group
DCC	Devon County Council
DCLG	Department for Communities
DfT	Department for Transport
DSFS	Devon and Somerset Fire Service
EA	Environment Agency
EUE	(Tiverton) Eastern Urban Extension
GP	General Practitioner
HA	Highways Agency
HCA	Homes and Communities Agency
LEP	Local Enterprise Partnership
MDDC	Mid Devon District Council
NHS	National Health Service
S106	Section 106 Planning Contribution
SWW	South West Water

<b>Draft Regulation 123 List</b>	
<b>Types of infrastructure to be funded in whole or part by CIL</b>	<b>Specific infrastructure items excluded from the Regulation 123 list to be funded via developer contributions (i.e. s106/s278 agreements)</b>
Education, early years, youth and children's centre facilities;	Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton
<del>Home to School Transport (and vice versa)</del>	<del>Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton</del>
Leisure facilities (sports facilities defined as publicly owned leisure centres, gyms and swimming pools)	Excluding open space provision (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities) Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton
Transport improvements;	Excluding specific improvements needed to make the development acceptable in planning terms. These exclusions can include (but are not limited to) highways access to the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study. Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton <b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b>
Health and Emergency Services facilities;	Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton <b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b>
Library services;	Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of

	East Cullompton Excluding any provision required due to the development of North West Cullompton
Community Care facilities (social care institutions providing for older people and people with mental health or learning disabilities);	Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton
<b>Public realm improvements and enhancements.</b>	<b>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</b> <b>Excluding any provision required due to the development of East Cullompton</b> <b>Excluding any provision required due to the development of North West Cullompton</b>
Community facilities and social infrastructure (community centres and meeting places but excluding places of worship; voluntary sector meeting places and centres; and public cultural facilities);	Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton
Carbon offsetting and air quality improvements; and	Excluding any provision required due to the development of Tiverton Eastern Urban Extension Excluding any provision required due to the development of East Cullompton Excluding any provision required due to the development of North West Cullompton <b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b>

## POLICY ON USE OF SECTION 106 FOR INFRASTRUCTURE

Upon implementation of the Mid Devon Community Infrastructure Levy, the Council will also implement the "Regulation 123 List" which sets out the items of infrastructure which will be wholly or partly funded by Community Infrastructure Levy. After that time, it will not be possible to use Planning Obligations under Section 106 to fund infrastructure items on that list. Accordingly, there will be a scaling back of Section 106 use and it is proposed that this policy will provide a guide to the use of Section 106. The following four sections indicate the areas which may still be subject to planning obligations under Section 106.

### 1 Non –Infrastructure Requirements

The funding and provision of items which are not defined as infrastructure, such as affordable housing.

Other non-infrastructure requirements such as development phasing, the implementation of travel plans and construction management.

### 2 Infrastructure for Urban Extensions

The provision of infrastructure within, directly related to or required as a result of development within the defined areas of the North West Cullompton, East Cullompton and East Tiverton urban extensions allocated in the adopted Local Plan Review. This reflects

the fact that these sites are proposed to be zero-rated for CIL. All of the remainder of this policy should be read with this exception in mind.

### **3 Site-Specific Transport Improvements**

Generally, transport provision is included within the Regulation 123 List as a type of infrastructure to be funded wholly or partly by Community Infrastructure Levy. However, excluded from this general limitation are site-specific improvements needed to make a development acceptable in planning terms. These can include (but are not limited to) highways crossovers to access the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.

### **4 Other Infrastructure Provision**

Infrastructure provision which meets the necessity, relatedness and fairness tests set out in the CIL Regulations (often referred to as the “CIL Tests”) but which is not included on the Regulation 123 list to be funded by CIL may be sought through the use of Planning Obligations. A full list of infrastructure to be sought through planning obligations is not included, since much would depend on the specific development put forward, but the following forms of infrastructure are specifically referred to within the Local Plan.

- Public Open Space -the provision of public open space (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities) in accordance with the adopted policies of the Local Plan Review including where necessary replacement provision as a result of the loss of an existing facility.
- Sustainable Urban Drainage Systems
- Wildlife protection, enhancement and mitigation
- Measures related to pollution and contaminated land.



### Hartnoll Farm 21/01576/MOUT

On the basis of 150 dwellings, the expected primary pupil yield from the site is 37.5 pupils, reducing to **36.75**, factoring in the number of students requiring a specialist place.

### Schools within statutory safe walking distance:

In terms of education provision for the appeal site, the land sits on the border of the designated areas for Tidcombe Primary and Halberton Primary School but is nearer to Halberton Primary School.

Primary School	Home to school walking route in miles (Approx)*	Capacity (2023)	School capacity forecasts for 2026	Spare Capacity without impact of approved but unimplemented consents	Scope for expansion
Halberton	1.1 miles (23 mins)	91	112	<b>18</b>	Based on Building Bulletin Guidance BB103, both school sites are under the recommended area and are therefore not capable of expansion.
Tidcombe	1.7 miles (33 min)	195	156		
Spare capacity does not take into consideration approved but unimplemented consents. Based on the approved consents approved within the school catchment area, there are a total of 1,043 dwellings approved in the two school designated areas which is forecast to yield 260 pupils. Section 106 contributions have been secured for 227 pupils <b>leaving 33 pupils.</b>					

This information has been extracted from the detailed evidence included in the statement submitted to MDDC.

**Hartnoll Farm 21/01576/MOUT**

Overview of schools in Tiverton beyond statutory safe walking distance from the development: (2 Mile journey)

<b>Primary School</b>	<b>Home to school walking route in miles (Approx)*</b>	<b>Capacity (2023)</b>	<b>Number on Roll (2023)</b>
Wilcombe	2.1 Miles (41 min)	210	162
Two Moors	2.4 Miles (46 min)	428	359
Castle	2.4 Miles (48 min)	420	305
Heathcoat	2.9 Miles (56 min)	412	332
St John's	3 Miles (58 min)	203	134
Bolham	3.7 Miles (1hr 12 min)	112	114
Number on Roll does not consider pupils generated by allocated or approved and unimplemented housing.			

**\*Walking distance from Hartnoll Business centre to Primary schools generated using Google maps. Distances will differ slightly depending on the location of the dwelling within the development.**



**Hartnoll Farm 21/01576/MOUT**

Schools in Tiverton beyond statutory safe walking distance from the development: (2 Mile journey)

Primary School	Home to school walking route in miles (Approx)*	Net Capacity (2014)	Number on Roll** (2014)
Wilcombe	2.1 Miles (41 min)	210	171
Two Moors	2.4 Miles (46 min)	428	415
Castle	2.4 Miles (48 min)	420	349
Heathcoat	2.9 Miles (56 min)	412	343
St John's	3 Miles (58 min)	203	183
Bolham	3.7 Miles (1hr 12 min)	105	106

**\*Google maps walking distance from Primary School to Hartnoll Business centre. Some dwellings may be slightly less or slightly further in walking distance.**

**\*\*Number on Roll does not consider pupils generated by allocated or approved and unimplemented housing from this date.**



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